ORDINANCE NO. 187
STILLWATER TOWNSHIP
WASHINGTON COUNTY, MINNESOTA

AN ORDINANCE AMENDING THE STILLWATER TOWNSHIP ZONING ORDINANCE, CHAPTER 2, SECTION 5 TABLE OF USES AND SECTION 2.22 IN REGARD TO GROUND-MOUNTED SOLAR ENERGY SYSTEMS

THE BOARD OF SUPERVISORS OF THE TOWN OF STILLWATER ORDAINS

SECTION 1. Stillwater Township Zoning Ordinance, Chapter 2, Section 5 Table of Uses shall hereby be amended to add a Conditional Use Permit for Ground-Mounted Solar Systems over 800 square feet in size, as follows:

CHAPTER 2, SECTION 5. TABLE OF USES

Zoning Districts and Uses	AG	SCR	Mining Overlay
Accessory Apartment (accessory to SF Residential)	CC	CC	NP
Agricultural Business – Seasonal	P	P	P
Agriculture	P	P	P
Bed and Breakfast	CUP	CUP	NP
Cemeteries	CUP	NP	NP
Community Residence	P	P	NP
Day-care Facility, State Licensed, within single-family residential dwelling, up to 12 adults or 14 children	P	P	NP
Essential Services – Government Uses, Buildings and Storage	CUP	CUP	P
Essential Services – Utility Substations	CUP	CUP	CUP
Feedlots	CUP	CUP	NP
Golf Course	CUP	NP	NP
Home Occupation (accessory to SF Residential)	CC	CC	CC
Horse Training Facility (Private, 10 or fewer)	P	P	NP
Horse Training Facility (Private, over 10)	CC	NP	NP
Horse Training Facility (Commercial, 10 or fewer)	CC	NP	NP
Horse Training Facility (Commercial, over 10)	CUP	NP	NP
Kennel - Commercial	IUP	IUP	NP
Kennel – Private (accessory to SF Residential)	CC	CC	NP
Livestock (facilities that meet animal density standards)	P	P	P
Livestock (Feedlots and facilities that do not meet animal density standards)	CUP	CUP	NP
Mining Operations	NP	NP	IUP/AOP

Open Space Development	CUP	NP	NP
Place of Worship	CUP	NP	NP
Plant Nursery	CC	NP	NP
Recreation Uses	CUP	CUP	NP
Recreation Facility	CUP	CUP	NP
Residential Single Family	P	P	P
Schools	CUP	NP	NP
Solar Energy Systems (as residential or agricultural accessory use; roof-mounted, building-integrated, passive, or ground-mounted. Ground mounted up to 800 square feet [footprint] Permitted; over 800 square feet requires a Conditional Use Permit)	P/CUP	P/CUP	P/CUP
Temporary Dwelling Unit - Care Facility	CC	CC	NP
Temporary Dwelling Unit - Construction	CC	CC	CC
Temporary Farm Dwelling	CC	CC	CC
Wind Energy Conversion Systems (WECS)	CUP	NP	NP
Wireless Communication Facility	CUP	NP	CUP

P = Permitted; CUP = Conditional Use Permit; IUP = Interim Use Permit; CC = Certificate of Compliance; NP = Not Permitted

AOP means Annual Operating Permit

SECTION 2. Stillwater Township Zoning Ordinance, Chapter 2, Section 2.22 shall hereby be amended as follows:

2.22 Solar Energy Systems (SES), Accessory

1) Solar Energy Systems (SES) are a permitted accessory use to residential and agricultural uses in all districts. As an accessory use, an SES is permitted to the extent that it operates primarily to provide solar energy for the primary use and the permitted accessory uses on the property on which it is located, and shall comply with the following requirements:

2) Approvals required

(A) Building-integrated, Passive solar, and Roof-mounted SES are allowed as accessory uses in all zoning districts. Building-integrated and passive solar energy systems are exempt from the size requirements of this section and shall be regulated as any other building element.

