

ORDINANCE 85-3

THE TOWN OF CASTLE VALLEY

(This Ordinance 85-3 dated October 17, 2018, supersedes any earlier dated Ordinance 85-3)

AN ORDINANCE PROVIDING FOR LAND USE IN THE TOWN OF CASTLE VALLEY, UTAH.

Be it ordained by the Town Council of the Town of Castle Valley, Utah:

In order to provide for Land Use Regulation within the Town of Castle Valley this Land Use Ordinance of the Town of Castle Valley is enacted to read as follows:

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migratory beekeeping operations of any size, either permanent or temporary, are prohibited.

- D. On-site motor vehicle, trailer or boat repair shops; auto body and/or fender repair shops; manufacture of, assembly of, or on-site repair shops for heavy equipment, major appliances, or engines; junkyards; and mortuaries or crematoriums are prohibited. (See also Section 4.8.2 Prohibited Uses for Home and Premises Occupations.)

4.5 CONDITIONAL USES FOR RAR-1 ZONE

4.5.1 Nonpermanent Conditional Use Permits

Nonpermanent Conditional Use Permits may be deemed routine or nonroutine as further provided for under other sections of this Land Use Ordinance. The following nonpermanent uses of land may be permitted in the RAR-1 zone upon compliance with the requirements set forth in this Land Use Ordinance and after approval has been granted by the designated Land Use Authority for a nonpermanent conditional use permit:

- A. Nurseries, botanical.
- B. Premises Occupations as provided for in this land use ordinance. (See also Section 4.8.2 Prohibited Uses for Home and Premises Occupations)
- C. Home Occupations as provided for in this land use ordinance. (See also Section 4.8.2 Prohibited Uses for Home and Premises Occupations)
- ~~D. The raising, care, and keeping of no more than three (3) animal units of livestock per acre on each legally platted lot in the Town of Castle Valley as determined from section 4.9 of this land use ordinance. One acre of land on each legally platted lot shall be deemed as a residential housing acre and shall be excluded from the total acreage available for animal unit calculations. Also, no more than 12 large sized animals, or 50 medium sized animals, or 150 small sized animals shall be allowed on each legally platted lot as determined from the chart in section 4.9.~~
- ~~E. Animals not listed on the chart in section 4.9 of this land use ordinance.~~
- ~~F.D.~~ Day care nurseries and family day care centers.
- ~~G.E.~~ Fences which exceed four (4) feet in height and which enclose more than one (1) acre of land on lots designated by the Town Council for commercial agricultural use as provided in Ordinance 2003-3.
- ~~H.F.~~ Additional kitchens, as defined in this Land Use Ordinance, exceeding one kitchen per legally platted lot.

4.5.2 Permanent Conditional Use Permits

Permanent Conditional Use Permits shall be deemed nonroutine. The following permanent buildings and structures may be permitted in the RAR-1 zone upon compliance with the requirements set forth in this Land Use Ordinance and after approval has been granted by the Designated Land Use Authority for a permanent conditional use permit:

- A. Public buildings.
- B. New or substantial changes to existing irrigation ditches, spring fed ponds, water pipelines, and flood control structures.
- C. Above ground water storage tanks that are different from those specified in Section 4.2.L of this Land Use Ordinance.
- D. Schools, churches, cemeteries, parks, playgrounds and arboretums.
- E. Windmills and other wind energy systems.

