



## CITY COUNCIL STAFF REPORT

**MEETING DATE:** 17 June 2015  
**APPLICANT:** South Salt Lake City  
**PROJECT NUMBER:** T-15-005  
**REQUEST:** Land Use Ordinance Amendment enacting an ordinance regulating solar energy systems.  
**PREPARED BY:** Francis Xavier Lilly, AICP

**SYNOPSIS:** South Salt Lake City is petitioning the Planning Commission and City Council to amend the zoning ordinance to establish a chapter regulating the installation of solar energy systems in the City.

### **SUMMARY:**

- Currently, solar energy systems are conditional uses. The Planning Commission recently recommended that solar energy systems be designated as permitted uses, subject to design standards.
- The Community and Economic Development Department has approved 15 solar energy system conditional use permits without controversy.
- Staff recommends approval.

### **PLANNING COMMISSION ACTION**

At a public hearing on 21 May 2015, the Planning Commission unanimously recommended that the City Council enact an ordinance regulating solar systems.

### **STAFF ALTERNATIVES**

#### **Enact an ordinance regulating solar energy systems, for the following reasons:**

1. The proposed ordinance is consistent with the General Plan goals of adopting design standards for residential and commercial development, and for regulating land uses based on compatibility with surrounding uses.
2. The proposed ordinance is consistent with the goal of the land use code to provide for the health, safety, and welfare, and promote the prosperity, improve the morals, peace and good order, comfort, convenience, and aesthetics of the city of South Salt Lake and its present and future inhabitants and businesses.
3. The proposed ordinance is consistent with the goal of the land use code to encourage streamlined, fair, and transparent permitting processes.

**Continuance,** due to issues raised during the staff presentation.



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### **Analysis:**

South Salt Lake City is petitioning the Planning Commission and City Council to amend the zoning ordinance to establish a chapter regulating the installation of solar energy systems in the City. On 21 May 2015, the Planning Commission unanimously recommended approval of the proposed ordinance.

Currently, solar energy systems are conditional uses. In the past three years, staff have approved 15 Category I conditional use permits for solar panel installations. These installations have occurred without controversy, and the City's building inspection staff have been trained in the building and electrical code requirements for solar energy systems. At the meeting on May 7, 2015, the Planning Commission recommended changes to the Definitions and Commercial and Residential Land Use Matrix sections of the ordinance that would make solar energy systems permitted, where currently they are conditional. This ordinance is intended to establish approval standards for solar energy systems.

Designating solar energy systems as a permitted uses with approved design standards will streamline the approval process for solar systems by reducing the time and cost involved in getting a permit.

### **General Plan Considerations:**

**Goal LU-1.** Regulate land uses based on compatibility with surrounding uses, residential areas and economic feasibility. Maintain residential, business and industrial areas that are vibrant and where the health and safety of all are protected.

**Goal LU-12.** Adopt design standards for business and commercial areas.

**Goal HE-5.** Strict development and design standards should be adopted that will result in desirable, modern and attractive houses.

### **Ordinance Requirements and Considerations:**

#### **Land Use Amendment Procedure:**

##### **17.01.150 Amendments.**

- A. Amendments to the Zoning Map. Amendments to the zoning map shall be made in compliance with the provisions of this chapter and Utah State Code Annotated.

- B. Initiating Amendments and Corrections. Any citizen, property owner, the planning commission, the city council, or the community development director may initiate proposals for change or amendment of the South Salt Lake General Plan or any chapter or regulation of this code or the official city zoning map.
- C. Application. Any person seeking an amendment to the land use code or zoning map shall submit an application with the community development department indicating the change desired and how the change will further promote the goals and objectives of the general plan. Application will be processed and noticed to the public, when applicable, according to this code and Utah Code Annotated. Applications will be processed in an efficient manner in order to not cause the applicant unwarranted delays.
- D. Planning Commission. The planning commission shall:
  - 1. Fulfill all duties outlined in state statute that are to be performed by the planning commission.
  - 2. Prepare and recommend to the city council the general plan or amendments to the general plan, any proposed land use ordinance or ordinances and a zoning map, and amendments thereto that represent the planning commission's recommendation for regulating the use and development of land within all or any part of the area of the municipality.
  - 3. Hold a public hearing on a proposed land use ordinance or zoning map amendment.
- E. City Council. The city council:
  - 1. May adopt or amend:
    - a. The number, shape, boundaries, or area of any zoning district on the official city zoning map;
    - b. Any regulation of or within the zoning district; or
    - c. Any provision of the development code.
  - 2. The municipal legislative body shall consider each proposed land use ordinance and zoning map recommended to it by the planning commission, and, after providing notice as indicated in this code and Utah State Code Annotated and holding a public meeting, the legislative body may adopt or reject the ordinance or map either as proposed by the planning commission or after making any revision the municipal legislative body considers appropriate. The city council is not bound by any recommendation from the planning commission.

