

Article 8 Proposed Changes

Proposed change:
Administrative changes to Solar Energy Systems and further clarification for the approval process.

Chapter 4: Land Use Control Standards

Chapter 4-501.14

Accessory Use and Site Plan Permitting of Solar Energy Systems (Adopted 4/17/2021)

A. DEFINITIONS

1. GROUND-MOUNTED SOLAR ENERGY SYSTEM: A Solar Energy System that is anchored to the ground, attached to a pole or other mounting system, detached from any other structure, for the primary purpose of producing electricity.
2. LARGE-SCALE SOLAR ENERGY SYSTEM: A Solar Energy System that is Ground-Mounted and produces energy (50% or more) for the purpose of off-site sale or consumption.
3. ROOF-MOUNTED SOLAR ENERGY SYSTEM: A solar panel system located on the roof of any legally permitted building or structure for the purpose of producing electricity for either on-site or off-site consumption.
4. SOLAR ENERGY EQUIPMENT: Electrical energy storage devices, inverters, hardware, material, or any other electrical equipment and conduit of photovoltaic devices associated with the production of electrical energy.
5. SOLAR ENERGY SYSTEM: An electrical generating system composed of a combination of both Solar Panels and Solar Energy Equipment.
6. SOLAR PANEL: A photovoltaic device capable of collecting and converting solar energy into electrical energy.

B. APPLICABILITY

The requirements of this ordinance shall apply to all Solar Energy Systems installed or modified after its effective date, excluding general maintenance and repair.

C. SOLAR ENERGY SYSTEMS AS AN ACCESSORY USE

1. Roof-Mounted Solar Energy Systems

- a. Roof-mounted Solar Energy Systems are permitted as an accessory use in all zoning districts when attached to any lawfully permitted building or structure.
- b. Height: Roof-mounted Solar Energy Systems shall not exceed the maximum height restrictions of the zoning district within which they are located and are provided the same height exemptions granted to other building-mounted mechanical equipment.
- c. Roof-mounted Solar Energy Systems shall be exempt from site plan review under the Land Use Ordinance.
- d. Building Permit Applications for any Roof-mounted Solar Energy Systems must include stamped engineered design plans showing evidence of a load-bearing analysis of the building structure, showing that the structure will meet at least the minimum additional roof loading required by code after installation.

2. Ground-Mounted Solar Energy Systems

- a. Ground mounted Solar Energy Systems that use electricity primarily (more than 50%) at onsite premises are permitted as accessory structures in all zoning districts.
- b. Height and Setback restrictions: Ground-mounted Solar Energy Systems permitted as accessory structures shall adhere to the height and setback requirements of the zoning district in which they are located.
- c. Ground-mounted Solar Energy Systems permitted as accessory structures shall be exempt from site plan review under the Land Use Ordinance with the exception of subsection (b).

3. Suitability of Purpose

- a. For all Solar Energy Systems permitted as an accessory use, evidence of approval for connection to the local electrical utility will be accepted as evidence of suitability of purpose in lieu of local inspection.

D. SITE PLAN APPROVAL STANDARDS FOR LARGE SCALE SOLAR ENERGY SYSTEMS

1. Large-Scale Solar Energy Systems are permitted through the approval of a Site Plan in the General Development District, Residential District II, and Rural District zones, subject to the requirements set forth in this section. Applications for the construction of Large-Scale Solar Energy Systems shall be reviewed by the Code Enforcement Officer and referred, with comment, to the Planning Board for its review and action, which can include approval, approval with conditions, or denial.

~~2.~~ Application requirements: The site plan application process at Chapter 4-701 is to be utilized for review, as supplemented by the following provisions:

- a. If the property of the proposed project is to be leased, legal consent between all parties, specifying the use(s) of the land for the duration of the project, including any and all easements and other agreements, with financial data redacted, shall be submitted.
- b. Drawings showing the layout of the Solar Energy System signed by a Professional Engineer or Registered Architect shall be submitted.
- c. Equipment specification sheets shall be documented and submitted for all photovoltaic panels, significant components, mounting systems, and inverters that are to be installed.
- d. A Property Operation and Maintenance Plan, describing responsibility for continuing system maintenance, security, and property upkeep such as mowing and trimming shall be submitted.

~~2.3.~~ Decommissioning Plan:

To ensure proper removal of Large-Scale Solar Energy Systems, a Decommissioning Plan shall be submitted as part of the application. Compliance with this plan shall be made a condition of accepting any Site Plan under this section.

- a. The Decommissioning Plan must specify that after the Large-Scale Solar Energy System is abandoned, it shall be removed by the applicant, successor, ~~successor-in-interest~~ or any subsequent owner or lessor.
- b. The Decommissioning Plan shall describe how the removal of all infrastructure and remediation of soil and vegetation will be conducted to return the parcel as near as practical to its original state prior to construction, taking also into consideration stormwater management requirements and any other environmental requirements or considerations from the State Department of Environmental Protection.

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- c. The Decommissioning Plan will include an expected timeline for execution, in a timeframe need to exceed seven years. A cost estimate detailing the projected cost of executing the Decommissioning Plan, taking inflation into account, shall be prepared by a Professional Engineer or Contractor, and a removal bond shall be required.
- d. If the system is not decommissioned as described in the Decommissioning Plan after being considered abandoned, the municipality may remove the system and restore the property and assess all costs of the same to the owner or its successors in interest, and impose a lien on the property in order to recover those costs to the municipality.

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3.4. Additional Site Plan Approval Standards

- a. Height, Setback, and Visual Screening: Large-Scale Solar Energy Systems shall adhere to the height, setback, and visual screening requirements of the underlying zoning district.
- b. All Large-Scale Solar Energy Systems shall be enclosed by fencing to restrict unauthorized access. Warning signs with the facility operator's contact information shall be placed on all entrances in the perimeter of the fencing. The type of fencing shall be determined by the Planning Board.
- c. All Site Plans approved under this section will require the condition that no topsoil be removed from the site during construction or subsequent maintenance of the facility.
- d. Any application under this section shall meet any and all provisions contained in site plan requirements for the zoning district in which it is located under the Land Use Ordinance. Site Plan requirements which are judged not applicable may be waived by the discretion and action of the Planning Board.
- e. The Planning Board may impose additional conditions on its approval of any site plan under this section in order to discharge its obligations under State regulations as they may exist or be amended.

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5. Suitability of Purpose

For all Solar Energy Systems permitted by an accepted Site Plan, evidence of approval for connection to the local electrical utility will be accepted as evidence of suitability of purpose in lieu of local inspection.

E. ABANDONMENT AND DECOMMISSIONING

Solar Energy Systems will be considered abandoned after one year without electrical energy generation and must then be removed from the property per prior approved Decommission Plan.

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Application for time extensions due to extenuating circumstances shall be reviewable by the Planning Board for a period of six (6) months after abandonment.

F. ENFORCEMENT

Any violation of these Solar Energy provisions shall be subject to the same civil and criminal penalties provided for violations of the Land Use Ordinance of the Town of Minot.

G. SEVERABILITY

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections as declared by the valid judgment of any court of competent jurisdiction shall not affect the validity or enforceability of any other part, which shall remain in full force and effect