4.9 PERMITTED LIVESTOCK REQUIREMENTS AND ANIMAL UNITS FOR RAR-1 ZONE

In addition to the requirements regarding livestock in the Town's Watershed Protection Ordinance 96-1, the raising, care, and keeping of livestock shall be considered a permitted use provided that a density of no more than one and one-half (1.5) animal units per acre shall be allowed on each legally platted lot as determined from the chart in this section. ~~Livestock not listed in this chart may be allowed through a conditional use permit.~~ Also, no more than 8 large sized animals, or 30 medium sized animals, or 100 small sized animals shall be allowed on each legally platted lot as determined from the chart in this section. One acre of land on each legally platted lot shall be deemed as a residential housing acre and shall be excluded from the total acreage available for animal unit calculations. (Example: 5 acre lots would have 4 acres available for animal unit calculation: 4 acres x 1.5 animal units per acre = 6 animal units per 5 acre lot)

Livestock shall not be allowed on a lot where the owner or resident caretaker of such livestock does not reside, or on a lot that is contiguous with a lot where the owner or resident caretaker does not reside, except when rented, hired or borrowed for not more than thirty (30) days for weed or insect control. Livestock shall be maintained in such a way to minimize dust, odors, noise, loss of vegetation and loss of topsoil due to erosion, or other nuisances. Best management practices are conservation and land management practices that reduce or prevent leaching and runoff of pollutants to surface and groundwater. Proper management of animal waste shall implement best management practices through regular removal of manure from the lot, safe storage, application as a soil amendment, spread on unoccupied pastures to sun cure, or through composting of manure. Surface drainage from animal waste shall not be permitted to drain off the lot, into a natural stream, or into a drainage way that drains into a natural stream. Sufficient water rights to support the use of such livestock must be obtained.

4.9.1 Fencing Requirements for livestock

All livestock shall be properly fenced so as to be confined to the property and to prevent any trespassing of livestock upon the premises of another or to run at large within the town. The owner or caretaker of any livestock shall not allow the animal to graze on public property, or to be staked out on public property.

4.9.2 Barn, Stable, Coop, Animal Shed

Barns, corrals, pens, coops, and sheds for the keeping of livestock shall be located at least 70 feet from property lines between contiguous lots and at least 100 feet from any existing dwelling on a neighboring lot or parcel. This setback is not required for fenced pastures. Such structures shall also be 20 feet from any open waterway; and any surface drainage from such structures shall not be permitted to drain off the lot, into a natural stream, or into a drainage way that drains into a natural stream. Best management practices shall be employed to ensure that enclosures and coops are maintained in a clean and sanitary condition.

4.9.3 Animal Units

Animal units are a unit of measurement used to establish an equivalent density for various species of livestock. The animal unit capacity on any legally platted lot is determined by multiplying the number of animals of each species by the appropriate equivalency factor from the following chart and summing the resulting totals for all animal species contained in the operation.

4.9.4 Animal Unit Chart (An animal and offspring shall be considered to be one animal until six months after the birth of the offspring.)

Large Sized Adults Over 6 months of Age (No more than 8 large sized animals from this category shall be allowed as a permitted use ~~and no more than 12 large sized animals from this category shall be allowed as a conditional use on each legally platted lot~~).

Bison, buffalo (under 2 years old) 0.50

Bison, buffalo 1.00

Burro, donkey 1.00

Cattle, beef – slaughter and feed (under 2 years) 0.50

Cattle, beef – slaughter and feed 1.00

Cattle, dairy (bulls or cows 1.00)

Horses, mules 1.00

Horses – miniature 0.50

Swine, mature broodstock 0.60

Medium Sized Adults Over 6 Months of Age (No more than 30 medium sized animals from this category shall be allowed as a permitted use ~~and no more than 50 medium sized animals from this category shall be allowed as a conditional use on each legally platted lot~~).

Alpaca or Llama 0.20

Burro, donkey -- miniature 0.40

Emu, less than 100 lbs. 0.10

Emu, more than 100 lbs. 0.20

Goat, mature broodstock 0.10

Goat, feeder (less than 80 lbs.) 0.05

Goat, miniature 0.05

Ostrich 0.20

Sheep feeder (less than 80 lbs.) 0.10

Sheep, feeder (more than 80 lbs.) 0.20

Sheep, mature broodstock 0.40

Swine, feeders (less than 50 lbs.) 0.10

Swine, feeders (50 lbs. to market) 0.20

Small Sized Adults Over 6 months of Age (No more than 100 small sized animals from this category shall be allowed as a permitted use ~~and no more than 150 small sized animals from this category shall be allowed as a conditional use on each legally platted lot~~).

