

Ordinance No. 63, Fourth Series

AN ORDINANCE AMENDING CHAPTER 11 OF THE ZONING LAND USE REGULATIONS

THE CITY COUNCIL OF THE CITY OF RED WING DOES ORDAIN:

SECTION 1: Chapter 11 of the City Code is hereby amended by deleting the ~~over struck~~ language and inserting the underlined language as shown below:

55-118-Solar Energy Systems

- A) **Purpose:** To meet the goals of the Red Wing Comprehensive Plan by promoting the safe, effective, and efficient use of on-site solar energy systems within the City of Red Wing, while maintaining the community's character and aesthetic qualities.
- B) **Definitions -** For the purpose of this Division, certain terms and words are defined below.

Building Mounted Solar Energy Systems – An active solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, preplacing or substituting for an architectural or structural component of the building. Building-integrated systems include but are not limited to photovoltaic or hot water/air solar energy systems that are contained within roofing materials, windows, skylights, and awnings.

Community Solar Garden - A facility or grouping of solar collectors mounted on the ground or on a building at a centralized location designed to offset the energy use of not less than five subscribers by selling the electrical output to the utility and whereby individual subscribers receive a bill credit from the utility for the electricity generated in proportion to the size of their subscription.

Freestanding Solar Energy Systems – Freestanding solar panels mounted to the ground by use of stabilizers or similar apparatus.

Renewable Energy System – A solar energy or wind energy system. Renewable energy systems do not include passive systems that serve a dual function, such as a greenhouse, sunspace, or window.

Solar Access – A view of the sun, from any point on the collector surface, that is not obscured by any vegetation, building, or object located on parcels of land other than the parcel upon which the solar collector is located, between the hours of 9:00 AM and 3:00 PM Central Standard time on any day of the year.

Solar Collector – A device, structure or a part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical, or electrical energy.

Solar Collector Surface – Any part of a solar collector that absorbs solar energy for use in the collector's energy conversion process. Collector surface does not include frames, supports and mounting hardware.

Solar Energy – Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

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.

- C) **As a Permitted Accessory Use** - Freestanding and building mounted solar energy systems located on a parcel with a principle structure and that meet the provisions below shall be allowed as permitted accessory uses in all districts. Off-grid freestanding solar energy systems located on parcels without principle structures that have a solar collector surface of 100 square feet or less in size that meet the provisions below shall be allowed as a permitted accessory use in all districts.
- 1) Height – Solar energy systems must meet the following height requirements:
 - a) Building mounted solar energy systems
 - i. Building mounted solar energy systems shall not exceed the maximum height allowed in any zoning district.
 - ii. Building mounted solar energy systems shall not exceed the height of a building's roof by more than fifteen (15) feet above the highest point of a flat roof or by more than one (1) foot above the highest point of a pitched roof.
 - b) Freestanding solar energy systems
 - i. Freestanding solar energy systems shall not exceed the maximum height allowed for an accessory building per the zoning district in

which it is located. In zoning districts with no maximum height regulations for an accessory building, a freestanding solar energy system shall not exceed 24' in height and may not be taller than the principle structure on the site.

ii. The height of a freestanding solar energy system shall be determined by measuring the vertical distance of the system's highest point to the average grade level adjoining the system.

2) Setbacks – Solar energy systems must meet the following setback requirements:

a) No part of a building mounted solar energy system, including mounting devices, shall extend into the required yard setbacks of the building on which it is mounted, per the zoning district in which the building is located.

b) Freestanding solar energy systems are not allowed to be placed in a required front yard.

c) No part of a freestanding solar energy system, including mounting devices, shall extend into the required yard setbacks established for an accessory building, per the zoning district in which the building is located, with the exception that a freestanding solar energy system with the collector surface oriented toward an adjacent property line shall have a setback equal to or greater than the system's maximum height.

d) Freestanding solar energy systems located in zoning districts that have no accessory building setback requirements shall meet the established minimum setback requirements for principle buildings in that zoning district.

