
Elwood City Renewable Energy Ordinance

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SECTION 1 TITLE

The title of this Ordinance is the Elwood City Renewable Energy Ordinance, and will be referred to herein as THIS ORDINANCE.

SECTION 2 PURPOSE

This Ordinance is established to regulate the installation and operation of Renewable Energy Systems within Elwood City not otherwise subject to siting and oversight by the State of Utah. In no case shall the provisions of this Ordinance guarantee rights to solar access for new systems.

SECTION 3 JURISDICTION

The jurisdiction of this Ordinance shall apply to all areas of Elwood City.

SECTION 4 INTERPRETATION

This Ordinance, shall at a minimum, promote and protect the public health, safety, and general welfare. Where the provisions of this Ordinance impose greater restrictions than those of any statute, ordinance, or regulations, the provisions of this Ordinance shall be controlling. Where the provisions of any statute, ordinance or regulation impose greater restrictions than this Ordinance, the provisions of such statute, other ordinance, or regulation shall be controlling.

SECTION 5 DEFINITIONS

For the purpose of this Ordinance, the following terms shall have the meaning given to them in this section. To the extent a term is used in this Ordinance is not defined in this section, the term shall have the meaning given in the Elwood City Zoning Ordinance.

Applicant – Any person, provider, firm, partnership or company who files an application for any permit required for this Ordinance for the construction, replacement, or alteration of Solar/Construction/Development or any component thereof.

Appeals – An officially constituted quasi-judicial person appointed by the City Council whose principle duties are to hear appeals from decisions of the Zoning Administrator and, where appropriate, grant variances from the strict application of this Ordinance.

Conditional Use – Means a specific type of structure or land use listed in the official control that may be allowed but only after an in-depth review procedure and with appropriate conditions or restrictions as provided in the official zoning controls or building codes and upon a finding that: (1) certain conditions as detailed in the Zoning Ordinance exist and (2) the structure and/or land use conform to the comprehensive land use plan if one exists and are compatible with the existing neighborhood.

Dwelling – A residential building or portion thereof intended for occupancy by a single family, but not including hotels, motels, boarding or rooming houses or tourist homes.

Nameplate Capacity – The total maximum rated output of a solar energy system.

Power Purchase Agreement – A legally enforceable agreement between two or more persons where one or more of the signatories agrees to provide electrical power and one or more of the signatories agrees to purchase the power.

Professional Engineer – A qualified individual who is licensed as a professional engineer in the State of Utah.

Project Owner – An individual or entity with legal ownership of a solar project.

Receptor – Structures intended for human habitation, whether inhabited or not, including but not limited to churches, schools, hospitals, public parks, the manicured areas of recreational establishments designed for public use, including but not limited to golf courses, and camp grounds.

Renewable Energy – Energy from sources that are not easily depleted such as moving water (hydro, tidal and wave power), geothermal energy, solar energy, wind energy, and energy from solid waste treatment plants.

Roof Pitch – The final exterior slope of a building roof calculated by the rise over the run, typically but not exclusively expressed in twelfths, such as 3/12, 9/12, or 12/12.

Small Wind Energy Systems - "Small wind energy system" means a structure or structures that may include a wind turbine, a tower, footings, electrical infrastructure, and associated equipment and structures intended to utilize wind power for the pumping of water for agricultural use on the parcel or property on which the system is located, or for electrical power generation for on site consumption of a main building and/or accessory buildings or the electrical grid and that has a rated capacity of not more than twenty five (25) kilowatts.

Solar Collector – A device, structure, or part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical, or electrical energy.

Solar Daylighting – A device specifically designed to capture and redirect the visible portion of the solar spectrum, while controlling the infrared portion, for use in illuminating interior building spaces in lieu of artificial lighting.

Solar Energy – Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

Solar Energy Device – A system or series of mechanisms designed primarily to provide heating, cooling, electrical power, mechanical power, solar daylighting or to provide any combination of the foregoing by means of collecting and transferring solar generated energy into such uses either by active or passive means. Said systems may also have the capacity to store energy for future utilization. Passive solar energy systems shall clearly be designed as a solar energy device, such as a trombe wall, and not merely part of a normal structure, such as a window.

Solar Energy System – A set of devices that the primary purpose is to collect solar energy and convert and store it for useful purposes including heating and cooling buildings or other energy-using processes, or to produce generated power by means of any combination of collecting, transferring, or converting solar energy. This definition also includes structural design features, the purpose of which is to provide daylight for interior lighting.