Chickens, Broiler or Layer 0.02

Geese, ducks, swans, turkeys, peafowl 0.03

Rabbit, fryer and mature 0.02

~~4.10 SPECIFIC REVIEW CRITERIA FOR NONROUTINE CONDITIONAL USE PERMITS FOR LIVESTOCK EXCEEDING ONE AND ONE HALF (1.5) ANIMAL UNITS PER ACRE FOR RAR-1 Zone~~

~~—The purpose of this section is to allow for a greater number of animal units per acre through the application and approval of a nonroutine conditional use permit. The intent is to insure a balance of sustainable livestock practices for personal and business uses while preserving the quality of life for adjacent neighbors and protection of the Town's unconfined aquifer. Sustainable livestock practices ensure that the demands placed on the natural environment do not exceed or endanger the current supply of resources needed to sustain such practices. Also, it is the intent of this section to insure that animals have a humane environment under conditions and care that limit stress and are able to live in an appropriate and comfortable environment that includes sufficient space, proper facilities, shelter, and resting areas.~~

~~—The following requirements have been put in place to assist the Designated Land Use Authority in making well-informed decisions whether to grant, grant with conditions, or deny conditional use permits for livestock of more than one and one half (1.5) animal units per acre, and for livestock not listed on the chart in section 4.9 of this land use ordinance, at their discretion based on the potential impact on the surrounding residential community and natural environment.~~

~~4.10.1 General Operating Requirements~~

~~—Livestock of more than one and one half (1.5) animal units per acre on each legally platted lot is considered a conditional use. Livestock not listed on the chart in section 4.9 of this land use ordinance is also considered a conditional use. One acre of land on each legally platted lot shall be deemed as a residential housing acre and shall be excluded from the total acreage available for animal unit calculations. A conditional use which allows more than one and one half (1.5) animal units per acre shall not exceed three (3) animal units per acre as determined from the chart in section 4.9 of this land use ordinance. Also, no more than 12 large sized animals, or 50 medium sized animals, and 150 small sized animals is considered a conditional use on each legally platted lot as determined from the chart in section 4.9 of this land use ordinance. (Example: 5 acre lots would have 4 acres available for animal unit calculation: 4 acres x 3 animal units per acre = 12 animal units per 5 acre lot).~~

~~Example 1 of Maximum Animals Allowed as a Conditional Use Permit:~~

6 Horses =	6 Animal Units
4 Cow =	4 Animal Units
10 Goats =	1 Animal Units
25 Chickens =	1 Animal Units
Total	12 Animal Units per legally platted 5 acre lot

~~Example 2 of Maximum Large Animals Allowed as a Conditional Use Permit:~~

4 Cows =	4 Animal Units
8 Miniature Horses =	4 Animal Units
12 Large Animals	8 Animal Units

~~Example 3 of Maximum Medium Animals Allowed as a Conditional Use Permit:~~

4 Cows =	4 Animal Units
50 Goats =	5 Animal Units
50 Medium Animals	9 Animal Units

~~—All approved conditional use permits for livestock exceeding one and one-half (1.5) animal units per acre shall comply with the permitted livestock requirements in section 4.9 of this ordinance and the general operating requirements of this section, in addition to any specific conditions imposed as part of the conditional use permit approval process. A lower number than three (3) animal units per acre may be granted as a conditional use for the first year. This number may be increased at the time of renewal in subsequent years if the owner requests such an increase and if he or she is able to demonstrate that appropriate facilities and practices are being employed.~~

~~—The Land Use Authority may set conditions to ensure that facilities are present and that appropriate and best management practices are being employed regarding:~~

