

CHAPTER 1.23

RENEWABLE ENERGY SYSTEMS PERMIT

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1.23.005 PURPOSE. The purpose of this Chapter is to oversee the permitting of Small Wind Energy Systems and Solar Energy Systems and to preserve and protect public health and safety without significantly increasing the cost or decreasing the efficiency of a Small Wind Energy or Solar Energy System.

1.23.010 PERMIT REQUIRED. To assure compliance with the provisions of this Chapter, a Small Wind Energy System or a Solar Energy System Permit shall be obtained before any Small Wind Energy System or Solar Energy System and associated equipment may be erected. A Small Wind Energy System or a Solar Energy System Permit is a form of a Conditional Use Permit.

1.23.015 SUBMISSION OF APPLICATION.

A. Only property owners or their duly authorized agents shall make application for a Small Wind Energy System or Solar Energy System Permit on forms approved by the Zoning Administrator.

B. No Small Wind Energy System or Solar Energy System application shall be processed without the submission of the application, all the supporting materials as required by this Chapter, and the processing fee. Incomplete applications shall not be processed under any circumstances. The time frame for when an application shall be reviewed is set by policy of the Zoning Administrator.

C. The application for Small Wind Energy System or Solar Energy System Permit approval shall include the following:

1. Minimum of one (1) size (11" x 17") copy and one (1) size (8½" x 11") copy of each sheet of the Site Plan and Engineered Plan Drawings.
2. All documents required in Section 1.23.020 below.
3. Payment of the applicable fee as set by Resolution of the City Council.

D. A Small Wind Energy System or Solar Energy System Permit may be submitted for approval concurrently with the Building Permit. If the property owners or their duly authorized agents choose to submit the Small Wind Energy System or Solar Energy System Permit and Building Permit concurrently, the City maintains the right to deny the request for approval, and the property owners or their duly authorized agents shall bear all risks associated with their preparation and submittal.

1.23.020 FORM AND CONTENTS OF REQUIRED DOCUMENTS. The Small Wind Energy or Solar Energy Permit application shall be submitted with the materials listed in this Section. The Zoning Administrator may determine and require that additional items not listed herein be submitted in order to evaluate the proposed Small Wind Energy or Solar Energy Permit application. The number of hard copies shall be determined by the Zoning Administrator.

A. Site Plan. The Site Plan shall contain the date, scale, north arrow and the following items:

1. Property lines and physical dimensions of the property;
2. Location, dimensions, and types of existing structures on the property;
3. Location of the proposed Small Wind Energy or Solar Energy System;
4. The right-of-way of any public road that is contiguous with the property; and
5. All overhead utility lines.

B. Engineering Drawings.

1. Engineered foundation and Small Wind Energy System drawings stamped by a Professional Engineer licensed in the State of Utah.
2. Engineered foundation or structure (roof, etc.) where Solar Energy System will be installed and Solar Energy Systems drawings stamped by a Professional Engineer licensed in the State of Utah.

Exception: An Engineering stamp is not required when all of the following requirements are met:

- a. Flush mounted OEM racking roof installations; and,
- b. Total panel weight including mounting hardware does not exceed four (4) pounds per square foot.

C. Specifications. Specifications associated with the installation of a Small Wind Energy or Solar Energy System, and related equipment.

D. Agreement. The property owners or their duly authorized agents shall sign an Agreement with the City stating that if technology renders the Small Wind Energy or Solar Energy System obsolete or is abandoned, the property owner or agent shall remove the Small Wind Energy or Solar Energy System; all other apparatus associated with it, the top three (3) feet of the footing/foundation and restore the site to its original condition within ninety (90) days of abandonment (See Abandonment section in this Chapter for more information regarding abandonment). Also, the Agreement shall state that if the property owner or agent does not remove the Small Wind Energy or Solar Energy System within the ninety (90) days from abandonment Tremonton City shall have the right to enter the subject property and remove the Small Wind Energy or Solar Energy System at the property owners or agent's expense.

E. Consent. Provide evidence to the City of the owners consent to the placement of the Small Wind Energy or Solar Energy System.

F. Written Statement. A written statement explain details surrounding the proposed Small Wind Energy or Solar Energy System Application and how the application is consistent with all of the standards and requirements of this Chapter and other applicable Sections of this Title

G. Electronic Files. Electronic files of all the plans and drawings for the project shall be submitted.

1.23.025 PUBLIC NOTICE. No public notice is required for the Zoning Administrator to approve a Small Wind Energy or Solar Energy System Permit.

