

Section 1346 – INTERIM MORATORIUM ON THE CONSTRUCTION OF SOLAR ENERGY
PRODUCTION SYSTEMS

Section 1. Findings.

WHEREAS, the City of Heidelberg Zoning Ordinance contains standards for the issuance of and use permits for solar energy production systems; and

WHEREAS, the City of Heidelberg has no current regulations regarding zoning or building related to solar energy production systems and this has resulted in several comments being made by the counties, townships, cities, and members of the general public; and

WHEREAS, the City of Heidelberg is concerned the city, its residence and the neighboring properties are vulnerable by having no regulation in place regarding solar energy production systems; and

WHEREAS, the City of Heidelberg has been reviewing the City of Heidelberg's zoning with respect to solar energy production systems and changes may be necessary to protect public health, safety, and general welfare; and

WHEREAS, pursuant to Minnesota Statute Sec. 394.34, the City of Heidelberg may adopt a Temporary Interim Zoning Ordinance instituting a moratorium on the processing of any future applications to allow time to classify and regulate uses and related matters and to determine whether a proposed ordinance amendment should be adopted and implemented to protect the public health, safety and general welfare; and

WHEREAS, notice was published, and a public meeting was conducted on a long term moratorium not to exceed one year; and

WHEREAS, the City of Heidelberg finds:

1. An emergency zoning ordinance instituting a moratorium prohibiting any solar energy production systems is necessary in order to hold discussions and hearings to determine

whether a longer-term moratorium zoning ordinance shall be adopted and implemented, to protect the public health, safety, and general welfare of the residents of Heidelberg.

2. An emergency exists because based on the recent development pressure as well as the comments received from the community, the county, the townships, and the cities, the City of Heidelberg Zoning Ordinance does not afford the protection needed to ensure that the residents of Heidelberg are not adversely affected.
3. It is in the interests of public health, safety, and the general welfare to impose a moratorium for a period of twelve months and may be renewed for an additional period not to exceed twelve months.

Section 2. Moratorium Established. In accordance with the findings set forth in Section 1, there is hereby established a moratorium on the construction, erection, placement, enlargement, and expansion of any solar energy production system within the City and on the development and use of property for such purposes.

1. During the period of the moratorium, applications for land use permits and approvals related to such projects shall not be accepted or received by the City.
2. For the purpose of the moratorium, the term “solar energy production systems” shall pertain to all solar energy production systems including, but not limited to the following:
 - a. Solar Gardens. Solar energy systems designed to supply energy for off-site users on the distribution grid but not for export to the wholesale market or connection to the electric transmission grid.
 - b. Solar Farms. Solar energy systems which are the principal use on the property that are designed for providing energy to off-site users or export to the wholesale market.

Section 3. Applicability. The moratorium shall be applicable to property throughout the areas of the City and any property subject to the City’s jurisdiction.

Section 4. Exceptions. The moratorium shall not apply to:

1. The lawful use of currently existing solar energy production systems.
2. The repair and/or maintenance of any currently existing solar energy production system provided that such work does not enlarge or expand a solar energy production system.

Section 5. Term. Unless repealed by City Council action at an earlier date, or by the adoption of a Zoning Ordinance Amendment directly addressing solar energy production systems, this moratorium shall remain in effect for one year from the effective date and may be renewed for an additional period not to exceed twelve months.

Section 6. Effective Date. This ordinance shall become effective immediately upon its passage and publication.