

**ORDINANCE NUMBER 2022-02  
CITY OF OTTERTAIL  
COUNTY OF OTTER TAIL  
STATE OF MINNESOTA**

**AN ORDINANCE REGULATING AND ADOPTING PERFORMANCE STANDARDS  
FOR SOLAR ENERGY SYSTEMS**

**WHEREAS**, MN Statutes 462.357 Subd. 1 states that a municipality may by ordinance regulate on the earth’s surface, in the airspace above the surface, and in subsurface areas, access to direct sunlight for solar systems.

**WHEREAS**, consistent with the Statutes, the general purpose of these sections is to regulate the placement, construction and modifications of solar systems and related facilities in order to protect the health, safety and welfare of the public and ensure the objective is accomplished according to city land use, planning and design standards.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF OTTERTAIL, ORDAINS** as follows:

**CITY CODE – TITLE XV - LAND USE  
CHAPTER 157: SOLAR ENERGY SYSTEMS  
PERFORMANCE STANDARDS**

- I.**     **SCOPE** – This Chapter applies to all solar energy installations in the City of Ottertail.
- II.**     **PURPOSE AND INTENT:** The purpose and intent of this ordinance is to maintain the city’s attractiveness, protect the safety of the people, and to promote the general welfare by providing legislation by which solar facilities can be located within the City of Ottertail. These general objectives include, among others, the following:
1. Create an as-of-right solar installation path for property owners. To create a clear regulatory path to solar development for accessory uses and, if appropriate, for principal uses such as large scale solar and ground mounted community shared solar installations.
  2. Enable principal solar uses. Define where community and large solar energy land uses are appropriate as a principal or primary use, set development standards and procedures to guide development, and capture co-benefit opportunities for water quality, habitat, and agriculture.
  3. To correct and prevent conditions that adversely affect the safety, general welfare, and health of nearby property owners.
  4. Promote “solar ready” design. Every building that has a solar resource should be built to seamlessly use it. Encourage builders to use solar-ready subdivision and building design.
  5. To preserve the value of land and structures throughout the City.

### **III. DEFINITIONS.**

The following terms, as used in this section, shall have the meanings stated.

**Agrivoltaics.** a solar system co-located on the same parcel of land as agricultural production, including crop production, grazing, apiaries or other agricultural products or services.

**Community Solar Garden.** Means a community solar energy system that generates electricity by means of a ground mounted or building integrated solar system and that is supplied to multiple community members or businesses residing or located off-site from the location of the solar system under provisions of MN Statutes 216B.1641 or successor statute.

**Grid-intertie Solar Energy System.** A photovoltaic that is connected to an electric circuit served by an electric company.

**Ground Mounted.** A solar energy system that is mounted on a rack or pole that rests or is attached to the ground directly. Either accessory or principal uses.

**Large-Scale Solar Energy System.** A ground mounted solar energy system designed for wholesale production or sale of power and is the principal land use for the parcel(s) on which it is located. This type of system is only allowed in Agricultural or Light Industrial zone areas.

**Off-grid Solar Energy System.** A photovoltaic solar energy system in which the circuits energized by the system are not electrically connected in any way to electric circuits that are served by an electric company

**Passive Solar Energy System.** A solar energy system that captures solar light or heat without transforming it to another form of energy or transferring the energy via heat exchanger. This type is allowed in all zoning areas.

**Photovoltaic System.** A solar system that converts solar energy directly into electricity.

**Small Solar Energy System.** A ground mounted or roof mounted solar energy system that is an accessory use in which the energy produced is first used on-site before any excess energy produced is sold back to the operator's regular electrical service provider. Small Solar Energy System include solar thermal systems that are designed to provide heat or energy on-site.

**Solar Energy System.** A device or structural design feature, a substantial purpose of which is to provide daylight for interior lighting or provide for the collection, storage, and distribution of solar energy for space heating or cooling, electricity generating, or water heating.

**Solar Energy System, Roof Mounted.** A solar energy system mounted to the roof of a dwelling or other building.

**IV. PERMITTED ACCESSORY USE** – Solar energy systems are a permitted accessory use in all land use districts where structures of any kinds are allowed, subject to certain requirements as set forth below. Solar energy systems that do not meet the following design standards will require a Conditional Use Permit.

