



Legislation Details (With Text)

File #: Ord 19-10 **Version:** 2

Type: Ordinance **Status:** Passed

In control: City Council

Final action: 6/26/2019

Title: Amending Chapters 63, 65, and 66 of the Legislative Code pertaining to Solar and Wind Energy.

Sponsors: Amy Brendmoen

Indexes: Solar energy, Wind energy

Code sections: Sec. 63.116. - Exterior lighting., Sec. 65.322. - Utility or public service building., Sec. 65.921. - Support services in housing for the elderly., Sec. 66.221. - Principal uses., Sec. 66.321. - Principal uses., Sec. 66.421. - Principal uses., Sec. 66.521. - Principal uses., Sec. 66.921. - Ford district use table.

Attachments: 1. SustainablePower - PC Resolution, 2. PC Approved Minutes, 3. Public hearing testimony - PC, 4. Wind energy powerpoint_publichearing_11032017, 5. Draft Amendments, 6. MN-OZA Letter re ORD 19-10, 7. Fresh-Energy Letter re ORD 19-10

Date	Ver.	Action By	Action	Result
7/2/2019	2	Mayor's Office	Signed	
6/26/2019	2	City Council	Adopted As Amended	Pass
6/19/2019	2	City Council	Public Hearing Closed; Laid Over to Fourth Reading/Final Adoption	Pass
6/12/2019	2	City Council	Laid Over to Third Reading/Public Hearing	
6/5/2019	1	City Council	Amended and Laid Over for Second Reading	Pass

Amending Chapters 63, 65, and 66 of the Legislative Code pertaining to Solar and Wind Energy.

STATEMENT OF FINDINGS BY THE COUNCIL

WHEREAS, the Saint Paul Zoning Code, found in chapters 60 through 69 of the Saint Paul Legislative Code, is established to promote and to protect the public health, safety, morals, aesthetics, economic viability and general welfare of the community; and

WHEREAS, Section 61.801(a) of the Zoning Code calls for periodic review of said code to reflect current city policies, to address current technology and market conditions, and to bring the zoning code up-to-date; and

WHEREAS, on April 15, 2011 the Planning Commission initiated a zoning study to consider amendments to the Zoning Code regarding wind energy conversion systems; and

WHEREAS, in 2013, the Minnesota Legislature passed a suite of laws associated with community solar gardens, discussion of which was included in the study; and

WHEREAS, on November 3, 2017, the Saint Paul Planning Commission held a duly noticed public hearing on proposed zoning text amendments regarding sustainable power zoning code amendments; and

WHEREAS, the Neighborhood Planning Committee, on November 28, 2017, forwarded its recommendations

to the Planning Commission; and

WHEREAS, under provisions of Minnesota Statutes § 462.367 and Legislative Code § 61.801, the Planning Commission recommended to the Mayor and City Council the following amendments to Section 63, 65, and 66 of the Saint Paul Zoning Code pertaining to hybrid solar/wind-powered light fixtures, wind energy conversion systems and community solar installations, as set forth on page 2 of this resolution, along with a November 29, 2017, memorandum from the Neighborhood Planning Committee containing its recommendations and rationale for the proposed text amendments, to the Mayor and City Council for review and adoption; and

WHEREAS, a public hearing before the City Council having been conducted at which all interested parties were given an opportunity to be heard, the Council having considered all the facts and recommendations concerning the proposed zoning amendments, pursuant the authority granted by and in accordance with the procedures set forth in Minnesota Statutes Sec. 462.357;

THE COUNCIL OF THE CITY OF SAINT PAUL DOES ORDAIN:

SECTION 1

Legislative Code Chapter 63, Article I, 60.100, General Provisions and Performance Standards, is hereby amended as follows:

Section 63.116. Exterior lighting.

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(d) Hybrid (wind/solar) light fixtures will be placed so as to minimize **any intermittent repetitive, or rhythmic lighting or shadowing effect flicker impacts that is a direct result of rotating wind energy conversion system blades. They**and shall not exceed 25 feet in height, **and. They** shall be set back from other principal structures by at least one (1) times the height of the fixture.

Sec. 65.322. Solar energy generation facility, community.

A solar electric (photovoltaic) facility that provides electric power for off-site uses on the distribution grid, consistent with Minn. Statutes 216B.1641.

Standards and conditions:

(a) **An interconnection agreement must be completed with the electric utility in whose service territory the system is located.**

(b) **Power and communication lines running between banks of solar panels and to nearby electric substations or interconnections with buildings shall be buried underground.**

(a) Community solar energy generation facilities shall be subject to height and setback standards that apply to buildings in the district, provided that in residential districts the height standards for accessory solar energy systems in section 65.921 shall apply.

