



LAND USE AND ZONING ORDINANCE #439

Printed December 28, 2010

Effective: June 22, 2010

Sign

A name, identification, description, display, illustration or device which is affixed to or represented directly or indirectly upon a building, structure or land in view of the general public and which directs attention to a product, place, activity, person, institution or business.

Sign, Off-premise (Billboard)

A sign which directs attention to a business, commodity, service, activity or entertainment not necessarily conducted, sold or offered upon the premises where such sign is located.

Significant Historic Site

Any archaeological site, standing structure or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the State Register of Historic Sites or is determined to be an unplatted cemetery that falls under the provisions of *Minnesota Statutes, section 307.08; or successor statutes*. A historic site meets these criteria if it is presently listed on either register or if it is determined to meet the qualifications for listing after review by the Minnesota State Archaeologist or the Director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historic sites.

Single Family Dwelling Unit

A residential building containing one residential dwelling unit.

Ski Areas and Lodges

An area developed for snow skiing, with trails and lifts, including ski rentals and sales, instruction and eating facilities.

Solar Energy Systems – Accessory

A solar panel or array mounted on a building, pole or rack that is secondary to the primary use of the parcel on which it is located and which is directly connected to or designed to serve the energy needs of the primary use.

Solar Farms

A solar array composed of multiple solar panels on ground-mounted rack or poles which is the primary land use for the parcel on which it is located.

Solid Manure

Animal manure that does not flow and which can be effectively stacked or handled using a loader equipped with forks. This shall not include frozen liquid manure.

Solid Waste

Solid waste means garbage, refuse, sludge from a water supply treatment plant or air contaminant treatment facility, and other discarded waste materials and sludges, in solid, semisolid, liquid or contained gaseous form, resulting from industrial, commercial, mining and agricultural operations, and from community activities, but does not include hazardous waste; animal waste used as fertilizer; earthen fill, boulders, rock; sewage sludge; solid or dissolved material in domestic sewage or other common pollutants in water resources, such as silt, dissolved or suspended solids in industrial waste water effluents or discharges

6.49 Seasonal Produce Sales Stands, Accessory

6.49.1 Performance Standards

Seasonal produce sales stands shall comply with the following standards:

- A. Seasonal produce stands shall be an accessory use to a principle agricultural use.
- B. Operation of produce stands shall be limited to the growing season in Minnesota.
- C. No sale of product shall take place in the public right-of-way of any Federal, State, County or Township roadway unless approved by the road authority.
- D. Off-street parking shall be provided outside of any road right-of-way.
- E. Any temporary structure placed on the property for seasonal produce sales shall be removed at the end of the selling season. The size of the temporary structure shall not exceed one hundred twenty (120) square feet.
- F. All structures, including temporary structures, shall meet the minimum setback requirements of the district in which it is located.
- G. Signs shall meet the requirements of *Section 7.24 of this Ordinance*.

6.50 Solar Energy Systems

6.50.1 Comprehensive Plan Reference

The purpose of this Section is to set forth standards for large and small solar energy systems. Stearns County has determined that development of solar energy is in the public interest and consistent with the Comprehensive Plan, including the following goals:

- A. Natural Resource Plan, Goal 2, Objective 4: Encourage use of renewable energy systems, including wind energy and solar energy, which reduce the footprint of development on local and global natural systems.
- B. Economic Development Plan, Goal 3, Objective 3: Encourage and promote the use of “green” architecture design principles that minimize impacts to the natural and cultural environments and reduce long-run risk to business.

6.50.2 Standards for Solar Farms

Solar Farms shall be subject to the administrative requirements of *Section 4.8 of this Ordinance* and the following performance standards:

- A. Solar farms are the primary land use for the parcel on which the array is located and are distinguished from solar arrays that are a secondary or accessory use. Solar farms are composed of multiple solar panels on multiple mounting systems (poles or racks), and generally have a Direct Current (DC) rated capacity greater than one hundred (100) kilowatts.
- B. Stormwater management shall meet the requirements of *Section 7.25 of this Ordinance*.
- C. Erosion and sediment control shall meet the requirements of *Section 7.10 of this Ordinance*.
- D. **Foundations.** The manufacturer’s engineer or another qualified engineer shall certify that the foundation and design of the solar panels is within accepted professional standards, given local soil and climate conditions.

