



City of Blaine Anoka County, Minnesota

Blaine City Hall
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Blaine MN 55449

Legislation Details (With Text)

File #: ORD 17-2392 **Version:** 4 **Name:** 17-19 Code Amend - Solar Panels
Type: Ordinance **Status:** Held in Council
File created: 12/21/2017 **In control:** City Council
On agenda: 12/21/2017 **Final action:** 12/21/2017
Title: SECOND READING

CODE AMENDMENT TO THE PERFORMANCE STANDARDS (CHAPTER 33) TO ADD FREE STANDING SOLAR ENERGY PANELS AS A USE THAT IS ALLOWED BY CONDITIONAL USE PERMIT AND TO ESTABLISH GENERAL ZONING STANDARDS FOR REVIEW AND APPROVAL OF SUCH FACILITIES. CITY OF BLAINE. (17-0019/LSJ)

Sponsors: Bryan Schafer

Indexes:

Code sections:

Attachments: 1. Draft Code Amendment - Solar Panels.docx

Date	Ver.	Action By	Action	Result
12/21/2017	4	City Council	Postponed	
12/7/2017	3	City Council	Introduced, Read, and Placed on File for Second Reading	
11/14/2017	2	Planning Commission		
10/10/2017	1	Planning Commission	Tabled	Pass

DEVELOPMENT BUSINESS - *Bryan K. Schafer, Planning and Community Development Director*

SECOND READING

CODE AMENDMENT TO THE PERFORMANCE STANDARDS (CHAPTER 33) TO ADD FREE STANDING SOLAR ENERGY PANELS AS A USE THAT IS ALLOWED BY CONDITIONAL USE PERMIT AND TO ESTABLISH GENERAL ZONING STANDARDS FOR REVIEW AND APPROVAL OF SUCH FACILITIES. CITY OF BLAINE. (17-0019/LSJ)

Planning Commission (Public Hearing)	10/10/17
Planning Commission (Continued)	11/14/17
City Council (1 st Reading)	12/07/17
City Council (2nd Reading)	12/21/17

The Planning Commission voted 6-1 to approve the proposed ordinance with the stipulation that anything over 6 feet in height in a residential zoning district requires a conditional use

permit. Comments at the public hearing are included in the minutes from the Planning Commission on October 10, 2017.

Please note that the 6-foot height limitation in residential districts has not been added to the ordinance (a CUP would be required for panel areas greater than 200 square feet). If however Council wishes to add the 6-foot threshold as part of the ordinance, it should be included in the motion and incorporated in the ordinance as follows:

(c) Solar panel installations located in the rear yard of a single family dwelling that encompass less than 200 square feet of aggregate panel size **and are not higher than six (6) feet in overall height** shall not require a CUP. Likewise installation of solar panels in the rear yard of multi-family residential, commercial, industrial or institutional uses that encompass less than 400 square feet of aggregate panel size shall not require a CUP. Maximum height of solar panels (top edge) shall not exceed 10 feet.

On October 10th the Planning Commission tabled the consideration of the proposed free standing solar energy panels ordinance to gather more information on the subject. This staff report provides more background into what other cities have done with solar panel ordinances and why we are seeing solar panel ordinances being established in Minnesota.

Every city/county that was researched has different codes regarding solar panels. It was mentioned at the Planning Commission meeting that the City of Ramsey had an ordinance. Staff has reviewed other community/counties in Minnesota that also have ordinances. Not a lot of research went in to what other states have done on this subject since the Commission asked for what other Minnesota communities have done. The following communities/counties have ordinances and provided below is a summary description of what each entity has done to deal with solar panels:

- The City of Ramsey (Anoka County) has an ordinance and also a pending solar farm request from Connexus. The current ordinance allows solar panels (both freestanding and building mounted) as an accessory use in every zoning district. This means that a principal structure(building) is required in order to have solar panels on a roof/building or as free standing structures. The setbacks for free standing panels are the same as they are for all accessory structure in each zoning district. The City Council would not have an opportunity to review these proposals. The City is currently reviewing a request from Connexus to allow free standing panels as a principal use in every zoning district.*
- The City of Maplewood has an ordinance that also allows freestanding solar panels and roof mounted panels as an accessory use in every zoning district. All site development setbacks are based on accessory structure requirements in every zoning district. The City Council would not have an opportunity to review the proposals.*

- *The City of Falcon Heights has an ordinance that also allows freestanding solar panels and roof mounted panels as an accessory use in every zoning district. All site development setbacks are based on accessory structure requirements in every zoning district. Again, the City Council would not have an opportunity to review the proposals.*
- *Freeborn County has a unique ordinance because of the rural nature of the county. Different sized solar farms are allowed in different zoning districts. For comparison sake, they allow solar farms in an Agriculture District with setbacks from the property line of between 100 feet and 750 feet for the solar farms, depending on certain criteria. Solar farms are not permitted in some districts. The solar farms are considered conditional uses in this county.*
- *Chisago County has a similar ordinance to Freeborn County in that solar farms are allowed in the Ag zone and every farm that is on 20 acres or more is a conditional use. All setbacks of the underlying zoning district must be met.*

The Great Plains Institute has created a local government solar toolkit (Grow Solar) for communities that are in the same position as the City of Blaine. This toolkit indicates that cities are seeing more and more solar panel installation because of state enacted policies and incentives to provide different types of energy alternatives. Solar energy provides cost savings to community members and through policies and incentives the state is encouraging solar development. Solar energy will soon be used by churches, schools and other corporations for its cost saving benefits. In other words, solar energy will become more commonplace and cities are going to see requests for solar panels in its residential neighborhoods, as most schools and churches are zoning residentially.

