

ORDINANCE 1214

AN ORDINANCE REPEALING SECTION 11-7-1 THROUGH 11-7-8 AND CREATING SECTIONS 4-15-1 THROUGH 4-15-10 AMENDING SOLAR RIGHTS, APPLICATION AND PERMITTING WITHIN THE CITY OF LANDER

4-15-1. Solar Rights. - This Section shall be known, cited and referred to as the Solar Rights Act of the City of Lander, Fremont County, Wyoming.

4-15-2. Authority. - This Section is adopted pursuant to and in accordance with the authority vested in the City Council of the City of Lander, Wyoming by the Statutes of the State of Wyoming Sections 34-22-101 through 34-22-106.

4-15-3. Purpose. - The purpose of this Section is to protect the health, safety and general welfare of the community by encouraging the use of solar energy systems. The overall objective of this Section is to provide adequate protection from interference by structures, trees, or topography. It is the intent of this Section to provide a means of protection for the use of solar collectors without causing undue hardships on the rights of adjacent property owners and to establish solar collectors as permitted use in all zoning districts.

4-15-4. Application. - This Section shall apply to all lands within the corporate limits of the City of Lander, Wyoming, as they may from time to time be amended.

4-15-5. Administration and Enforcement. -

(a) Administration. The City of Lander City Administration shall be responsible for the administration of these regulations.

(b) Enforcement. Once a solar collector conforming to these regulations has been constructed, the permit has been approved by the City Administration, and it has been recorded in the County Clerk's office, then a solar property right is established. Violation of the permitted and recorded right is a violation of civil law. The City of Lander will not intervene in disputes over the use of solar energy.

4-15-6. Permits Required. -

(a) A solar permit shall be granted only after an application for solar access permit has been submitted to the City Administration. Application for a solar permit shall consist of the following information:

1. a completed Solar Rights Access Permit application;
2. fee shall be according to the City of Lander Fee Schedule.
3. a site plan drawn to scale showing the following detail:
 - (i) owner's name, legal description, street address of the site, and use of the structure(s);
 - (ii) north arrow, scale, and date of preparation;
 - (iii) names of all adjacent streets;
 - (iv) dimensions of the property;
 - (v) dimensions, height and location of all structures on the site;
 - (vi) location, height and type of all trees, bushes and shrubs on the between 90 and 270 azimuth of the site and estimated

- height at full growth;
- (vii) location and height of all walls and fences on the the site;
- (viii) dimensions and location of solar collector surface;
- (ix) direction in which collector is oriented;
- (x) height of collector above ground level;
- (xi) signature block for City Administration;
- (xii) degree line from base of collector, as measured above the horizon.
- (xiii) provide the projected date when this system will be providing beneficial use.
- (ix) is there an alternate location on the premises where this system could be installed.

(b) The application for a solar rights permit, along with the required fee, shall be filed on forms provided by the City Administration.

(c) Upon accepting a complete application for a solar access permit, the City administration shall notify owners of lots or parcels within 150 feet of the property on which the solar access permit is being requested. The notice shall include the information listed in section 4-15-6.

(d) The planning commission shall hold a public hearing on the proposed application no later than 30 days after the City administration accepts a complete application for the solar access permit. After holding the public hearing, the planning commission shall approve, approve with conditions or deny the proposed solar access permit. The planning commission shall consider whether the proposed solar access permit can protect the use of a solar collector without causing undue hardships on the rights of adjacent property owners. The planning commission may postpone action and continue the public hearing if needed. In approving or conditionally approving the solar access permit, the planning commission shall include the following:

- (i) A description of the collector surface or that portion of the collector surface to which the solar access permit is granted;
- (ii) The dimensions of the collector surface;
- (iii) The direction of orientation;
- (iv) The height above ground level and the location of the collector on the solar user's property.

(e) A solar collector shall be put to beneficial use within two years.

(f) The permit holder, within 30 days after the solar collector is first put to a beneficial use, shall notify the City Administration and provide such proof of beneficial use as the City Administration requires, after which the City Administration shall certify such beneficial use by endorsing the same upon the permit.