Solar Energy System, Accessory Use – A solar energy system that is secondary to the primary use of the parcel on which it is located and which is directly connected to or designed to serve the energy needs of the primary use. Excess power may be sold to a power company.

Solar Energy System, Active – A solar energy system whose primary purpose is to harvest energy by transforming solar energy into another form of energy or transferring heat from a collector to another medium using mechanical, electrical, or chemical means.

Solar Energy System, Building Integrated – An active solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Such systems include, but are not limited to, solar energy systems that function as roofing materials, windows, skylights, and awnings.

Solar Energy System, Grid-intertie – A photovoltaic solar energy system that is connected to an electric circuit served by an electric utility company.

Solar Energy System, Ground-mounted – A solar collector, or collectors, located on the surface of the ground. The collector or collectors may or may not be physically affixed, or attached to the ground. Ground-mounted systems include pole-mounted systems.

Solar Energy System, Large – A solar energy system with a nameplate capacity of forty kilowatts or more. (For numbers 1-100, you can spell out or leave as numbers or do forty (40), the rule is to be consistent. Numbers are not always consistent in this ordinance).

Solar Energy System, Off-grid – A photovoltaic solar energy system in which the circuits energized by the solar energy system are not electrically connected in any way to electric circuits that are served by an electric utility company.

Solar Energy System, Passive – A solar energy system that captures solar light or heat without transforming it to another form of energy or transferring the heat via a heat exchanger.

Solar Energy System, Photovoltaic – An active solar energy system that converts solar energy directly into electricity.

Solar Energy System, Primary Use – A solar energy system which is the primary land use for the parcel on which it is located and which generates power for sale to a power company, or other off-premise consumer.

Solar Energy System, Reflecting – A solar energy system that employs one or more devices designed to reflect solar radiation onto a solar collector. This definition includes systems of mirrors that track and focus sunlight onto collectors located at a focal point. The collectors may be thermal or photovoltaic.

Solar Energy System, Roof-mounted – A solar collector, or collectors, located on the roof of a building or structure. The collector or collectors may or may not be physically affixed, or attached to the roof.

Solar Energy System, Small – A solar energy system with a nameplate capacity of less than forty (40) kilowatts.

Solar Heat Exchanger – A component of a solar energy device that is used to transfer heat from one substance to another, either liquid or gas.

Solar Hot Air System – Also referred to as solar air heat; or a solar furnace. An active solar energy system that includes a solar collector to provide direct supplemental space heating by heating and re-circulating conditioned building air. The most efficient performance typically means vertically mounted on a south-facing wall.

Solar Hot Water System – Also referred to as a solar thermal. A system that includes a solar collector and heat exchanger that heats or preheats water for building heating systems or other hot water needs, including domestic hot water and hot water for commercial or industrial purposes.

Solar Mounting Devices – Devices that allow the mounting of a solar collector onto a roof surface, wall, or the ground.

Total Name Plate Capacity – The total of the maximum rated output of the electrical power production equipment.

Zoning Ordinance – The Elwood City Zoning Ordinance, regulating the use of land and water in the City.

SECTION 6 PROCEDURES & STANDARDS

601 APPLICATION, GENERAL PROCEDURES & STANDARDS

A. Building Permit for a Renewable Energy System shall be applied for and reviewed under the procedures established in the National Electrical Code, Utah Statutes, and Elwood City Zoning Ordinance.

Permit Required: Renewable Energy Systems are a permitted use in all zones provided that the following standards are met:

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

- a. Property lines and physical dimensions of the property.
- b. Location, dimensions, and types of existing structures on the property.
- c. Location of the proposed Renewable Energy Systems.
- d. The right-of-way of any public road that is contiguous with the property.
- e. All overhead utility lines.

2. Exception: Site Plans are not required for Roof Mounted Solar Systems.

B. Engineering Drawings. Engineering Drawings shall include, but not limited to, the following items:

1. Engineered foundation and Renewable Energy System drawings stamped by a Professional Engineer licensed in the State of Utah.

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

3. Exception: An Engineering stamp is not required when all of the following requirements are met: Flush mounted OEM racking roof installations and total panel weight including mounting hardware does not exceed four (4) pounds per square foot.

4. Specifications associated with the installation of the Renewable Energy System and related equipment.

5. The location of all Emergency Power Disconnect Switches.

C. There shall be no signs posted on a Renewable Energy System or any associated building, except for the manufacturer's or installer's identification, appropriate warning signs, or owner identification.

D. Renewable Energy Systems and equipment shall be labeled and secured to prevent unauthorized access.

E. Systems shall not cause interference with television, satellite, microwave, navigational, or radio reception to neighboring properties and areas.