- ~~A. Prevention of surface or ground water contamination.~~
- ~~B. Prevention of excessive manure accumulation—best management practices employed to ensure that regular mucking of manure occurs and shall be kept in areas that will not drain into a natural stream or into a drainage way that drains into a natural stream.~~
- ~~C. Prevention of excessive insect accumulation through the use of organic methods.~~
- ~~D. Prevention of odor, noise, or other nuisances—the number of certain types of male livestock may be limited such as limiting roosters due to noise or limiting male goats due to odor.~~
- ~~E. Prevention of the loss of vegetation and loss of topsoil due to erosion. In some areas due to the fragile soils and sparse vegetative cover, property owners may be required to keep all livestock to an enclosed area. The Land Use Authority may also designate the areas of the lot suitable for maintenance of livestock.~~
- ~~F. At least one half acre of pasture shall be available and utilized for each large animal exceeding one and one-half animal units per acre. The terrain and slope of the property must be suitable for such additional animals. When pasture is not appropriate for the type of animal, or when not available due to water quality, an outside area of at least one-half ($\frac{1}{2}$) acre shall be provided for each large animal exceeding one and one-half (1.5) animal units per acre.~~
- ~~G. Barn areas for medium sized animals shall provide a minimum of 15 square feet per animal.~~
- ~~H. An outside area of at least one-tenth (1/10) acre shall be provided and utilized for each medium sized animal (2,000 sq ft).~~
- ~~I. An outside area of at least ten (10) square feet per fowl shall be provided and utilized.~~
- ~~J. Coop areas for fowl shall provide a minimum of four square feet of habitable area per fowl.~~
- ~~K. Sufficient water rights to support the use of such livestock must be obtained.~~
- ~~L. Determination of appropriate animal unit equivalency factor for livestock not listed on the chart in section 4.9 of this land use ordinance based on livestock of similar weight and size listed on the chart. The animal unit equivalency factor determined shall be used when calculating the total number of animal units allowed per legally platted lot.~~

4.101 TEMPORARY ACCESSORY DWELLINGS FOR MEDICAL PURPOSES (TADs)

The Town of Castle Valley (herein referred to as Town) allows only one dwelling per legally platted lot. Repeated surveys regarding owners' and residents' preferences have continually supported maintaining one dwelling per lot as well as a rural agricultural environment. Over the years, however, a few residents have requested a way to care for aging parents who are able to maintain a separate residence but need close proximity of their family for assistance. The Temporary Accessory Dwelling For Medical Purposes section of this land use ordinance is designed to accommodate this specific need.

No TAD shall be allowed that does not comply with maximum square footage and building height requirements as further provided for in this Land Use Ordinance. Property owners may remove a building or buildings in order to install a TAD and not exceed Town Land Use Regulations pertaining to maximum square footage and building height requirements.

4.101.1 Physical Characteristics

- A. TADs must be a recreational vehicle, park trailer, or a single-wide manufactured home.
- B. TADs must remain mobile by retaining their wheels, axles, and towing hitch. No TAD may have masonry skirting.
- C. TADs must be connected to the main dwelling's utilities and septic system. A septic upgrade is permitted, but no second septic system is allowed for a TAD. There will be no second electric meter for the TAD.
- D. TADs must be situated to the main dwelling in a manner that does not disrupt the current view shed of adjoining neighbors, and to protect open space.
- E. TADs may not have a basement, or other additions. No additional accessory buildings to serve the TAD shall be permitted.