**17.05.110 Purpose of the land use code.**

- A. The purposes of this title are to provide for the health, safety, and welfare, and promote the prosperity, improve the morals, peace and good order, comfort, convenience, and aesthetics of the city of South Salt Lake and its present and future inhabitants and businesses, to protect the tax base, to secure economy in governmental expenditures, to foster the city's agricultural and other industries, to protect both urban and nonurban development, to protect and ensure access to sunlight for solar energy devices, to provide fundamental fairness in land use regulation, and to protect property values.
- B. To accomplish the purposes of this chapter, the city may enact all ordinances, resolutions, and rules and may enter into other forms of land use controls and development agreements that it considers necessary or appropriate for the use and development of land within the city, including ordinances, resolutions, rules, restrictive covenants, easements, and development agreements governing uses, density, open spaces, structures, buildings, energy efficiency, light and air, air quality, transportation and public or alternative transportation, infrastructure, street and building orientation and width requirements, public facilities, fundamental fairness in land use regulation, considerations of surrounding land uses and the balance of the foregoing purposes with a landowner's private property interests, height and location of vegetation, trees, and landscaping, unless expressly prohibited by law.
- C. This code is adopted to implement the city of South Salt Lake's general plan and to promote public health, safety, convenience, aesthetics, welfare, stable land values, efficient land use, sustainable land use and building practices, crime prevention, transportation and accessibility, and efficiency in land use review and administration.
- D. The land use code is also established to facilitate orderly growth and development in the City of South Salt Lake and to enhance the lives of the citizens of the city.
- E. The land use code intends to establish a fair and efficient process for development and land use applications, as accomplished through the delegation of powers among city officials and a transparent review process.

**Staff Recommendation:**

**Enact an ordinance regulating solar energy systems, for the following reasons:**

1. The proposed ordinance is consistent with the General Plan goals of adopting design standards for residential and commercial development, and for regulating land uses based on compatibility with surrounding uses.
2. The proposed ordinance is consistent with the goal of the land use code to provide for the health, safety, and welfare, and promote the prosperity, improve the morals, peace and good order, comfort, convenience, and aesthetics of the city of South Salt Lake and its present and future inhabitants and businesses.
3. The proposed ordinance is consistent with the goal of the land use code to encourage streamlined, fair, and transparent permitting processes.

**Attachments:**

1. Planning Commission Minutes from 21 May 2015
2. Proposed Solar Energy Systems Ordinance

*Planning Commission Regular Meeting Minutes*  
*Thursday, May 21, 2015*  
*City Council Chambers*  
*220 East Morris Avenue*  
*Time 7:00 p.m.*

**Commission Members Present:**

Rachael Lauritzen, President  
Holly Carson  
Brandon Dalton  
Carly Klein  
Jonathan Meakin  
Mark Kindred

**Staff Members Present:**

Michael Florence, Community Development Director  
Francis Lilly, Deputy Director/Housing Administrator  
Alexandra White, City Planner

**New Business**

- **Public Hearing**  
**T-15-005**
- 1. **A recommendation to the South Salt Lake City Council to enact an ordinance regulating solar energy systems.**

**Action Item**

**Applicant: South Salt Lake**

Community Development Director, Michael Florence, reported that at the last Planning Commission Meeting a recommendation was made to the City Council to make solar panel systems a permitted use in the Land Use Matrix. The proposed ordinance is in response to that amendment.