F. All Renewable Energy Systems must be placed in rear yards, except Roof Mounted Solar Systems.

G. Systems shall be in compliance with any applicable local, state and federal regulatory standards, including, but not limited to, the State of Utah Uniform Building Code, as amended, and the National Electric Code, as amended.

H. Abandonment & Decommissioning: Renewable Energy Systems that are out-of-service for a continuous period of three hundred, sixty-five (365) days shall be deemed to have been abandoned and shall either be recommissioned into service as installed or decommissioned and removed, as well as all associated apparatus. Roof Mounted Solar Systems are exempt from this requirement.

I. Signing the Building Permit Application constitutes as evidence of the consent of the owner/agents to the terms of this ordinance.

602 PUBLIC NOTICE.

No public notice is required for the Zoning Administrator to approve a Renewable Energy System.

603 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 by the Building Inspector. Incomplete applications shall be returned to the applicant with a list of the deficiencies.

B. Zoning Administrator Review. The Zoning Administrator shall review the proposed Building Permit Application for a Renewable Energy System and shall grant approval of the Building Permit Application for a Renewable Energy System after the Zoning Administrator is satisfied that the reasonably anticipated detrimental impacts of a proposed Renewable 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. Signature of the Zoning Administrator and Building Inspector together with the approved site plan and aforementioned standards shall

constitute approval of the Building Permit Application for a Renewable Energy System. If the Zoning Administrator denies the Building Permit Application explicit and careful Findings of Fact shall be enumerated for the record as to why the reasonably anticipated detrimental impacts of a proposed Renewable 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 Building Permit Application for a Renewable Energy System is an Administrative Decision.

C. Planning Commission Review. The Zoning Administrator is authorized to bring any Building Permit Application for a Renewable Energy System 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. Approval of a Renewable Energy System Permit is an Administrative Decision.

604 SMALL WIND ENERGY CONVERSION SYSTEMS STANDARDS

A. Building Permit Application submitted to the city for a Renewable Energy System under this section shall not be considered complete unless in addition to the General Procedures & Standards set forth in section #601 it contains the following information, including but not limited to:

1. Manufacturer's specifications and recommended installation methods for all major equipment, including wind collectors and the number of collectors to be installed, mounting systems, and foundations for poles or racks.
2. No more than one small wind energy system shall be permitted per lot and shall only generate energy for use of a main building and/or accessory buildings located on the same lot. This standard however is not intended to prohibit the transfer of excess energy to the power grid.
3. Setbacks for small wind energy systems shall be one time, PLUS 3 feet the height of the wind structure with the blades being a part of the structure as measured from the blade at the highest point.
4. Maximum allowed height shall be sixty-five feet (65'). Additional height restrictions may be imposed if the small wind energy system is in any airport's fly zone.
5. There shall be a minimum vertical blade clearance from the ground of twenty (20) feet.
6. Systems shall have an automatic system to prevent uncontrolled rotation.

7. Systems shall not cause a sound pressure level in excess of sixty (60) dB or in excess of five (5) dB 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.
8. Systems shall not cause vibrations through the ground, which are perceptible beyond the property line containing the wind tower.
9. Systems shall be designed with a monopole and without guy-wires or support structures.
10. Systems shall have a non-reflective, neutral color surface.
11. Systems shall not be artificially lighted or exceed the permitted height that would require any type of lighting by the Federal Aviation Administration.
12. Systems shall not cause shadow flicker upon any neighboring primary occupied structure.

605 SOLAR ENERGY SYSTEMS STANDARDS

A. Building Permit Application submitted to the city for a Renewable Energy System under this section shall not be considered complete unless in addition to the General Procedures & Standards set for the in section #601 it contains the following information, including but not limited to:

1. Manufacturer's specifications and recommended installation methods for all major equipment, including solar collectors, the number of collectors to be installed, mounting systems, and foundations for poles or racks.
2. No more than one solar energy system of each kind shall be permitted per lot and shall only generate energy for use of a main building and/or accessory buildings located on the same lot. This standard however is not intended to prohibit the transfer of excess energy to the power grid.
3. A description of the method for connecting the system to a building or substation.
4. A signed copy of the interconnection agreement with the local electric utility or a written explanation outlining why an interconnection agreement is not necessary.
5. Systems producing greater than 500 Watts shall be mounted on a Permanent Structure. Permanent Structures shall include poles, foundations, and/or racks.

