

Topic:	Solar Energy; Zoning
Resource Type:	Regulations
State:	Minnesota
Jurisdiction Type:	Municipal
Municipality:	City of Kellogg
Year:	2011
Community Type – applicable to:	Rural
Title:	City of Kellogg Zoning Regulations § 220-56 – Solar Energy Systems; Solar Zoning
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Abstract

Under the City of Kellogg, Minnesota’s zoning code, solar energy systems (SES) and solar and earth-sheltered structures are permitted uses, provided certain requirements are met, that may be exempt from certain restrictions by variance. The provisions also forbid vegetation or structures in residential districts if they cast a shadow on an existing SES greater than a determined standard. That standard does not apply to vegetation and structures existing at the time of SES installation. Violation constitutes a private nuisance that gives rise to a legal cause of action for the impaired owner or occupant. City of Kellogg, MN, Code § 220-56.

Resource

§ 220-56. Solar energy systems and solar and earth-sheltered structures.

A. Solar energy systems and solar and earth-sheltered structures shall be a permitted use in all districts, provided that the system is in compliance with minimum lot requirements and setbacks and the system is maintained in good repair as an integral part of the structure.

B. Solar energy systems and solar and earth-sheltered structures may be exempt from setback, height and lot coverage restrictions in all districts by variance.

C. In a residential district no owner, occupier or person in control of property shall allow vegetation or structures to be placed or planted so as to cast a shadow on a solar energy system which is greater than the shadow cast by a hypothetical wall 10 feet high located along the boundary line of said property between the hours of 9:30 a.m. and 2:30 p.m., central standard time, on December 21; provided, however, that this standard shall not apply to structures which cast a shadow upon the solar energy system at the time of

installation of said solar energy system or to vegetation existing at the time of installation of said solar energy system. Violation of this standard shall constitute a private nuisance and any owner or occupant whose solar energy system is shaded because of such violation, so that performance of the system is impaired, may have in tort for the damages sustained thereby and may have such nuisance abated.

D. As a means of evidencing existing conditions, the owner of a solar energy system may file notarized photographs of the affected area with the City to document installation of said system. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).