

ORDINANCE NO. 16-04

AN ORDINANCE OF WASATCH COUNTY, UTAH AMENDING TITLE 16 OF THE WASATCH COUNTY CODE; ADDING PROVISIONS REGULATING FREE STANDING SOLAR PANELS; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Title 16 of the Wasatch County Code, Planning, Zoning and Development Code 2002, was enacted on October 8, 2002 and amended and renamed November 2005 as the Planning, Land Use and Development Code (hereafter "Land Use and Development Code") as amended; and

WHEREAS, the Wasatch County Planning Commission has held a public hearing to receive comment on the proposed additions, modifications, and amendments as required by §17-27a et. seq., Utah Code Annotated 1953, as amended; and

WHEREAS, the current County code allows for a maximum of 300 square feet for free standing solar panels; and

WHEREAS, an application has been received to amend the code to remove the maximum square footage limit; and

WHEREAS, staff believes there needs to be some maximum limit and controls to maintain neighborhood aesthetics while allowing opportunities for more sustainable homes; and

WHEREAS, the proposal is to allow larger free standing solar arrays as an administrative conditional use approved by the Planning Staff unless there is an objection; and

WHEREAS, the Planning Commission, after the full and careful consideration of all public comment, has forwarded a recommendation to the Wasatch County Council regarding the modifications and amendments; and

WHEREAS, the Wasatch County Council conducted a public hearing to receive comment on the Planning Commission recommendation pursuant to §17-27a et. seq. Utah Code Annotated 1953 as amended; and

WHEREAS, following the public hearing, and after receipt of all comment and input, and after careful consideration, the Wasatch County Council has determined that it is in the best interest of the public health, safety, and welfare of Wasatch County citizens that that the following additions, modifications, and amendments to Title 16 be adopted.

NOW THEREFORE, the County Legislative Body of Wasatch County ordains as follows:

SECTION I – ENACTMENT

The following sections of Title 16 of the Wasatch County Code are amended as follows:

16.21.42 Solar panels.

(1) Purpose. The purpose of this section is to regulate the permitting of solar panels for personal use and encourage renewable energy practices with minimal regulation while mitigating negative effects.

(2) Flush mounted roof solar panels are allowed as a permitted use in any zone as long as the panels are mounted flush (or minimum parallel separation allowed for cooling) with the roof and are a maximum of 4' thick.

(3) Structured roof mounted solar panels are a conditional use in any zoning district. Structured panels are defined as a panel that does not mount flush with the roof but has some type of structure to change the angle of the panel.

(4) Free standing solar panel structures are a permitted use in any residential zoning district with the following regulations:

- a. A maximum height of 15' from natural grade.
- b. A maximum area of 300 square feet.
- c. The solar panel structure shall meet all the setback requirements for an accessory structure as required in 16.21.08.

(5) Free standing solar panel structures larger than 300 square feet as described in section (4) above shall be an administrative conditional use (see section 16.23.03) in any residential zone with the following regulations:

- a. In order to exceed the 300 square foot maximum in (4), the lot will need to be at least 1 acre in area.
- b. The structure is limited to a height of 15' from natural grade.
- c. The solar panel structure shall meet all the setback requirements for an accessory structure as required in 16.21.08.
- d. There must be a main dwelling on the site.
- e. The structure should be placed in the rear yard of the lot. Side yards, behind the front façade of the main dwelling, can be used if necessary for greater sun exposure.
- f. Structures and panels should be out of view from the street whenever possible and should not block sightlines or be a reflective nuisance.
- g. The structure should be appropriately sized to power only the structures on the property. Submittals need to include calculations of energy usage for the property and power output of the system.
- h. Where possible, panels should first be placed on the dwelling and accessory structures on the lot rather than free standing structures.

~~(5)~~ (6) Solar panels require a building permit in all cases.

16.23.03: DETERMINATION OF JURISDICTION

The planning commission hereby delegates to the planning staff, the following conditional use requests for administrative action, unless negative responses are received from neighboring property owners:

- k. Free standing solar panel structures over 300 square feet.

SECTION II – REPEALER

If any provisions of the Wasatch County Code heretofore adopted are inconsistent herewith they are hereby repealed.

SECTION III – AMENDMENT OF CONFLICTING ORDINANCES

To the extent that any ordinances, resolutions, or policies of Wasatch County conflict with the provisions of this ordinance, they are hereby amended to comply with the provisions hereof.

SECTION IV – EFFECTIVE DATE

This ordinance shall take effect upon its passage by a majority vote of the Wasatch County Council and following notice and publication as required by Utah Code ' 17-53-208.

SECTION V – SEVERABILITY

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

SECTION VI – PUBLIC NOTICE


The Wasatch County Clerk, an ex officio Clerk of the Wasatch County Council, is hereby ordered, in accordance with the requirements of Section 17-53-208, Utah Code Annotated, 1953, as amended, to do as follows:


- a. Enter at length this ordinance in the ordinance book;
- b. Deposit a copy of this ordinance in the office of the County Clerk; and
- c. Publish a short summary of this ordinance, together with a statement that a complete copy of the ordinance is available at the County Clerk's office and with the name of the members voting for and against the ordinance, for at least one publication in a newspaper published in and having general circulation in the county; or post a complete copy of this ordinance in nine (9) public places within the County.

APPROVED and **PASSED** this 5 day of October, 2016.

Attest:

WASATCH COUNTY COUNCIL:


Brent R. Titcomb
Wasatch County Clerk / Auditor


Kendall Crittenden, Chair
Wasatch County Council

Kendall Crittenden, Chairman
Michael Kohler
Kipp Bangerter
Mike Petersen
Danny Goode
Steve Farrell
Greg McPhie

VOTE

Y
N
Y
Y
N
Y
Y

ADOPTION OF ORDINANCE AFFIDAVIT

STATE OF UTAH)
): ss.
COUNTY OF WASATCH)

I, the undersigned, the duly qualified and acting County Clerk of Wasatch County, Utah, and ex officio Clerk of the Wasatch County Council do hereby further certify, according to the records of said Council in my official possession, and upon my own knowledge and belief, that I have fulfilled the requirements of Section 17-53-208, Utah Code Annotated, 1953, as amended, by:

- (a) Causing this ordinance to be entered at length in the ordinance book;
- (b) Causing three (3) copies of this ordinance to be deposited in the office of the County Clerk;
- (c) Causing a short summary of this ordinance, together with a statement that a complete copy of the ordinance is available at the County Clerk's office and with the name of the members voting for and against the ordinance to be published for at least one publication in *The Wasatch Wave*, a newspaper of general circulation within the geographical jurisdiction of Wasatch County; or posting a complete copy of this ordinance in nine (9) public places within the County.

IN WITNESS WHEREOF, I have hereunto subscribed my official signature and impressed hereon the official seal of the County Council of Wasatch County, Utah, this 19 day of October, 2016.



Brent R. Titcomb

Wasatch County Clerk / Auditor

SUBSCRIBED AND SWORN to me, a Notary Public, this 19th day of October, 2016.

Sandra Hansen
Notary Public

Residing in: Wasatch Co.
My commission expires: 3-31-2019