(b) A ground-mount (freestanding) community solar energy generation facility shall require a conditional use permit, the application for which shall include a site plan including landscaping and elevations **and a completed copy of the Pollinator-friendly Solar Scorecard published by the Minnesota Board of Soil and**

Water Resources.

- (ce) For a facility within five hundred (500) feet of an airport or within the A or B safety zones of an airport, the applicant must complete and provide the results of the Solar Glare Hazard Analysis Tool for the Airport Traffic Control Tower cab and final approach paths, consistent with the Interim Policy, FAA Review of Solar Energy Projects on Federally Obligated Airports, or most recent version adopted by the FAA.
- (df) A decommissioning plan shall be required to ensure that facilities are properly removed after their useful life. The plan shall include provisions for removal of all structures and foundations, restoration of soil and vegetation, and ensuring financial resources will be available to fully decommission the facility. Decommissioning of sSolar panels must occur be removed, including structures and foundation, in the event they are not in use for one (1) year.

Sec. ~~65.323.~~ 65.322. Utility or public service building.

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Sec. 65.925. Wind energy conversion system.

Any device such as a windmill or wind turbine that converts wind energy to electrical energy, and associated facilities including the support structure of the system.

Standards and conditions:

- (a) A building-mounted wind energy conversion system shall be subject to the maximum building height specified for the district or a maximum of fifteen (15) feet above the height of the building to which it is attached, whichever is greater, measured to the top of the fixed portion of the system. In residential districts the system shall be set back a minimum of ten (10) feet from all exterior walls of the building to which it is attached.
- (b) In residential, traditional neighborhood and business districts, a conditional use permit is required for a freestanding wind energy conversion system with a capacity of more than two (2) kilowatts.
- (c) In residential, traditional neighborhood, and business and Ford districts, a freestanding wind energy conversion system with a capacity of more than two (2) kilowatts shall be subject to the following standards and conditions:
- (1) Freestanding systems shall not exceed one hundred twenty-five (125) feet in height.
 - (2) The system shall not be located in a required front or side yard and shall be set back one and one tenth (1.1) times the height of the system from residential buildings.
 - (3) In residential and traditional neighborhood districts, the system shall be on institutional use property at least one (1) acre in area. In business districts, the zoning lot on which the system is located shall be in an area of contiguous business or industrial zoning at least five (5) acres in area. A maximum of one (1) wind energy conversion system per acre of lot area shall be allowed.
- (d) In industrial districts, a freestanding wind energy conversion system shall not exceed one hundred fifty (150) feet in height, shall not be located in a required front or side yard, and shall be set back one and one tenth (1.1) times the height of the system from residential buildings.
- (e) Wind energy conversion systems shall conform to the uniform building code, electric code, Minnesota Rules Section 7030 governing noise, and Chapter 293, Noise Regulations. System noise shall not exceed

50 dB(A) at the nearest residential property line. For property within a locally designated heritage preservation site or district, the system shall be subject to review and approval of the heritage preservation commission.

- (f) Freestanding systems shall be mounted on a monopole type tower with a non-reflective, subdued finish that does not require guyed wires or any other means to support the tower.
- (g) Blade arcs created by a freestanding wind energy conversion system shall have a minimum of thirty (30) feet of clearance over any building or tree within a two hundred (200) foot radius.
- (h) Wind energy facilities shall be sited in a manner that minimizes any intermittent, repetitive, or rhythmic lighting or shadowing effect that is a direct result of rotating wind energy conversion system blades shadowing or flicker impacts. The applicant has the burden of proving that this flicker effect does not have significant adverse impact on adjacent uses.
- (i) Electrical equipment shall be housed within an existing building whenever possible. If a new equipment building is necessary, it shall be permitted and regulated as an accessory building.
- (j) A decommissioning plan shall be required to ensure that facilities are properly removed after their useful life. The plan shall include provisions for removal of all structures and foundations, and ensuring financial resources will be available to fully decommission the facility. Decommissioning of w/Wind energy conversion systems must occur be removed, including structures and foundation, in the event they are not in use for one (1) year.
- (k) An applicant for a building permit for a wind energy conversion system shall provide written certification to the building official from a licensed structural engineer that:
 - (1) For building-mounted systems, the structure has the structural integrity to carry the weight and wind loads; and
 - (2) The system is designed not to cause electrical, radio frequency, television and other communication signal interference.
- (l) If the applicant plans to connect the system to the electricity grid, written evidence that the electric utility service provider serving the property has been informed of the applicant's intent to install a wind energy conversion system shall also be submitted to the building official.