- E. **Other standards and codes.** All solar farms 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 Electric Code, as amended.
- F. **Power and communication lines.** Power and communication lines running between banks of solar panels and to electric substations or interconnections with buildings shall be buried underground. Exemptions may be granted by the Department in instances where shallow bedrock, water courses, or other elements of the natural landscape interfere with the ability to bury lines.
- G. **Application requirements.** The following information shall be provided to the Department prior to issuance of the conditional use permit:
- (1) A site plan of existing conditions showing the following:
 - (a) Existing property lines and property lines extending one hundred (100) feet from the exterior boundaries, including the names of the adjacent property owners and current use of those properties
 - (b) Existing public and private roads, showing widths of the roads and any associated easements
 - (c) Location and size of any abandoned wells, sewage treatment systems and dumps
 - (d) Existing buildings and any impervious surface
 - (e) Topography at two (2) foot intervals and source of contour interval, unless determined otherwise by the Department. A contour map of the surrounding properties may also be required
 - (f) Existing vegetation (list type and percent of coverage; i.e. grassland, plowed field, wooded areas, etc.)
 - (g) Waterways, watercourses, lakes and public water wetlands
 - (h) Delineated wetland boundaries
 - (i) The one hundred (100)-year flood elevation and Regulatory Flood Protection Elevation, if available
 - (j) Floodway, flood fringe and/or general flood plain district boundary, if applicable
 - (k) The shoreland district boundary, if any portion of the project is located in a shoreland overlay district
 - (l) In the shoreland overlay district, the ordinary high water level and the highest know water level
 - (m) In the shoreland overlay district, the toe and top of any bluffs within the project boundaries
 - (n) Mapped soils according to the Stearns County Soil Survey
 - (o) Surface water drainage patterns
 - (p) LESA score for the parcel, if located within an agricultural zoning district.
 - (2) Site Plan of Proposed Conditions
 - (a) Location and spacing of solar panels
 - (b) Location of access roads

- (c) Planned location of underground or overhead electric lines connecting the solar farm to the building, substation or other electric load
 - (d) New electrical equipment other than at the existing building or substation that is the connection point for the solar farm
 - (e) Proposed erosion and sediment control measures as required in *Section 7.10 of this Ordinance*.
 - (f) Proposed stormwater management measures as required under *Section 7.25 of this Ordinance*
 - (g) Sketch elevation of the premises accurately depicting the proposed solar energy conversion system and its relationship to structures on adjacent lots (if any);
- (3) Manufacturer's specifications and recommended installation methods for all major equipment, including solar panels, mounting systems and foundations for poles or racks;
 - (4) The number of panels to be installed;
 - (5) A description of the method of connecting the array to a building or substation;
 - (6) A copy of the interconnection agreement with the local electric utility or a written explanation outlining why an interconnection agreement is not necessary;
 - (7) A decommissioning plan shall be required 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 ensuring financial resources will be available to fully decommission the site. Disposal of structures and/or foundations shall meet the provisions of *Stearns County Solid Waste Ordinance Number 171; or successor ordinance*. The Board may require the posting of a bond, letter of credit or the establishment of an escrow account to ensure proper decommissioning.

6.50.3 Standards for Solar Energy Systems, Accessory. Solar energy systems are a permitted accessory use in all zoning districts, subject to the following standards.

- A. **Accessory Building Limit.** Solar systems, either roof or ground-mounted, do not count as an accessory building for the purpose of meeting limits on the number of accessory structures allowed per residential lot or the coverage limits, as set in *Section 6.2 of this Ordinance*.
- B. **Height.** Active solar systems are subject to the following height requirements:
 - (1) Building or roof-mounted solar systems shall not exceed the maximum allowed height in any zoning district. For purposes of height measurement, solar systems other than building-integrated systems shall be considered to be mechanical devices and are restricted consistent with other building-mounted mechanical devices for the zoning district in which the system is being installed.
 - (2) Ground or pole-mounted solar systems shall not exceed fifteen (15) feet in height when oriented at maximum tilt.

- C. Location within Lot. Solar systems must meet the accessory structure setback for the zoning district. If the lot is located in agricultural zoning districts or a Natural Resource Conservation Overlay the solar system must be placed within the designated building envelope or obtain a conditional use permit as specified in *Section 7.32 of this Ordinance*.
- (1) Roof-mounted Solar Systems. In addition to the building setback, the collector surface and mounting devices for roof-mounted solar systems that are parallel to the roof surface shall not extend beyond the exterior perimeter of the building on which the system is mounted or built. The collector and racking for roof-mounted systems that have a greater pitch than the roof surface shall be set back from all roof edges by at least two (2) feet. Exterior piping for solar hot water systems shall be allowed to extend beyond the perimeter of the building on a side yard exposure.
 - (2) Ground-mounted Solar Systems. Ground-mounted solar energy systems may not extend into the side-yard or rear setback when oriented at minimum design tilt.
 - (3) Large Ground-mounted Systems. Ground-mounted solar systems that result in the creation of one (1) or more acres of impervious surface must comply with *Sections 7.10 and 7.25 of this Ordinance*.
- D. Maximum Coverage. Roof or building mounted solar systems, excluding building-integrated systems, shall not cover more than eight (80) percent of the south-facing or flat roof upon which the panels are mounted. The total collector surface area of pole or ground mount systems in non-agricultural districts shall not exceed one percent of the lot area.
- E. Approved Solar Components. Electric solar system components must have a Underwriters Laboratory (UL) listing.
- F. Compliance with State Electric Code. All photovoltaic systems shall comply with the Minnesota State Electric Code.
- G. Utility Notification. No grid-intertie photovoltaic system shall be installed until evidence has been given to the Department 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.

6.51 Solid Waste Composting Facility

6.51.1 Performance Standards

A solid waste composting facility shall be subject to the administrative requirements of *Section 4.8 of this Ordinance* and the following performance standards:

- A. The site shall be served by a minor arterial or higher functional class of roadway, except that the proposed use may be served by a lesser functional class roadway if the responsible road authority grants written permission for such use at the proposed location.
- B. The parcel shall have a lot area no less than four (4) times the area of the building footprint.