4-15-7 Recording Procedure - After approval of the solar access permit by the planning commission the City Administration shall record the approved solar access permit and a site plan with the county clerk. The solar access permit shall include a description and square footage dimensions of the collector surface or that portion of the collector surface to which the solar access permit is granted.

4-15-8. Non-conforming Use and Existing Solar Collectors. -

(a) Structures or vegetation which existed prior to the time of installation of the solar energy collection system or the effective date of this Section shall not be subject to the requirement of this Section.

(b) Existing solar collector users at the effective date of this ordinance who wish to receive a priority date for their solar rights as of the first date such solar collector was beneficially used shall apply for a permit as required by Section 11-7-7

collector was beneficially used shall apply for a permit as required by Section 11-7-7 within five years after the effective date of this Section.

4-15-9 The decision of the City Planning Commission may be appealed to the City Council by any person or agency affected by such decision. Any such appeal shall be taken within 15 days from the date of the action appealed from by filing a written notice of appeal with the City Administration, which notice shall specify the grounds for the appeal. Forms shall be provided for this purpose. Upon receipt of a notice of appeal, the City Administration shall transmit to the City Council the notice of appeal and all of the original documents, or true copies thereof, constituting the record upon which the action appealed from was taken.

4-15-10. Definitions. -

- (a) **"azimuth"** is an angular measurement in a spherical coordinate system. It is the angle between the projected vector and a reference vector on the reference plane.
- (b) **"solar collector"** is one of the following which is capable of collecting, storing or transmitting solar energy:
 - 1. a wall, clerestory or skylight window designed to transmit solar energy into a structure for heating purposes;
 - 2. a greenhouse attached to another structure and designed to provide part or all of the heating load for the structure to which it is attached;
 - 3. a trombe wall, drum wall, or other wall or roof structural element designed to collect and transmit solar energy into a structure;
 - 4. a photovoltaic collector designed to convert solar energy into electric energy;
 - 5. a plate-type collector designed to use solar energy to heat air, water, or other fluids for use in hot water or space heating or other applications;
 - 6. a massive structural element designed to collect solar energy and transmit it to internal spaces for heating; or
 - 7. other devices or combination of devices which rely upon sunshine as an energy source.
- (c) **"Solar right"** is a property right to an unobstructed line-of-sight path from a solar collector to the sun which permits radiation from the sun to impinge directly on the solar collector. The extent of the solar right shall be described by that illumination provided by the path of the sun on the winter solstice day which is put to a beneficial use or otherwise limited by these regulations. No solar right is protected by this Section for the period of time before 9:00 a.m. or after 3:00 p.m., Mountain Standard Time, or to a solar collector or portion as which would be shaded by a ten foot wall located on the property line on a winter solstice day.
- (d) **"Winter Solstice Day"** is the solstice on or about December 21 which marks the beginning of winter in the northern hemisphere and is the time when the sun reaches its southernmost point.

SECTION 2: This ordinance shall take effect from and after its passage, approval and publication as required by law and the ordinances of the City of Lander.

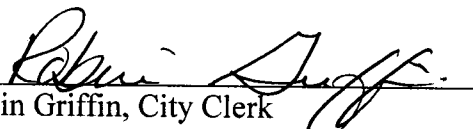
PASSED ON FIRST READING	<u>April 11, 2017</u>
PASSED ON SECOND READING	<u>May 9, 2017</u>
PASSED ON THIRD READING	<u>June 13, 2017</u>

PASSED, ADOPTED AND APPROVED by the Mayor and City Council on the 13th day of June, 2017.

THE CITY OF LANDER
A Municipal Corporation

By 
Del McOmie, Mayor

ATTEST:


Robin Griffin, City Clerk

STATE OF WYOMING)
)ss.
COUNTY OF FREMONT)

CERTIFICATE

I hereby certify that on June 13, 2017 following passage, adoption and approval of Ordinance 1214, Del McOmie, the duly elected, qualified and acting Mayor of the City of Lander, issued this proclamation and said ordinance was published at least once in the Lander Journal, a newspaper of general circulation within Lander, Wyoming, the effective date and publication being June 18, 2017.


Robin Griffin, City Clerk