4.101.2 Use

- A. Residents of a TAD are limited to people certified infirm, either physically or mentally, or to no more than three (3) care givers for the infirm property owners residing in the principle residence. The latter must be certified to be infirm. A care giver may be allowed to reside in the TAD with the infirm family member upon approval by the Town Council. Infirmary means that the person(s) are incapable of maintaining a residence on separate property. The infirmity must be due to physical or mental impairment. Financial hardship conditions, childcare and other convenience arrangements not relating to physical and mental impairment are not considered an infirm condition for which a permit can be issued.
- B. The nature of the infirmity must be certified by two (2) written statements: one-from the patient's current primary care medical doctor (MD) or osteopath (DO), the second opinion from the patient's local primary care medical doctor from a Utah or Colorado licensed MD or DO. The statements shall be on the care provider's stationary or stamped by the office, and shall indicate that the patient is not physically or mentally capable of maintaining him/herself in a residence on a separate property, and is dependent upon someone being close by for assistance. The Town Council may allow the second certification from the patient's local primary care doctor to be submitted to the Town within three (3) months of the infirm family member taking occupancy of the TAD.
- C. TADs may only be used by immediate family members or designated caregivers. "Immediate family" is defined as the parents, children and siblings only of the property owners or lawful tenant of the property owner.
- D. No more than a total of three (3) persons shall occupy a TAD.

E. Applicants must be one of the following: the property owner or legal tenant of the subject lot; the property owner's or legal tenant's health-care power of attorney or legal guardian; a resident named as a trustee on the title of the subject lot; or an immediate family member of the lot owner or legal tenant. If the applicant is not the property owner, the property owner (or legal guardian) must consent to the requirements of this application in writing including having their signature notarized on the application.

F. A TAD permit is issued for a specific type of occupant to be listed on the permit such as a designated or paid caregiver, an immediate family member, or the property owner. Only the type of occupant listed in the permit may reside in the TAD.

G. No TAD may be rented or leased.

H. The care giver may remain in the TAD for up to thirty (30) days after the infirm family member no longer resides in the TAD.

4.104.3 Other

A. TADs must remain taxable as personal property. The owner must retain the title, or "MSO", and a copy must accompany the application and be filed with the Town. No "affidavit of an affixture" may be filed.

B. The applicant must receive Town approval for temporary use of water rights to allow the temporary residential use of a TAD.

C. TAD permits do not run with the land. No amount of investment by the permittee shall constitute a reason to have the TAD run with the land.

D. A permittee assumes all financial risk related to installing and removing a TAD.

E. No TAD shall violate the provisions of any deed restriction.

F. The permit shall be signed by all of the property owners of the subject property and their signatures notarized, and recorded in the Recorder's Office of Grand County, Utah.

4.104.4 Renewal Of Permits

A. TAD permit is valid for no more than two (2) years from the date of issuance and must be renewed on a biannual basis. All renewal requests must comply with the requirements for issuance specified at the time of renewal.

B. It is the sole responsibility of the applicant to initiate and complete the renewal process.

C. The Town will attempt to give a courtesy notice of the upcoming renewal date, but failure to receive notice does not waive enforcement of the renewal compliance date.

D. The permit shall not be renewed until a review has been conducted by the Designated Land Use Authority to determine the continued validity of the use.

E. Updated certifications of infirmity must be received from the patient's local primary care medical doctor from Utah or Colorado licensed medical doctors or osteopaths, unless the Town Council waives this requirement.

4.104.5 Expiration Of Permit

A. A TAD permit will expire immediately when any one (1) of the following occurs:

1) At the end of two (2) years, if the permit has not been renewed.

2) When the designated users of the TAD or the primary dwelling can no longer maintain a separate residence.

3) When there is no longer someone residing in the principle residence who can provide the needed assistance for the residents of the TAD.

B. The applicant shall agree to remove or decommission the TAD within ninety (90) calendar days after the unit has ceased to be used by the person(s) for which the permit was issued. In any event, the unit shall be removed from the premises by the day of the expiration of the permit, unless the permit has been renewed or the TAD has been decommissioned in conformity with these requirements.

C. Upon completion of the permitted use, the TAD must be:

- 1) decommissioned as a dwelling;
- 2) removed from the property if it is a single-wide manufactured home; or
- 3) stored in a manner that includes being disconnected from the septic and all utilities if it is a recreational vehicle.

