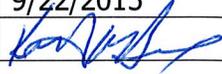


UDC Interpretation	#15-03	
	Clarification of minimum shoreland setback for ground mounted solar energy systems	
	UDC Section: 50-18.1.D.3(b) Shorelands, exceptions to dimensional standards	Date of Interpretation: 9/22/2015
Approved by:	Keith Hamre, Acting Land Use Supervisor	

BACKGROUND: The Unified Development Chapter of the City of Duluth Legislative Code (UDC) is the official body of rules and regulations to guide land use and development in the City of Duluth, Minnesota. UDC Sec. 50-10 *Interpretation* authorizes the Land Use Supervisor to interpret the provisions of this Chapter.

The question was asked: for the purposes of shoreland setbacks per table 50-18.1.D-1, are ground mounted solar energy systems considered structures that must meet the structure setback?

CODE INFORMATION: According to Sec. 50-18.1.D.3(b), the code offers limited exceptions to some types of structures that would have a very limited impact on shorelands.

- iv. Park equipment such as playground structures and ball fields (but not including structures such as garages, storage buildings, toilets or warming houses) may be placed closer than the required structure setback provided they lie outside the area required for the native vegetative buffer

UDC INTERPRETATION:

Ground mounted solar energy systems are structures (definition: Anything constructed or erected, the use of which requires a location on the ground, or attached to some thing having a location on the ground), but due to their unique configuration and design, they have minimal impact on stormwater quality. The biggest impact is on the increase of temperature of rainfall as it hits the arrays; the impact is more similar to impervious surfaces (such as parking areas) than a traditional structure.

Therefore, for the purposes of shoreland setbacks, solar energy systems may be placed closer than the required structure setback, provided they lie outside the area required for impervious surfaces in the shore impact zone (50 feet for general development and natural environmental waters, and 75 feet for coldwater river).

The City anticipates a technical correction to these provisions will be part of the annual UDC amendment package in the summer 2016.

DISCLAIMER: While it is the intent of the administration to submit a technical correction to the City Council consistent with this interpretation, the code can only be amended by City Council action. This interpretation is not intended to be a promise or guarantee that the proposed amendment will be enacted.