3) Maximum Number and Coverage

a) In addition to any detached accessory buildings, no more than two (2) freestanding solar energy systems may be located on residentially zoned parcels.

b) In residentially zoned districts, 50% of the square footage of a freestanding solar energy system's collector surface shall be counted toward a property's maximum accessory building square footage allowance, per the zoning district in which it is located.

4) Visibility and Aesthetics

a) Pitched roofs

i. In residentially zoned districts and zoning districts regulated by Division 45 of the Red Wing Zoning Ordinance, pitched roof mounted solar energy systems on the front roof, or on a roof visible from the primary frontage, must match the pitch of the roof and be designed to blend with the architecture of the building. Rear roof mounts, or mounts not visible from the primary frontage, may have a steeper pitch for optimal solar collection, and do not need to blend with the architecture of the building.

b) Flat Roofs

i. In residentially zoned districts and zoning districts regulated by Division 45 of the Red Wing Zoning Ordinance, roof mounted

solar energy systems must be setback from the edge of the roof line as described below:

- a. A forward facing collector surface, parallel to a corresponding roofline, must be setback from the corresponding roofline a distance of at least four feet (4').
 - b. A backward or side facing collector surface, parallel to a corresponding roofline, must be setback from the corresponding roofline a distance equal to or greater than 50% of the system's overall height above the roof surface.
- c) Freestanding Solar Energy Systems
- i. In residentially zoned districts, freestanding solar systems with the collector surface oriented away from an adjacent property line must be screened on the rear side equivalent to at least 50% of the system's height, if the system is located within ten feet (10') from a side or rear property line, and is taller than ten feet (10') tall at its maximum height. Screening may be accomplished through architectural or vegetative materials.
 - ii. The underside of a freestanding solar energy system shall not be used to store personal property unless fully screened from adjoining properties, with the exception that freestanding solar energy systems located in a parking lot in a non-residential zoning district may be used to park vehicles under.
 - iii. The underside of a freestanding solar system shall not be fully enclosed; such a structure will be considered an accessory building and must meet all zoning regulations and building code regulations.
- d) Historic Buildings and Districts
- i. In addition to the provisions included in this division, any solar energy system located on a locally designated historic site or within a locally designated historic district or conservation district must be in compliance with the provisions found in Chapter 16 *Heritage Preservation* of the Red Wing City Code.
- 5) Solar Access
- i. No homeowners' agreement, covenant, common interest community, or other contract between multiple property owners within a subdivision of Red Wing shall restrict or limit solar energy systems to a greater extent than the Red Wing Zoning Ordinance and the Red Wing Heritage Preservation Ordinance.
 - ii. Red Wing encourages solar access to be protected in all new subdivisions and allows for existing solar to be protected consistent with Minnesota Statutes. Any solar easements filed, must be consistent with Minnesota Statutes, Chapter 500, Section 30.
- 6) General Standards

- i. Solar energy systems shall be certified by Underwriters Laboratories, Inc., the Solar Rating and Certification Corporation or other body as determined by the Zoning Administrator.
- ii. Prior to the installation or erection of a solar energy system, the operator must provide evidence showing their regular electrical service provider has been informed of the customer's intent to install an interconnected, customer-owned solar energy system. Off-grid systems shall be exempt from this requirement.
- iii. With the exception of a Community Solar Garden system, all solar energy systems shall be limited to the purpose of on-site energy production, except that any additional energy produced above the total onsite demand may be sold to the operator's regular electrical service provider in accordance with any agreement provided by the same or applicable legislation.
- iv. Any lines accompanying a solar energy system, other than those attached to on-site structures by leads, shall be buried within the interior of the subject parcel.
- v. A solar energy system that is allowed to remain in a nonfunctional or inoperative state for a period of twelve (12) consecutive months shall be presumed abandoned and may be declared a public nuisance subject to removal by the owner or removal by the City at the expense of the operator.