D. The Applicant may decommission, as a dwelling, a TAD that is a single-wide manufactured home and convert it to an accessory building through a nonroutine decommissioning contract. Conditions may be placed by the Planning and Land Use Commission in the nonroutine decommissioning contract to include: removal of some of the fixtures, facilities, and plumbing that are part of what defines a dwelling in this Land Use Ordinance such as the removal and walling over of any 220 receptacles and gas line stubs used for cooking facilities, all the way to the attic or the crawl space; attachment of structure to an approved permanent foundation as provided for in the most recent ICBO Guidelines for Manufactured Housing Installation; a statement of the intended new use; and guarantee that the building will never be used as a dwelling regardless of length of time of occupancy. Decommissioning must occur within ninety (90) calendar days after the unit has ceased to be used by the person(s) for which the permit was issued.

4.101.6 Permits Revoked

A. Permits are revoked when any one or more of the following occur:

- 1) The property is transferred, assigned or sold. The TAD must be removed from the property before the property is conveyed.
- 2) Any one or more of the requirements of the TAD permit are violated.

B. If the permit is revoked, the TAD must be removed within two (2) weeks of the property owners being notified in writing of termination of the permit, except as noted in a. above. A certified letter sent to the most recent address on file with the Town will suffice as notification.

4.101.7 Compliance

A. In order to assure compliance with this permit, the permit holder agrees to inspections by the Town's designated person at any reasonable time after prior notification.

B. A security deposit of \$1000.00 will be held in an interest bearing escrow account for the duration of the permit. If the Town finds that enforcement of the security deposit requirement would cause substantial hardship and there is adequate substitute security for removal of the TAD, then the security deposit can be waived. In lieu of the security deposit the Town may accept a note and trust deed on the property as collateral for the security deposit.

C. In the event that the TAD permit has expired or been revoked and the property owner has not removed the TAD in the time designated in subsections 5.B or 6.B of this section, the Town shall have the right to immediately and permanently remove the TAD from the subject lot, by means of a Court order or injunction to do so, or by any other lawful means. The security deposit shall be applied to costs of removal and/or compliance with this land use ordinance if the applicant has not paid all costs of removal and compliance.

D. In the event the Town does not take any action to remove the TAD from the subject property in accordance with its rights to do so set forth in subsection 7.B of this section above, the Town's

inaction, on one or more occasions, shall not be deemed a waiver or forfeiture or the Town's rights as set forth in this permit, to remove the TAD at any time thereafter.

E. All applicants must sign a written statement that they have read, understood and will comply with the requirements of this land use ordinance.

F. All applicants must sign an acknowledgement of the one dwelling per lot requirement of this land use ordinance.

G. In the event that the applicant fails to comply with this land use ordinance, the Town will recover the costs of compliance by obtaining a judgment against the applicant and foreclosing on the judgment lien against the property

4.1~~12~~ TEMPORARY DWELLING PERMITS ISSUED

Only one Temporary Dwelling is allowed per legally platted lot. A property owner shall obtain a permit to use a Temporary Dwelling (as defined in section 1.6) on their lot for a period of two (2) years. The Town requires that a plot plan be submitted showing the location of the temporary dwelling and any other improvements on the lot. A Temporary Dwelling Permit must be obtained before the installation of a Temporary Dwelling on a legally platted lot and before human habitation of a Temporary Dwelling for any length of time, i.e. intermittent occupancy or permanent residency. An unoccupied RV may be stored on a legally platted lot without a permit.