Sec. 66.221. Principal uses.

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Table 66.221. Principal Uses in Residential Districts

Use	RL	R1-R4	RT1	RT2	RM1	RM2	RM3	Definition (d) Standards (s)
Public Services and Utilities								
Antenna, cellular telephone	P/C	P/C	P/C	P/C	P/C	P/C	P/C	(d), (s)
Municipal building or use	P	P	P	P	P	P	P	(d), (s)
Solar energy generation facility, community	P/C	P/C	P/C	P/C	P/C	P/C	P/C	(d), (s)
Utility or public service building	C	C	C	C	C	C	C	(d), (s)
Yard waste site, municipal	C	C	C	C	C	C	C	(d), (s)

P - Permitted use C - Conditional use requiring a conditional use permit

Notes to table 66.221, principal uses in residential districts:

- (d) Definition for the use in Chapter 65, Land Use Definitions and Development Standards.
- (s) Standards and conditions for the use in Chapter 65, Land Use Definitions and Development Standards.

Sec. 66.321. Principal uses.

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Table 66.321. Principal Uses in Traditional Neighborhood Districts

Use	T1	T2	T3	T4	Definition (d) Standards (s)
Public Services and Utilities					
Antenna, cellular telephone	P/C	P/C	P/C	P/C	(d), (s)
Municipal building or use	P	P	P	P	(s)
Solar energy generation facility, community	P/C	P/C	P/C	P/C	(d), (s)
Utility or public service building	C	C	C	C	(d), (s)

P - Permitted use C - Conditional use requiring a conditional use permit

Notes to table 66.321, principal uses in traditional neighborhood districts:

- (d) Definition for the use in Chapter 65, Land Use Definitions and Development Standards.
- (s) Standards and conditions for the use in Chapter 65, Land Use Definitions and Development Standards.

Sec. 66.421. Principal uses.

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Table 66.421. Principal Uses in Business Districts

Use	OS	B1	BC	B2	B3	B4	B5	Definition (d) Standards (s)
Public Services and Utilities								
Antenna, cellular telephone	P/C	P/C	P/C	P/C	P/C	P/C	P/C	(d), (s)
Electric transformer or gas regulator substation		C	C	C	P	P	P	(s)
Municipal building or use	P	P	P	P	P	P	P	(s)
Public utility heating or cooling plant							P	
Solar energy generation facility, community	P/C	P/C	P/C	P/C	P/C	P/C	P/C	(d), (s)
Utility or public service building	C	P	P	P	P	P	P	(d), (s)

P - Permitted use C - Conditional use requiring a conditional use permit

Notes to table 66.421, principal uses in business districts:

- (d) Definition for the use in Chapter 65, Land Use Definitions and Development Standards.
- (s) Standards and conditions for the use in Chapter 65, Land Use Definitions and Development Standards.

Sec. 66.521. Principal uses.

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Table 66.521. Principal Uses in Industrial Districts

Use	I1	I2	I3	Definition (d) Standards (s)
Public Services and Utilities				
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Sewage treatment plant		P	P	
Solar energy generation facility, community	P/C	P/C	P/C	(d), (s)
Utility or public service building or yard	P	P	P	(d)

P - Permitted use C - Conditional use requiring a conditional use permit

Notes to table 66.521, principal uses in industrial districts:

- (d) Definition for the use in Chapter 65, Land Use Definitions and Development Standards.
- (s) Standards and conditions for the use in Chapter 65, Land Use Definitions and Development Standards.

Sec. 66.921. Ford district use table.

Table 66.921, Ford district uses, lists all permitted and conditional uses in the F1-F6 Ford districts, and notes applicable development standards and conditions.

Table 66.921. Ford District Uses

Use	F1	F2	F3	F4	F5	F6	Definition (d) Standards (s)
Public Services and Utilities							
Antenna, cellular telephone	P/C	P/C	P/C	P/C	P/C	P/C	(d), (s)
Electric transformer or gas regulator substation			P	P	P	P	(s)
Municipal building or use		P	P	P	P	P	(s)
Public utility heating or cooling plant		P	P	P	P	P	
Solar energy generation facility, community		P/C	P/C	P/C	P/C	P/C	(d), (s)
Utility or public service building	P	P	P	P	P	P	(d), (s)

P - Permitted use C - Conditional use requiring a conditional use permit

Notes to table 66.921, principal uses in Ford districts:

- (d) Definition for the use in Chapter 65, Land Use Definitions and Development Standards.
- (s) Standards and conditions for the use in Chapter 65, Land Use Definitions and Development Standards.

SECTION 4

This Ordinance shall take effect and be in force thirty (30) days following its passage, approval and

publication.