The following three goals were considered for the General Plan in writing the ordinance:

1. Regulate land uses based on compatibility with surrounding uses, residential areas, and economic feasibility. Maintain residential business and industrial areas that are vibrant where the health and safety of all are protected.
2. Adopt design standards for business and commercial areas.
3. Strict development design standards should be adopted and would result in desirable, modern, and attractive houses.

Mr. Florence explained that the ordinance attempts to regulate how solar panels appear on a home to ensure that they are compatible with the neighborhood for both commercial and residential uses.

The ordinance is intended to preserve the health, safety, and welfare of the citizens by promoting safe, effective, and efficient use of active solar energy, encourage renewable energy resources, promote sustainable building design, and encourage the use of solar energy as an abundant renewable energy resource.

Mr. Florence explained that if an applicant cannot meet the requirements of the section, an applicant will still be allowed to place solar panels on their structure but would need to obtain a Conditional Use Permit. Building-mounted systems are permitted to face any rear, side, or front yard areas. If solar panels face the front yard and a street, additional design standards must be met. Building-mounted systems would be allowed on any permitted or accessory structure.

Panels may be a maximum of 12 inches in height above the roof of the structure. On flat roofs panels must be at a 20 degree angle with a maximum height of six feet for commercial and three feet for residential. A parapet or architectural feature or element would be required to hide the panels from the street. If panels are not visible from the street there is more flexibility in terms of height and angle. Mr. Florence explained that if panels can be seen from the street they must have the same contour and angle as the home to ensure architectural compatibility.

Mr. Florence stated that with any structure the solar panels would require a building permit be obtained. In the process, a structural analysis would be performed on the roof by a structural engineer to determine that the roof will support the structure. Fire Department review will also be required with the building permit to ensure that there is sufficient room for the fire personnel to access the roof in the event of a fire.

With regard to Solar Access Easements, if a property owner desires to work with their neighbor to prevent a tree from being planted in a certain location on the neighbor's property, an easement may be obtained and recorded with the County Recorder's Office.

**Chair Lauritzen opened the public hearing at 7:07 p.m. There were no public comments. The public hearing was closed.**

Commissioner Carson commented that her neighbor has solar panels on his roof and they are not intrusive or obnoxious.

Mr. Florence indicated that the ordinance was reviewed by two of the companies that install solar panels in the City and they provided valuable feedback.

**Motion to recommend the City Council enact an ordinance regulating solar systems, for the following reasons:**

- 1. The proposed ordinance is consistent with the General Plan goals of adopting design standards for residential and commercial development, and for regulating land uses based on compatibility with surrounding uses.**
- 2. The proposed ordinance is consistent with the goal of the Land Use Code to provide for the health, safety, and welfare, and promote the prosperity, improve the morals,**

**peace and good order, comfort, convenience, and aesthetics of the City of South Salt Lake and its present and future inhabitants and businesses.**

- 3. The proposed ordinance is consistent with the goal of the Land Use Code to encourage streamlined, fair, and transparent permitting processes.**

**Commissioner Carson**

**Second on the motion:**

**Commissioner Meakin**

**Vote:**

**Unanimous**

Section 17.17.020  
Solar Energy Systems

I. Purpose

- A. To preserve the health, safety and welfare of the Community's citizens by promoting the safe, effective and efficient use of active solar energy systems installed to reduce the on-site consumption of fossil fuels or utility-supplied electric energy.
- B. Encourage the use of local renewable energy resources, including appropriate applications for solar energy systems.
- C. Promote sustainable building design and management practices in residential, commercial, and industrial buildings to serve the needs of current and future residents.
- D. To encourage the use of solar energy as an abundant, renewable energy resource and that its conversion to electricity or heat will reduce dependence on nonrenewable energy resources.

II. Applicability

- A. This ordinance applies to the construction of any new solar energy system within the City.
- B. Solar energy systems are allowed in the land use districts as per Title 17.15
- C. Solar energy systems that do not comply with the standards of this chapter may still be allowed by a conditional use permit to mitigate the proposed impact and to create compatible design. Review and approval standards are subject to the requirements as found in 17.09.
- D. Solar energy systems installed in a Historic and Landmark District shall be reviewed by the Planning Commission following the standards as found in Title 17.13.180.