A Temporary Dwelling must be connected to a septic system or be self-contained. An inspection by the Local Health Department regarding sewage disposal may be required. There shall be no right created by this land use ordinance to use a Temporary Dwelling for human habitation for more than the two (2) year period of the permit. A Temporary Dwelling Permit is nontransferable. New owners of a lot that has a legally permitted Temporary Dwelling installed by previous owners must apply for a new Temporary Dwelling Permit in their own name or decommission the Temporary Dwelling as provided for in this Chapter. Granting of a new Temporary Dwelling Permit under the new owner's name shall not be unreasonably withheld so long as it complies with all Town Land Use Regulations in effect at the time.

4.1~~23~~ TEMPORARY DWELLING PERMIT RENEWAL

If a Temporary Dwelling has not been replaced with a permanent one, removed, or changed to a stored RV two (2) years from the date of the issuance of the Temporary Dwelling Permit, the property owner must apply for a renewal of the temporary dwelling permit by submitting a written request to the Town. Renewals are for two (2) year periods. In granting a renewal, the Planning and Land Use Commission may stipulate additional conditions for the continued use of the Temporary Dwelling.

4.1~~34~~ TEMPORARY DWELLING DECOMMISSIONING

One Temporary Dwelling may be located on a legally platted lot with a new dwelling under construction, along with a Decommissioning Contract. A Temporary Dwelling must be decommissioned no later than thirty (30) days after the occupancy of a new permanent dwelling on a legally platted lot. Decommissioning may include removal of the Temporary Dwelling RV, or change of use to a stored RV, including disconnecting from a septic system. A site inspection by a Town official will be held to verify the decommissioning of the Temporary Dwelling

4.145 SOLAR ENERGY SYSTEMS

The purposes of this section is to allow and encourage solar energy systems in conjunction with residential and agricultural uses on a lot, to promote reduced dependence on nonrenewable energy sources, and to design solar energy systems in a manner that minimizes visual impacts on adjacent properties and that are not detrimental to public health, safety and welfare.

4.145.1 General Design Standards

1. All solar energy systems shall comply with set back requirements in section 5.2 of this ordinance.
2. To the maximum extent feasible, ancillary solar equipment shall be located inside a building or screened from public view. Solar energy system appurtenances shall be screened without compromising the effectiveness of the solar collectors to the extent reasonably feasible.
3. The applicant shall demonstrate that the height, location, setback or base elevation of a solar energy system minimizes potential glare and visual impacts of the system on adjacent properties without compromising the effectiveness of the solar collectors to the extent reasonably feasible.
4. Any solar energy system that has been determined to be unsafe by the Grand County Building Inspector, shall be subject to Section 115 (Unsafe Structures and Equipment) of the International Building Code, which may require the panels or modules and associated equipment to be removed, or the unsafe condition otherwise mitigated if it is determined to be unsafe. If it is determined by the Grand County Building Inspector that the unsafe condition of the panels or modules and/or associated equipment cannot be mitigated, then they shall be promptly removed from the property to a place of safe and legal disposal, after which the site and/or building, as applicable, must be returned to its preexisting condition.
5. All building-mounted or roof-mounted solar energy system permits (routine and nonroutine) shall only be approved for systems that will be mounted on an existing building or in conjunction with an approved building permit for the building on which the system will be mounted.
6. For routine ground-mounted or pole-mounted solar energy system permits, the vertical distance between the highest point of any panel or module (at its maximum design tilt) to finished grade or slab on grade directly below, shall not exceed twelve (12) feet.
7. For routine and nonroutine building-mounted or roof-mounted solar energy system permits, the vertical distance between the highest point of any panel or module (at its maximum design tilt) to the roof directly below, shall not exceed one (1) foot, unless roof pitch is 3:12 or less, in such case up to two (2) feet is permitted. No portion of a solar energy system shall project above the maximum allowed building height of 25 feet as measured on a vertical axis from the highest point of the system to the lower of either 1) the lowest point where the vertical face (or a vertical line extending directly below the vertical face) around the perimeter of the building intersects the Existing Grade or 2) the lowest point where the vertical face (or a vertical line extending directly below the vertical face) around the perimeter of the building intersects the Finished Grade.
8. Applicants must submit approval of an interconnection agreement from the local electric utility company in order to gain Town approval on systems that will be interconnected to the Town's electrical infrastructure

9. The total combined kilowatts for all routine permitted solar energy systems shall not exceed 10 kilowatts per legally platted lot.
10. Storage facilities that require a building permit to store battery backup and ancillary equipment for a solar energy system (routine and nonroutine), must receive a building permit for the building in which said equipment will be stored before final approval of the solar energy system is granted.

