



AGENDA ITEM # 6.2

REPORT TO CITY COUNCIL

Report Prepared by: Dawn Bittner

Date: March 5, 2020

Subject: Ordinance Amendment regarding Definitions and Solar Energy Systems

Report: The City received a request to amend the City Code to permit ground-mounted solar. We have prepared the attached Ordinance Amendment for your consideration. The red text is the proposed language to be added.

The Planning Commission unanimously recommends the City Council amend the City Code as proposed.

Council Action Requested:

- A. Council motion amending Chapter 17 of the City Code regarding Definitions and Solar Energy;
- B. Council motion authorizing summary publication. (4/5 vote required)

**ORDINANCE NUMBER 20-___, SECOND SERIES
AN ORDINANCE AMENDING CHAPTER 17 OF THE CITY CODE
REGARDING DEFINITIONS AND SOLAR ENERGY SYSTEMS
CITY OF PEQUOT LAKES
COUNTY OF CROW WING
STATE OF MINNESOTA**

The City Council of the City of Pequot Lakes does ordain as follows:

Purpose and Intent: The purpose and intent of this ordinance is to amend Chapter 17 of the Pequot Lakes City Code regarding Definitions and Solar Energy Systems.

Amendment: Chapter 17, Article 3.2 shall be amended as follows:

Large Solar Energy System, A ground mounted or roof mounted solar energy system designed for wholesale production and sale of power.

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, Ground Mounted. A solar energy system that is installed onto the ground directly or by means of brackets or poles.

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

Amendment: Chapter 17, Article 5.17 shall be amended as follows:

Section 17-5.17 LAND USE MATRIX

Amendment: The following changes shall be made to the Land Use Matrix:

A – allowed w/o a permit; P – permitted, C – conditional use; I – interim use; AC - accessory use, E – excluded.

<u>USE</u>	<u>OS</u>	<u>FM</u>	<u>AG</u>	<u>WR</u>	<u>SR</u>	<u>TR</u>	<u>RR</u>	<u>DMU</u>	<u>C</u>	<u>SC</u>	<u>R</u>	<u>UR</u>	<u>LI</u>	<u>P</u>	<u>PD</u>
<u>Small Solar Energy System</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>E</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Large Solar Energy System</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>E</u>	<u>C</u>	<u>C</u>	<u>C</u>

Amendment: Chapter 17, Article 7.15 shall be amended as follows:

Section 17-7.15 Solar Energy Systems

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 zoning district in which it is located.
 - B. Ground-mounted solar energy systems shall not exceed 10 feet in height when oriented at maximum tilt.

2. Location and Setbacks. Solar energy systems must meet the accessory structure setback for the zoning 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. Ground-mounted Solar Energy Systems – Ground-mounted solar energy systems located on parcels less than five acres must be located in the rear yard. Ground-mounted solar energy systems shall meet accessory structure setback requirements when oriented at minimum design tilt.

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.

4. Decommissioning plan. A decommissioning plan may be required for large 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.

5. 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.

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 Pequot Lakes City Council this 5th day of March, 2020.

James Tayloe
Mayor

ATTEST:

Nancy Malecha
City Administrator

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The following is the official summary of Ordinance No. 20-___, Second Series, approved by the City Council of the City of Pequot Lakes, on the 5th day of March, 2020.

The purpose and intent of this ordinance is to amend Chapter 17 of the City Code regarding definitions and solar energy systems.

A printed copy of this ordinance is available for inspection by any person at City Hall.

Passed by the Pequot Lakes City Council this 5th day of March, 2020.

James Tayloe
Mayor

ATTEST:

Nancy Malecha
City Administrator