

ORDINANCE 2018-04

AN ORDINANCE AMENDING SECTION 2-2, DEFINITIONS, AND SECTION 17-2-3, DEVELOPMENT RESTRICTIONS TO MANUFACTURING ZONING DISTRICTS GENERALLY, AS WELL AS TABLES 15-5-3.1, 16-4-3.1, 17-5-3.1, AND 17-5-3.5 OF THE TOOELE COUNTY LAND USE ORDINANCE, ENACTING DEFINITIONS AND PERMITTED USES FOR SOLAR ENERGY SYSTEMS AND ROOFTOP MOUNTED SOLAR ARRAYS

WHEREAS, the Tooele County Land Use Ordinance (TCLUO) does not currently identify any type of solar energy system or rooftop mounted solar array as an allowed use within any zoning district in the county. These uses are also not defined within the definitions chapter of the ordinance. County Planning Staff has recommended that they be added to the TCLUO.

NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE BODY OF TOOELE COUNTY, UTAH AS FOLLOWS:

SECTION I – SECTION AMENDED. Section 2-2, *Definitions*, of the Tooele County Land Use Ordinance is hereby amended and renumbered to include the following definitions:

(226) “Rooftop Mounted Solar Array” means a rooftop photovoltaic power station, or rooftop photovoltaic system, which has its electricity-generating solar panels or arrays mounted on the rooftop of an agricultural, residential, commercial, or industrial building or structure.

...

(241) “Solar Energy System” means a facility that collects and converts sunlight into electricity, whether by photovoltaics, concentrating solar thermal devices, or other solar technologies, and transmits such electricity to off-site users, together with all accessory uses and facilities incidental thereto, including, without limitation, generators; electrical transmission and distribution lines and facilities (including transmission lines with a capacity of 50 KV or greater); communication lines, cables, conduits, and facilities; electric transformers, substations, and interconnection facilities; energy storage facilities; telecommunications equipment; control buildings and maintenance yards; access roads, fences and gates.

SECTION II – SECTION AMENDED. Section 17-2-3, *Development Restrictions to Manufacturing Zoning Districts Generally*, in Part 17-2, *Industrial Zoning Districts*, of Chapter 17, *Commercial, Industrial, and Hazardous Industries Zoning Districts*, of the Tooele County Land Use Ordinance, is hereby amended by enacting Subsection 17-2-3(4) to read as follows:

(4) The following provisions apply to Solar Energy Systems:

(a) No above-ground Solar Energy System facility or structure (other than access roads, gates and fences) shall be located closer than one mile to any Residential District boundary line (not including Agricultural Zoning Districts) unless otherwise approved by the Zoning Administrator through the site plan review process.

(b) Except as set forth in 4(a) above, no minimum lot size, maximum lot coverage or building height, or other side yard or setback requirements apply to Solar Energy Systems.

(c) No minimum off-street parking or open space requirements apply to Solar Energy Systems.

(d) The installation of sidewalks along the entire property line abutting a public street is not required unless the Zoning Administrator determines that a sidewalk is necessary to serve a public need or the public health, safety and welfare.

(e) Rooftop Mounted Solar Arrays located on industrial buildings in any (M-G and M-D) Zoning District are exempt from the one-mile buffer requirement.

SECTION III – TABLE AMENDED. Chapter 15, Table 15-5-3.1, of the Tooele County Land Use Ordinance is hereby amended and renumbered to include the following use:

Table 15-5-3.1. Agriculture, forestry, and keeping of animals.											
#		Multiple Use (MU-)			Agriculture (A-)				Rural Residential (RR-)		
		40	80	160	5	10	20	40	1	5	10
n	Rooftop Mounted Solar Arrays	-	-	-	P	P	P	P	P	P	P

SECTION IV – TABLE AMENDED. Chapter 16, Table 16-4-3.1, of the Tooele County Land Use Ordinance is hereby amended and renumbered to include the following use:

Table 16-4-3.1. Agriculture, forestry, and keeping of animals.								
#		Residential (R-1-__)				Multiple Residential (R-M-__)		
		21	12	10	8	7	15	30
e	Rooftop Mounted Solar Arrays	P	P	P	P	P	P	P

SECTION V – TABLE AMENDED. Chapter 17, Table 17-5-3.1, of the Tooele County Land Use Ordinance is hereby amended and renumbered to include the following use:

Table 17-5-3.1. Agriculture, forestry, and keeping of animals.								
#		Commercial (C-)				Industrial (M-)		Haz. Ind.
		N	S	H	G	D	G	MG-H
e	Rooftop Mounted Solar Arrays	P	P	P	P	-	-	-

SECTION VI – TABLE AMENDED. Chapter 17, Table 17-5-3.5, of the Tooele County Land Use Ordinance is hereby amended and renumbered to include the following uses:

Table 17-5-3.5. Industrial uses.								
#		Commercial (C-)				Industrial (M-)		Haz. Ind.
		N	S	H	G	D	G	MG-H
J	Rooftop Mounted Solar Arrays	-	-	-	-	P	P	-
...								
M	Solar Energy Systems	-	-	-	-	C	C	-

SECTION VII – REPEALER. Ordinances and resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Ord. 2014-03

SECTION VIII – EFFECTIVE DATE. This ordinance shall become effective fifteen (15) days after its passage, provided it has been published, or at such publication date if more than fifteen (15) days after passage.


IN WITNESS WHEREOF the Tooele County Commission, which is the legislative body of Tooele County, passed, approved, and enacted this ordinance this 15th day of May 2018.

ATTEST:

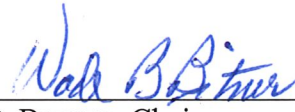

Marilyn K. Gillette, Clerk/Auditor



APPROVED AS TO FORM:


SCOTT A. BROADHEAD
Tooele County Attorney

TOOELE COUNTY COMMISSION:


WADE B. BITNER, Chairman

Commissioner Bateman voted aye
Commissioner Bitner voted aye
Commissioner Milne voted aye