D) Certificate of Compliance Required

- 1) A proposed off-grid freestanding solar energy system to be located on a parcel without a principle structure that has a solar collector surface larger than 100 square feet but less than 250 square feet must be approved with the issuance of a Certificate of Compliance.

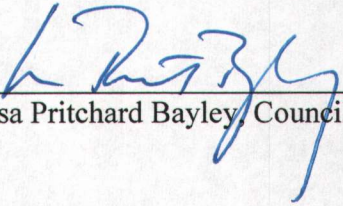
E) Conditional Use Permit Required

- 1) A proposed solar energy system not meeting the provisions above in Division 55-118 C) must be approved with the issuance of a Conditional Use Permit.
- 2) A proposed off-grid freestanding solar energy system to be located on a parcel without a principle structure and that has a solar collector surface of 250 square feet or larger must be approved with the issuance of a Conditional Use Permit.
- 3) A proposed freestanding Community Solar Garden to be located on a parcel without a principle structure must be approved with the issuance of a Conditional Use Permit.

SECTION 2. Effective Date: This Ordinance is effective 14 days following the publication of the ordinance in accordance with the City Charter.

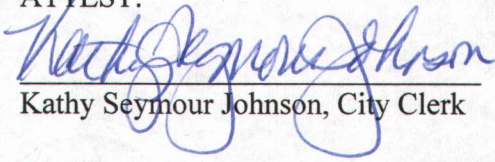
Introduced this 23rd day of June 2014

Adopted this 14th day of July 2014



Lisa Pritchard Bayley, Council President

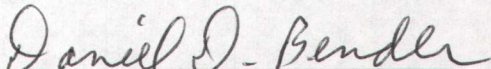
ATTEST:



Kathy Seymour Johnson, City Clerk

(seal)

Presented to the Mayor at 9:40 pm on this 14th day of July 2014.
Approved this 14th day of July 2014.



Daniel D. Bender, Mayor

No invoice will follow. Please pay from this affidavit. Thank you!

Red Wing Republican Eagle
AFFIDAVIT OF PUBLICATION

STATE OF MINNESOTA)
)SS.
COUNTY OF GOODHUE)

Peri Williams being duly sworn, on oath says that is an authorized agent and employee of the publisher of the newspaper, known as *The Red Wing Republican Eagle*, and has full knowledge of the facts which are stated below:

(A) The newspaper has complied with all of the requirements constituting qualification as a legal newspaper, as provided by Minnesota Statutes 331A.02, 331A.07 and other applicable laws, as amended.

(B) The printed **CITY OF RED WING** **ORDINANCE NO. 63**

which is attached was cut from the columns of said newspaper, and was printed and published once each week for **1** successive weeks; it was first published on Saturday, the **26TH** day of **JULY**, 2014 and was thereafter printed and published on every Saturday, to and including Saturday, the **26TH** day of **JULY**, 2014.

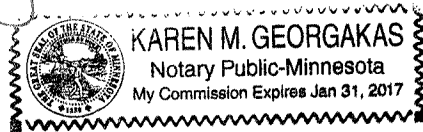
REPUBLICAN EAGLE

BY: Peri Williams

TITLE: **Legal Notice Clerk**

Subscribed and sworn to before me on this **28TH** DAY OF **JULY** 2014

Karen M. Georgakas
Notary Public



	Client #	256970
	Order #	1970731
File #		
Publication Fee:	\$	653.13

Please remit payment to: RiverTown Newspaper Group, PO Box 15, Red Wing, MN 55066

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Introduced this 23rd day of June 2014

Adopted this 14th day of July 2014

/s/ Lisa Pritchard Bayley, Council President

ATTEST:

/s/ Kathy Seymour Johnson, City Clerk

(seal)

Presented to the Mayor at 9:40 pm on this 14th day of July, 2014. Approved this 14th day of July, 2014.

/s/ Daniel D. Bender, Mayor
7/26