(B) One ground-mounted SES with a footprint up to a maximum eight hundred (800) square feet is allowed as an accessory use in all zoning districts. A ground-mounted

SES with a footprint that exceeds eight hundred (800) square feet shall require a conditional use permit.

(C) All SES require a building permit. A building permit application must be submitted and approved by the building official before an accessory solar energy system is installed. The information required and the procedure to be followed for all SES applications shall be the same as that required for a building permit. In addition, the applicant shall submit supplementary information pertaining to the nature of a Ground-mounted accessory solar energy system including:

1. Total square footage of the solar energy system.

2. Total energy production for the site.

3. To scale horizontal and vertical elevation drawings.

4. Drawings must show the location of the system on the building or on the property including the property lines and proposed screening, if required.

(D) Performance Standards

1. Standards for all SES

a) Code Compliance. All SES shall comply with the Minnesota State Building Code and Electrical Code.

b) Approved Solar Components. All SES components must have an Underwriters Laboratories, Inc. (UL) listing.

c) Solar Panel Glare. All SES shall be designed and located in order to prevent reflective glare toward any inhabited buildings on adjacent properties, as well as adjacent street rights-of-way. Steps to control nuisance glare may include selective placement of the system, screening on the side of the solar array facing the reflectors, reducing use of the reflector system, or other remedies that limit glare.

d) Utility Notification. No SES shall be installed until evidence has been given to the Township that the owner has notified the utility company of the customer's intent to install an interconnected customer-owned generator. Off-grid systems are exempt from this requirement.

e) Safety Measures. A clearly-visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations. All mechanical equipment, including any structure for batteries or storage cells, shall be completely enclosed by a minimum eight (8) foot high fence with a self-locking gate, and provided with screening in accordance with the screen and landscaping provisions of this Development Code.

f) Abandonment. If the solar energy system remains nonfunctional or inoperative for a continuous period of twelve (12) months, the system

shall be deemed abandoned and shall constitute a public nuisance. The owner shall remove the abandoned system at his/her expense within ninety (90) days. Removal includes the entire structure including transmission equipment, structures and foundations, and the restoration of soil and vegetation.

3) Roof-Mounted and Building-Integrated SES

   a) Roof- mounted and Building-integrated SES are not detached accessory structure and are excluded from the size and number limitations for accessory structures in this Zoning Ordinance.

   b) Roof-mounted and Building-integrated SES shall comply with the primary structure setbacks for the zoning district in which the system is located.

   c) Roof-mounted and Building-integrated SES shall not exceed the maximum allowed building height in any zoning district.

   d) Roof-mounted SES shall not extend beyond the perimeter of the building on which the system is mounted or built. Exterior piping for solar hot water systems shall be allowed to extend beyond the perimeter of the building.

4) Ground-Mounted SES

   a) One Ground-mounted SES with a footprint area up to a maximum eight hundred (800) square feet is allowed as an accessory use in all zoning districts. A ground-mounted SES with a footprint that exceeds eight hundred (800) square feet shall require a conditional use permit.

   b) Ground-mounted SES is excluded from the size and number limitations for accessory structures permitted by this Zoning Ordinance.

   c) Ground-mounted SES are excluded from the lot coverage requirements of the Zoning Ordinance if the area under the SES is permanently vegetated.

   d) Ground-mounted SES shall not exceed fifteen (15) feet in height when oriented at maximum tilt.

   e) Ground-mounted SES shall comply with the required Accessory Structure setbacks in this Ordinance (Chapter 2, Part #, Section 1.2). Ground-mounted SES shall be screened from view from the public right of way and adjacent properties. Screening may be accomplished by using setbacks, berming, existing vegetation, landscaping, or a combination thereof.

SECTION 3. Effective Date. This ordinance shall be effective immediately upon its passage and publication.

Adopted by the Board of Supervisors of Stillwater Township this 9th day of January, 2020.

STILLWATER TOWNSHIP

BY: _____

Sheila-Marie Untiedt, Town Board Chair

ATTEST:

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Kathy Schmoeckel, Township Clerk