1.23.030 REVIEW AND APPROVAL PROCEDURES.

A. Zoning Administrator's Review-Application. The Zoning Administrator shall review each application submitted to determine the completeness of the application. The Zoning Administrator shall forward complete applications for review and consideration of approval. Incomplete application shall be returned to the applicant with a list of the deficiencies.

B. Zoning Administrator Review. The Zoning Administrator shall review the proposed Small Wind Energy or Solar Energy System application and shall grant approval of Small Wind Energy or Solar Energy System application after the Zoning Administrator is satisfied that the reasonably anticipated detrimental impacts of a proposed Small Wind Energy or Solar Energy System shall be mitigated and that all of the standards and requirements of this Chapter and other applicable Sections of this Title shall be met. Since Small Wind Energy System or Solar Energy System Permits are a form of a Conditional Use Permit the Zoning Administrator may use standards and requirements contained in Chapter 1.25 Conditional Use Permit in reviewing and approving the permit. Approval of a Small Wind Energy or Solar Energy System Permit shall generally be in the form of a letter to the applicant which, together with the approved site plan, and aforementioned agreement, shall constitute the Conditional Use Permit. If the Zoning Administrator denies the Small Wind Energy or Solar Energy System Application explicit and careful Findings of Fact shall be enumerated for the record as to why the reasonably anticipated detrimental impacts of a proposed Small Wind Energy or Solar Energy System could not substantially be mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards. Approval of a Small Wind Energy or Solar Energy System Permit is an Administrative Decision.

C. Planning Commission Review. The Zoning Administrator is authorized to bring any Small Wind Energy or Solar Energy System Permit application before the Planning Commission if, in their opinion, the general public interests shall be better served by review and approval of the Planning Commission. If the Planning Commission is designated as the Land Use Authority by the Zoning Administrator the public notice, review and approval procedures, and appeals shall be according to the aforementioned Planning Commission's procedures in Chapter 1.25 Conditional Use Permit. Approval of a Small Wind Energy or Solar Energy System Permit is an Administrative Decision.

1.23.035 APPROVAL STANDARDS.

A. The following Small Wind Energy System standards shall be used when approving a Small Wind Energy System Permit:

1. Minimum site area per single small wind energy system shall be twenty-thousand (20,000) square feet;
2. Are installed as high as necessary to capture the wind energy resource with a maximum residential zone or commercial zone tower height of seventy-five (75) feet.
3. Towers and associated equipment shall be listed for use. Other Small Wind Energy Systems that may be attached to buildings or other structures that are listed for use is permitted provide all other requirements of this Chapter are met;
4. There shall be a minimum vertical blade clearance from the ground of twenty (20) feet;
5. A wind tower shall be set back a distance equal to its total height from all property lines and required distances from other utility infrastructure. No wind tower shall be placed within any front yard area.

6. Towers and equipment shall be labeled and secured to prevent unauthorized access;
 7. A wind tower shall not be artificially lighted or exceed the permitted height that would require any type of lighting by the Federal Aviation Administration;
 8. The wind tower and associated equipment shall be painted or finished a non-obtrusive neutral color or finish;
 9. There shall be no signs posted on a small wind generator system or any associated building, except for the manufacturer's or installer's identification, appropriate warning signs, or owner identification;
 10. Small Wind Energy Systems shall not cause a sound pressure level in excess of sixty (60) dB (A) or in excess of five (5) dB (A) above the background noise, as measured to the nearest property line. This level may be exceeded during short-term events such as utility outages or severe wind storms;
 11. Small Wind Energy Systems shall not cause vibrations through the ground, which are perceptible beyond the property line containing the wind tower;
 12. Small Wind Energy Systems shall not cause interference with television, satellite, microwave, navigational, or radio reception to neighboring properties and areas;
 13. Small Wind Energy Systems shall not cause shadow flicker upon any neighboring primary occupied structure;
 14. Small Wind Energy Systems shall have an automatic system to prevent uncontrolled rotation; and
 15. Small Wind Energy Systems including tower shall comply with all applicable building, electrical and local codes.
- B. The following Solar Energy System standards shall be used when approving a Solar Energy System Permit:
1. Height – Solar Energy Systems shall meet the following height requirements:
 - a. Building or roof mounted Solar Energy Systems shall not exceed the maximum allowed height in any zoning district.
 - b. Ground or pole mounted Solar Energy Systems shall not exceed twenty (20) feet in height when oriented at maximum tilt.
 2. Setbacks – Solar Energy Systems shall meet the following setback requirements:
 - a. Ground or pole mounted Solar Energy Systems shall meet the accessory structure setbacks for the zoning district associated with the lot on which the system is located.
 - b. Roof mounted Solar Energy Systems in addition to the building setbacks, the collector surface and mounting devices for roof mounted Solar Energy Systems shall not extend beyond the exterior perimeter of the building on which the system is mounted or built.
 - c. Solar panels when roof mounted shall be set back from roofs edges and ridge a minimum of three (3) feet and proved a clear path along roof of forty-eight (48) inches wide for every seventy-five (75) feet of mounted solar panels.
 3. Visibility – Solar Energy Systems shall meet the following visibility requirements:

- a. The color of the solar collector is not required to be consistent with other roofing materials.
 - b. Roof mounted systems that are visible from the street frontage right-of-way (excluding alleys) shall not have a highest finish pitch more than five (5) percent steeper than the roof pitch on which the system is mounted, and shall be no higher than twelve (12) inches above the roof.
 - c. Roof or building mounted Solar Energy Systems, excluding building intergraded systems, shall not cover more than eighty (80) percent of the south-facing or flat roof upon which the panels are mounted.
4. Solar Energy System components shall have a UL (Underwriters Laboratory) listing and installation shall comply with the International Building Code, the National Electrical Code, and all applicable Standards.

1.23.040 REASONABLE CONDITIONS IMPOSED. The Land Use Authority may permit a Small Wind Energy or Solar Energy System to be located within any district in which it is allowed by the use regulations of this Title. In authorizing any Small Wind Energy or Solar Energy System, the Land Use Authority shall impose such requirements and conditions as required by law and any additional conditions as may be necessary for the protection of adjacent properties and the public welfare. Such conditions of approval may include, but shall not be limited to, limitations or requirements as to a street dedication, the height, size, location and design of structures, landscaping, ingress/egress, fencing, parking, screening, buffering parking, or lighting. Height, density and size requirements for structures in each zone are maximums and may be reduced or modified as conditions to the approval of any Conditional Use application. Therefore, the Land Use Authority has the authority to impose reasonable conditions upon a Small Wind Energy or Solar Energy System, provided that:

- A. The conditions are not arbitrary or capricious;
- B. The Land Use Authority finds that the conditions are necessary to promote the health, safety or welfare of the citizens of Tremonton;
- C. The conditions do not conflict with any applicable law; or
- D. The conditions imposed are in compliance with Utah Code 10-9a-507 as amended by the Utah Legislature.

1.23.045 ENTITLEMENTS.

A. Validity. The approval of a Small Wind Energy or Solar Energy System Permit shall authorize the use of a Small Wind Energy or Solar Energy System accordance with any conditions enumerated with the permit except as follows:

- 1. Permit Issued in Conflict. In accordance with 1.01.025 any Small Wind Energy or Solar Energy System Permit approved which is in conflict with this Title shall be null and void.
- 2. Revocation. Small Wind Energy System or Solar Energy Permit may be revoked (See Chapter 1.25 Condition Use Permit regarding Revocation) if: terms of the permit are violated; if the use causes disruption to surrounding properties; or if the use is not maintained or abandon (See Chapter 1.23.055 regarding Abandonment).
- 3. Expiration. A Small Wind Energy or Solar Energy System Permit shall expire one (1) year after the date of the approval and shall be null and void unless the property owner or their duly authorized agent has obtained a Building Permit, where required, or Business Licenses or other permits or license required for the operation. A one (1) year extension may be granted if the application for extension and the filing fee is received by the Zoning Administrator prior to the expiration date as is set out above.

B. Additional Permits. Property owners or their duly authorized agents are entitled to make application for a Building Permit, where required or Business Licenses or other permits or license required for the operation once a Small Wind Energy or Solar Energy System Permit has been approved. As noted in this Chapter, the property owners or their duly authorized agents may choose to submit the Communication Facilities Permit and Building Permit concurrently.

1.23.050 ABANDONMENT. A Small Wind Energy or Solar Energy System that is out-of-service for a continuous period of three hundred-sixty five (365) days shall be deemed to have been abandoned and shall be in service as installed or removed.

1.23.055 APPEALS.

A. Appeal Process. Any person aggrieved by the decision of any part of the Small Wind Energy or Solar Energy Systems approval process may appeal in accordance with Chapter 1.04.

B. Appealing Zoning Administrator's Decision. The Appeal Authority and deadline for filing an appeal for a Zoning Administrator's Decision shall be as follows:

1. First Appeal. Person has ten (10) days to appeal the decision of the Zoning Administrator to the Planning Commission.
2. Second Appeal. Person has ten (10) days to appeal the decision of the Planning Commission to the City Council.
3. Third Appeal. Person has thirty (30) days to appeal the decision of the City Council to District Court. (See Utah Code 10-9a-801).

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