III. Setback and Location Requirements

- A. Building mounted systems are permitted to face any rear, side and front yard areas.
- B. Building mounted systems may only be mounted on lawfully permitted principal or accessory structures.
- C. Free standing solar energy systems are subject to the accessory use or structure requirements as found in the Design Review Standards of Title 17. No part of the free standing system shall extend into the required setbacks.

I. Height Restrictions

- A. Pitched Roof

1. For a building mounted system installed on a pitched roof that faces the front yard of a property, the system shall have a maximum distance, measured perpendicular to the roof, of twelve (12) inches between the roof and highest edge or surface of the system.
2. For a building-mounted system installed on a pitched roof, the highest point of the system shall not extend past the roof ridge or bottom or side edges.

B. Flat Roof:

1. Commercial and Industrial Districts: For a building mounted system installed on a flat roof, the highest point of the system shall be permitted to extend up to six (6) feet above the roof to which it is attached at a twenty (20) degree angle maximum and shall meet all design review, screening and visibility requirements found elsewhere in this chapter.
2. Multifamily Residential Districts: For a building-mounted system installed on a flat roof, the highest point of the system shall be permitted to extend up to six (6) feet above the roof to which it is attached at a twenty (20) degree angle maximum and shall meet all design review, screening and visibility requirements found elsewhere in this chapter.
3. Single Family Residential Zones: For a building-mounted system installed on a flat roof, the highest point of the system shall be permitted to extend up to three (3) feet above the roof to which it is attached at a twenty (20) degree angle maximum and shall meet all design review, screening and visibility requirements found elsewhere in this chapter.

II. Design Standards

- A. Solar energy systems shall be designed to blend into the architecture of the building and surrounding neighborhood where feasible or screened from view from public right-of-ways. Screening from the view of an alley is not required. Screening may be accomplished through the following methods:
  1. Parapet wall;
  2. Setback from the roof edge;
  3. Architectural elements attached to the building;
  4. The Land Use Authority may consider other architectural methods as proposed by the applicant that will meet the same intent of this section and of similar material quality and craftsmanship.

- B. For a building mounted system installed on a pitched roof that faces the front yard or public right-of-way of a property, the system must be installed at the same angles and contour as the roof on which it is installed.
- C. For Solar energy systems using roof mounting devices that do not face the front yard or a public right of way, every effort shall be made to comply with the height and design standards of this ordinance. The Land Use Authority may allow modifications in height and panel angle to accommodate appropriate use of the Solar Energy System without going through the conditional use permit process when the panels do not face the front yard or a public right-of-way.
- D. Building integrated solar energy systems shall be allowed, provided the building component in which the system is integrated meets all required setback and design standards for the district in which the building is located.
- E. Panels shall be constructed of non-glare glass with an aluminum frame or of materials better or equal to such.
- F. Reasonable efforts, as determined by the Land Use Authority, shall be made to minimize visual impacts by preserving natural vegetation, screening adjoining properties, or other appropriate measures.

### III. Permits Required

- A. It is unlawful for any person whether acting as owner, occupant or contractor, or otherwise to install, construct, reconstruct, enlarge, locate or alter any solar energy system within the City contrary to any provisions of this chapter or without first obtaining a building permit from the department. No system shall be installed, constructed, reconstructed, located or altered until the plans for such system have been approved and a permit issued by the department.
  - B. Solar Energy Systems shall comply with all applicable building and electrical codes adopted by the City.
  - C. The Fire department shall approval of all Solar Energy Systems plans for emergency access and fire code compliance
  - D. Building mounted Solar Energy Systems located on the roof or attached to a structure, shall provide a structural report by a licensed engineer as part of the building permit application.
- VI. Solar Access Easement. A property owner who has installed or intends to install a solar energy system may negotiate with other property owners in the vicinity for any desired solar easement to protect solar access for the system and may record the easement with the Salt Lake County Recorder's Office.