605.1 Roof Mounted Solar Energy Systems:

The following standards shall apply to Roof Mounted Solar Energy Systems:

1. Roof-mounted solar energy systems shall not exceed by more than four (4) feet the maximum allowed building height in any zoning district.
2. In addition to the structure setback, the collector surface and mounting devices for roof mounted solar systems shall not extend beyond the exterior perimeter of the structure on which the system is mounted or built, except for when such an extension is designed as an awning.
3. The collector and racking for roof-mounted systems that have a greater pitch than the roof surface shall be set back from all roof edges by at least two (2) feet.
4. Exterior piping for roof-mounted solar hot water systems may extend beyond the perimeter of the structure on side and rear yard exposures.
5. Roof-mounted solar systems, excluding building-integrated systems, shall not cover more than eighty percent (80%) of the south-facing or flat roof upon which the collectors are mounted.

605.2 Pole Mounted Solar Energy Systems:

The following standards shall apply to Pole Mounted Solar Energy Systems:

1. Setbacks for Pole Mounted solar systems shall be one time, PLUS 1 foot the height of the pole structure with the collectors being a part of the structure as measured from the collector at the highest point.
2. Pole Mounted Solar Energy Systems shall not exceed twenty (20) feet in height when oriented at maximum tilt.
3. The pole structure shall be designed with a monopole and without guywires or support structures.
4. Pole Mounted Solar Systems shall not cause shadow flicker upon any neighboring primary occupied structure.

605.3 Ground Mounted Solar Energy Systems:

The following standards shall apply to Ground Mounted Solar Energy Systems:

1. Setbacks for Ground Mounted Solar Systems shall be one time, PLUS 1 foot the height of the pole structure with the collectors being a part of the structure as measured from the collector at the highest point.

2. Ground Mounted Solar Energy Systems shall not exceed twenty (20) feet in height when oriented at maximum tilt.

605.4 Wall Mounted Solar Energy Systems

The following standard shall apply to Wall Mounted Solar Energy Systems:

1. In residential zoning districts, wall-mounted solar energy systems shall cover no more than twenty-five percent (25%) of any exterior wall facing a front yard.

605.5 Photovoltaic Solar Energy Systems

The following standards shall apply to Photovoltaic Solar Energy Systems:

1. No grid-intertie photovoltaic solar energy system shall be installed until documentation has been given to the Zoning Administrator that the owner has notified the utility company of the customer's intent to install an interconnected customer-owned generator. Documentation may consist of an interconnection agreement or a written explanation from the utility provider or contractor outlining why an interconnection agreement is not necessary. Off-grid systems are exempt from this requirement.

2. Photovoltaic solar energy system components must have an Underwriters Laboratory (UL) listing and solar hot water systems must have a Solar Rating & Certification Corporation (SRCC) rating.

605.6 Reflecting Solar Energy Systems

Reflecting solar energy systems are not permitted.

606 Commercial/Industrial Scale Renewable Energy Systems

Commercial/Industrial Scale Renewable Energy Systems are not permitted in any zone.

SECTION 7 RIGHT TO MAINTAIN ACCESS TO RENEWABLE ENERGY SOURCE

Existing renewable energy systems have a right to maintain access to the source of renewable energy required by the system to operate as designed. Neighboring property owner(s) shall not construct any building or other structure that obscures or blocks the renewable energy source to the system. Neighboring property owner(s) shall maintain vegetation so as to not impair access to the renewable energy source.

SECTION 8 ENFORCEMENT, VIOLATIONS, REMEDIES AND PENALTIES

Enforcement of this Ordinance shall be done in accordance with the process and procedures established in the Elwood City Zoning Ordinance. Violations are a Class B Misdemeanors.

**SECTION 9 PUBLIC HEARINGS AND PLANNING COMMISSION
RECOMMENDATIONS**

The Elwood City Planning Commission, after proper notice and publication, held a public hearing on the adoption of this Ordinance and as amended on the 18th day of October, 2016, at the Elwood City Hall. After hearing public testimony and with deliberation, the Planning Commission voted to recommend adoption of this Ordinance to the Elwood City Council on June 6, 2017.

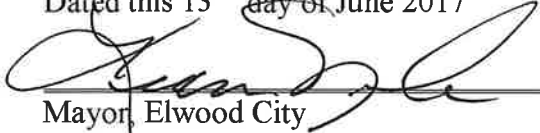
SECTION 10 ADOPTION

The Elwood City Council, after proper notice and publication and with due deliberation, the Elwood City Council voted to adopt this Ordinance on 13th Day of June, 2017.

SECTION 11 EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after June 14, 2017.

Dated this 13th day of June 2017



Mayor, Elwood City

ATTEST:



City Recorder