1. Height. Solar energy systems must meet the following height requirements:
  - A. Roof-mounted solar energy systems shall not exceed the maximum height allowed in the land use district in which it is located. Principal dwelling is 35 feet.
  - B. Ground-mounted solar energy systems shall not exceed accessory structure height of 20 feet when oriented at maximum tilt.
2. Location and Setbacks. Solar energy systems must meet the accessory structure setback for the land use district on which the system is located.
  - A. Roof-mounted Solar Energy Systems. In addition to the building setback, the collector surface and mounting devices for roof-mounted solar energy systems shall not extend beyond the exterior perimeter of the building on which the system is mounted or built, unless the collector and mounting system has been explicitly engineered to safely extend beyond the edge, and setback standards are not violated. Exterior piping for solar hot water systems shall be allowed to extend beyond the perimeter of the building on a side yard exposure.
  - B. Systems will be allowed with a primary structure in all areas and as accessory structure in all areas. Lots with no principal structure will require a Conditional Use Permit.
3. Visibility. Solar energy systems shall be designed to blend into the architecture of the building or be screened from routine view from adjacent properties and the public right-of-ways other than alleys.
  - A. Building Integrated Photovoltaic Solar Energy Systems shall be allowed regardless of whether the system is visible from the public right-of-way, providing the building component in which the system is integrated meets all required setback, land use, or performance standards for the district in which the building is located.
  - B. Aesthetic restrictions. Roof or ground-mounted solar energy systems shall not be restricted if the system is not visible from the closest edge of any public right-of-way other than an alley, or if the system meets the following standards.
    - 1) Roof-mounted systems on pitched roof that are visible from the nearest edge of the front right-of-way shall have the same finished pitch as the roof and be no more than 10 inches above the roof.
    - 2) Roof-mounted systems on flat roofs that are visible from the nearest edge of the front right-of-way shall not be more than five feet above the finished roof and are exempt from any roof-top equipment or mechanical screening.
  - C. Reflectors used on solar energy systems shall minimize glare affecting adjacent or nearby properties.

4. Lot Coverage.
  - A. Ground-mounted systems total collector (panels) area shall not exceed more than 50% of the building footprint of the principal structure.
  - B. Ground-mounted systems shall be exempt from impervious surface standards if the soil under the collector (panel) is maintained and in a non-compacted vegetation state.
  
5. Plan Approval. All solar energy systems requiring a land use permit or other permit from the City shall provide a site plan to review.
  - A. Plan Applications. Plan applications for solar energy systems shall be accompanied by to-scale horizontal and vertical (elevation) drawings. The drawings must show the location of the system on the building or on the property for ground-mounted system including property-line setbacks, buildings, septic system and well (if any).
  - B. Plan Approvals. Applications that meet design requirements of this ordinance shall be granted administrative approval by the land use official. Large Scale and Small Scale Solar Systems must be approved by the City Council. Plan approval does not indicate compliance with Building Code or Electrical Code.
    - 1) Electric solar energy systems components must have UL or equivalent listing and solar hot water systems must have a SRCC rating.
    - 2) All solar energy systems shall be consistent with the MN State Building Code and thermal systems shall comply with HVAC-related requirements of the Energy Code.
    - 3) All photovoltaic systems shall comply with the Minnesota State Electric Code.
    - 4) Solar thermal systems shall comply with applicable Minnesota State Plumbing Code requirements.
  
6. Utility Notifications. All grid-interior solar energy systems shall comply with the interconnection requirements of the electric utility. Off-grid systems are exempt from this requirement.
  
7. Decommissioning plan. A decommissioning plan may be required for large and small solar energy systems to ensure that facilities are properly removed after their useful life. Decommissioning of solar panels must occur in the event they are not in use for twelve (12) consecutive months. The plan shall include provisions for removal of all structures and foundations, restoration of soil and vegetation and a plan describing the financial resources that will be available to fully decommission the site. The city may require the posting of a bond, letter of credit or the establishment of an escrow to ensure proper decommissioning.
  
8. Other standards and codes. All solar energy systems shall be in compliance with any applicable local, state and federal regulatory standards, including the State of Minnesota Uniform Building Code, as amended; and the National Electrical Code, as amended.

**V.** **PRINCIPAL USES.** The City encourages the development of commercial or utility scale solar energy systems where such systems present few land use conflicts with current and future development patterns. Ground mounted systems that are the principal use on the development lot or lots are conditional uses in selected districts.

1. **Principal Use General Standard**

A. **Site Design**

1) Setbacks for both large and small solar arrays must meet the following setbacks:

- a. Setbacks for buildings or structures in the district in which system is located shall be met.
- b. Roadway setback of 100 ft. from the ROW centerline of State Highways and CSAHs. 100 ft. for other roadways except as determined in A. 1) d. below.
- c. Setback distance should be measured from the edge of the solar energy system array, excluding security fencing, screening or berm.
- d. All setbacks can be reduced by 50% if the array is fully screened from the setback point of measurement.

B. Screening both large and small scale solar energy systems shall be screened from existing residential zones.

**Effective Date:** This ordinance amendment shall be in full force and effect from and after passage and publication according to state law.

**Repeal:** This ordinance shall repeal all ordinances inconsistent herewith.

Passed by the Ottertail City Council this 16<sup>th</sup> day of June, 2022.

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Ron Grobeck, Mayor

ATTEST:

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Amanda Thorson, City Clerk-Treasurer