4.1~~45~~.2 Nonroutine Solar Energy System Permits

Applicants may apply for approval of a solar energy system that exceeds the maximum allowed height and kilowatts in section 4.1~~45~~.1 through a nonroutine solar energy system permit application. The Land Use Authority shall ask applicants to demonstrate that a system taller than twelve (12) feet in height is needed in order to prevent compromising the effectiveness or safety of the solar collectors. Applicants must also demonstrate that a system larger than 10 kilowatts is needed by listing intended uses of the electricity generated from the proposed system. The Planning and Land Use Commission shall act as the Land Use Authority for such applications and shall require a design review of nonroutine solar energy systems in order to minimize visual impacts on adjacent properties and ensure public health, safety and welfare.

1. In reviewing an application, the Land Use Authority shall identify the potential negative effects of the proposed system such as, but not limited to, potential glare and visual impacts on adjacent properties, and may require additional screening, placement and design layout without compromising the effectiveness of the solar collectors to the extent reasonably feasible.
2. The Land Use Authority may require an engineering assessment from the local electric utility company or a Town approved expert to assess the proposed system and its compatibility with the Town's existing electrical infrastructure to ensure public health, safety and welfare. Based on this assessment, additional requirements may be imposed, and Town approval may be contingent upon the Applicant being responsible for the cost to upgrade the Town's electrical infrastructure to ensure that it will not compromise the safety, reliability and operability of the Town's utility infrastructure or place other residents' electrical equipment at risk.
3. The total combined kilowatts for all permitted solar energy systems shall not exceed 25 kilowatts per legally platted lot.
4. For nonroutine ground-mounted or pole-mounted solar energy system permits, the vertical distance between the highest points of any panel or module (at its maximum design tilt) to finished grade or slab on grade directly below, shall not exceed nineteen (19) feet.
5. The total combined square footage of all ground-mounted or pole-mounted photovoltaic panels or modules shall not exceed 1500 square feet per legally platted lot.

4.156 ADDITIONAL KITCHENS EXCEEDING ONE KITCHEN PER LEGALLY PLATTED LOT

Conditional Use Permits for kitchens exceeding one kitchen per legally platted lot shall be deemed Nonroutine. The purpose of this section is to allow lot owners to have additional kitchens in accessory structures, such as canning kitchens or kitchens that are part of a home-based business, while protecting the Town's residential and rural character and prevent short term rentals, multiple dwellings, duplexes and mother-in-law apartments.

Additional kitchens that are used as part of a premises occupation conditional use permit shall also follow the provisions as further provided for in Section 4.8 of this Land Use Ordinance. Property owners may have additional kitchens (as defined by this Land Use Ordinance) per legally platted lot through a nonpermanent conditional use permit provided that the kitchen: does not create more than one kitchen per building; does not create a second dwelling as defined by this Land Use Ordinance; and is never used as part of an illegal short-term rental. If any of said instances occur, the nonpermanent conditional use permit may be revoked or denied annual renewal and removal of the kitchen will be required. This may include removal of some of the fixtures, facilities, or plumbing that are part of what defines a Kitchen in this Land Use Ordinance such as the removal and walling over of any 220 receptacles and gas line stubs used for cooking facilities, all the way to the attic or the crawl space. Conditional use permit applicants for additional kitchens are required to sign a statement of intended use, and a guarantee that the kitchen will never be used as part of an illegal second dwelling or short-term rental.