



ORDINANCE NO.24

v1.0

An Ordinance Amending the City of Pine Springs Zoning Code (adopted in 1973) To Establish Standards and Procedures for Solar Energy Systems

The City Council of the City of Pine Springs, Washington County, Minnesota, Ordains:

SECTION 1. Purpose

The purpose of this ordinance amendment is to establish standards and procedures to allow property owners the reasonable capture and use of sunlight while ensuring protection of adjacent properties and rural residential neighborhoods from potential adverse impacts of such installations.

SECTION 2. Amendment of City Zoning Code “Zoning” Definitions

The City Zoning Code, Section 3-302 “Definitions”, sub-section 302.1 is hereby AMENDED to ADD the following definitions:

(34-1) Community Solar Energy System. A ground-mounted solar energy production facility that generates up to 1 MWac of electricity and that supplies multiple off-site community members or businesses under the provisions of Minnesota statutes 216B.1641 or successor statute.

(109-1) MWac. The megawatt (MW) capacity of solar equipment. It is the direct current (DC) generated power from a solar device expressed in terms of converted alternating current (AC) output power capacity.

(135-1) Residential Solar Energy Systems – Building Mounted. A solar energy system that is affixed to a principal or accessory structure.

(135-2) Residential Solar Energy Systems – Ground Mounted. A freestanding solar system mounted directly to the ground using a rack or pole rather than being mounted on a building.

(159-1) Solar Energy. A radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

(159-2) Solar Energy System. A device or a 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 heating or cooling, electricity generation, or water heating.

(159-3) Solar Equipment. A device, structure or a part of a device or structure for which the primary purpose is to capture sunlight and transform it into thermal, mechanical, chemical or electrical energy.

SECTION 3. Amendment of Zoning Code “District Provisions” Minimum Requirements

The City Zoning Code, Section 6-602 “Minimum Requirements”, sub-section 602.1 zoning district minimum requirements table is hereby AMENDED to ADD the following entries:

Zoning districts	“R-1”	“R-3”
(13) Building mounted solar energy equipment		
Maximum sq ft coverage of roof area	80%	80%
Maximum height above structure height	2 ft or less	2 ft or less
Maximum height of structure and equipment	Cannot exceed structure height in zoning district	Cannot exceed structure height in zoning district

SECTION 4. Amendment of Zoning Code “District Provisions” Minimum Requirements

The City Zoning Code, Section 6-604 “Uses in Zoning Districts” zoning usage table is hereby AMENDED to ADD the following entries:

USE		
Key: P = Permitted Use A = Permitted Accessory Use S = Special Use Permit Required C = Conditional Use Permit Required N = Not Allowed	Residential R1	Residential R3
Community Solar Energy System	N	N
Residential Solar Energy Systems – Building Mounted	P	P
Residential Solar Energy Systems – Ground Mounted	N	N
Residential Solar Energy Systems – Post, pole, or Stake Mounted	A	A

SECTION 5. Amendment of Zoning Code “General Provisions”

The City Zoning Code, Section 4 “General Provisions” is hereby AMENDED to ADD the following sections:

426. Community Solar Energy System.

426.01 Permitted Use. Community Solar Energy Systems are not permitted.

427. Residential Solar Energy Systems

427.01 Permitted Use.

- 1) Building mounted residential solar energy systems are a permitted use upon issuance of a building permit as shown in the table of Uses contained in this ordinance.
- 2) Ground mounted solar equipment is not permitted.
- 3) Pole or stake mounted accessory solar equipment is permitted without the need for a building permit if the conditions are met as described below in section 427.03.

427.02 Building mounted solar equipment, if affixed to a structure, shall be permitted provided the following standards are met:

- (1) The equipment or device must be affixed to the roof of a structure, principal or accessory, and must meet all setback and easement requirements for structures in the zoning district where the device is to be located.

- (2) The equipment or device may not extend beyond the height of the building by more than two (2) feet, and may not exceed the maximum building height as permitted within the zoning district.
- (3) The equipment or device shall cover no more than 80 percent of the roof to which it is affixed and not be extended beyond the roof edges or peak.
- (4) The equipment or device must be designed and constructed in compliance with all applicable building and electrical codes.
- (5) The equipment or device must comply with all state and federal regulations regarding co-generation of energy.
- (6) All solar arrays or panels shall be installed or positioned so as not to cause any glare or reflective sunlight onto neighboring properties or structures, or obstruct views of adjacent property owners.
- (7) Solar equipment which is mounted to a roof that is not flat shall not have a finished pitch more than five (5) percent steeper than the roof on which it is affixed.
- (8) The zoning administrator may require compliance with any other conditions, restrictions or limitations deemed reasonably necessary to protect the residential character of the neighborhood, if applicable.
- (9) The color of the solar equipment is not required to be consistent with other roofing materials.

427.03 Pole or stake mounted accessory solar equipment is permitted without the need for a building permit if the following conditions are met:

- 1) Examples of allowed equipment are low voltage devices such as landscape lighting or a small solar device used in a battery charging system.
- 2) Solar equipment shall only be allowed as an accessory use on a parcel with an existing principal structure.
- 3) The solar equipment must be attached to a stable stake, pole, or post.
- 4) Solar equipment shall be set back a minimum of 5 feet from a property line and shall be sited to meet all other applicable structural setback standards within the zoning district for the remaining lot lines.
- 5) The solar equipment shall not exceed 2½ square feet.
- 6) The mounted solar equipment may not exceed a height of 5 feet above grade level.
- 7) All solar equipment shall be installed or positioned to not cause any glare or reflective sunlight onto neighboring properties, structures, or obstruct adjacent views.
- 8) Limit of one pole mounted device per lot other than landscape lighting.

SECTION 6. ENFORCEMENT

The City Zoning Code, Section 8 “Enforcement”, already includes sub-sections for zoning code violations and penalties. Those existing sub-sections are not being changed. Section 8 is to be AMENDED to ADD the following sub-sections. The new sections listed below apply to all sections of the City Zoning Code, including the new solar energy system code.

801.04 If a permit is required for any property improvement and the work on the improvement proceeds prior to the issuance of a permit, or approval of a City authorized building official, the permit fees shall be doubled and the property owner is considered in violation of the ordinance.

801.05 If any enforcement action results in court proceedings, then the City has the right and will act to recover the legal costs from the “person” in violation of the Ordinance.

801.06 Payment of any government entity (State, County, City, etc.) imposed fee or penalty amount, or City cost of prosecution shall not relieve the violator from full compliance with applicable codes and ordinances in the execution of work, nor from any other applicable penalties.

801.07 Any "person" violating any provision of the Zoning Code shall be punishable by a fine as defined in the "PENALTIES" section of the City Fee Schedule.

SECTION 7. SEVERABILITY

In the event that a court of competent jurisdiction adjudges any part of this ordinance to be invalid, such judgment shall not affect any other provisions of this ordinance not specifically included within that judgment.

SECTION 8. EFFECTIVE DATE

This Ordinance shall be and is hereby declared to be in full force and effect from and after its passage and publication according to law.

Passed by the City Council of the City of Pine Springs, Washington County, Minnesota, this 6th day of October, 2020.

Frank J. Bastyr (signature)
Mayor

Attest: Victoria R. Keating (signature)
City Clerk

Revision History

Ver.	Changes	Date Changed
1.0	Adopted by the City Council	Oct 6, 2020