The Grow Solar toolkit has suggestions for ordinance inclusions for cities. The toolkit suggests making the panel installations conditional uses, particularly in AG zones, airport zones and brownfield/land fill sites. Generally, underlying zoning requirements should set standards for development.

Summary

The Commission has asked for ideas as to what other cities require for solar panel installation. The other cities that were researched that resemble Blaine's size and location all allow solar panel installations as an accessory use in every zoning district with the underlying zoning district providing setback requirements. If this type of policy was enacted in Blaine, accessory structures could be placed 5 feet from the property line in residential areas. For the Farm Residential District, the setback would be as little as 30 feet. Please note that the current Connexus proposal has at least a 200-foot setback from the property line, with more than that

in some areas.

For the county ordinances that were researched, solar panels were allowed in Agriculture Districts, which would resemble our Farm Residential District. One of these ordinances established setbacks for the solar farms while the other relied on underlying zoning requirements for setbacks, similar to the City ordinances.

Staff still believes that the attached ordinance is the most flexible ordinance for the City of Blaine. The attached ordinance allows the Planning Commission and City Council the ability to review every proposal over a certain size in all zoning districts. The ability to require a conditional use permit for these uses allows the Planning Commission and City Council to establish standards that they see fit for each unique situation. This would include greater setbacks where necessary provided reasoning is established that includes why the required setbacks do not work for a particular proposal. It could also include screening requirements.

Staff does not have a recommendation on a greater setback based on the following rationale:

- The setbacks are regulated by the various zoning districts and would range, based on parking setbacks, from 20-30 feet.*
- All larger solar arrays are subject to CUP review and the ability to require greater setbacks where appropriate, such as the much larger setback proposed by Connexus.*
- Desired setbacks for this type of “passive” land use could vary greatly based on adjacent uses and the ability to screen.*

Original Report

The City has been approached by Connexus Energy and its partner SoCore Energy to determine if a solar farm is allowed by the City’s Ordinance, as these two partners wish to construct a solar farm on a parcel of property in Blaine. Currently the Zoning Ordinance does not address, which also means it does not allow, freestanding solar within City limits.

Staff believes that this opportunity to provide renewable energy would be a benefit to the community for both environmental and economic reasons. In addition, it is also very likely that this subject could come up again in the future as these types of solar farms are becoming more commonplace. Therefore, staff has drafted an ordinance that allows, with a few exceptions, solar farms through a conditional use permit approval in all zoning districts.

Staff has researched ordinances in other municipalities and has consulted with the two partners as to what types of requirements are common in other jurisdictions. The proposed ordinance would add a new section to the City’s Performance Standards section of the Zoning Ordinance. A few basics of the ordinance include:

- Solar farms would be allowed in all zoning districts through the issuance of a conditional use permit.
- In single family residential districts, residents could install freestanding panels without a conditional use permit if the aggregate area is less than 200 square feet.
- In commercial, industrial districts and multi-family districts, freestanding panels could be constructed without a conditional use permit if the aggregate area is less than 400 square feet.
- Panels cannot exceed 10 feet in height. (This was originally 14-feet but staff decided to recommend a reduction to 10 feet based on the current proposal).
- Panels shall be located and designed to reduce glare.
- Conditional use permits will also address landscaping, fencing, additional setbacks and any other pertinent items to create a buffer from adjacent properties.
- All installations requiring a conditional use permit must go through site plan approval as well.

As you can see, there is an application for a conditional use permit for a solar farm on this agenda. That particular application does meet all of these requirements.

By motion, introduce the Ordinance for first reading and direct it be placed on file for second reading on December 21, 2017.

Code Amendment

THE CITY OF BLAINE DOES ORDAIN: (Added portions are underscored and deleted portions are shown in brackets with overstrike.)

Section 33.24 FREE STANDING SOLAR ENERGY PANELS

Intent: Generation of renewable energy is an important element that should be encouraged and incorporated into residential, commercial or institutional uses such as schools, churches and other public sites. Free standing solar power generation can take many forms, shapes and sizes and as technology moves forward will likely evolve into designs and methods that the City cannot envision today. The intent of this ordinance is to establish a general zoning framework for these facilities to be placed and operated within the City while at the same time protect property values, aesthetics and enjoyment of property.

- (a) Free standing solar generation is to be permitted in all zoning districts but must meet certain standards based on the type of zoning of the site intended for the solar installation.
- (b) Installations of freestanding (not roof mounted) solar, except for the exceptions noted below in section (c), will require the review and issuance of a Conditional Use Permit

- (CUP) by the City Council following a public hearing and recommendation by the Planning Commission.
- (c) Solar panel installations located in the rear yard of a single family dwelling that encompass less than 200 square feet of aggregate panel size shall not require a CUP. Likewise installation of solar panels in the rear yard of multi-family residential, commercial, industrial or institutional uses that encompass less than 400 square feet of aggregate panel size shall not require a CUP.
 - (d) Unless otherwise specified the maximum height of solar panels (top edge) shall not exceed 10 feet.
 - (e) All solar installations shall meet the parking setbacks as established by the _____ particular zoning district. In the case of solar panels placed on single family lots the panels shall meet a 20-foot side or rear yard setback.
 - (f) The CUP process may require plan changes related to setbacks, fencing, screening, angle orientation, height, panel design, support design and other restrictions or changes to project elements in order to minimize the impacts on adjacent property.
 - (g) All solar installations shall be designed and placed so as to minimize sun glare.
 - (h) Site Plan Approval is required with all solar installations that require a CUP.

INTRODUCED and read in full the 7th day of December, 2017.

PASSED by the City Council of the City of Blaine the 21st day of December, 2017.