

Proposed code update to regulate Solar Panels and Freestanding Solar Arrays

16.04.02: DEFINITIONS OF TERMS AND WORDS

The following words shall have the described meaning when used in this title, unless a contrary meaning is apparent from the context of the word:

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SOLAR ARRAY, FREESTANDING: means a freestanding solar energy generation system permanently affixed to the ground. A freestanding solar array is not an Accessory Use.

SOLAR PANELS: means a solar energy generation system, mounted on, and within the perimeter of, the roof of a permitted structure.

SOLAR GENERATOR TRAILER: means a solar energy generation system mounted to a trailer, intended for power generation on any Lot or Parcel, for more than 10 days during a calendar year.

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CHAPTER 16.05 PRESERVATION ZONE (P-160)

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16.05.02 PERMITTED PRINCIPAL USES

D. Permitted Accessory Uses: Accessory uses and structures are permitted in the preservation zone (P-160), provided they are incidental to, and do not substantially alter the character of, the permitted principal use or structure.

- I. Accessory uses and structures are permitted in the preservation zone (P-160), provided they are incidental to, and do not substantially alter the character of, the permitted principal use or structure.
- II. Accessory buildings such as garages, carports, greenhouses, gardening sheds, and similar structures ~~which are~~ customarily used in conjunction with and ~~are~~ incidental to a principal use or structure.
- III. Swimming pools and incidental bathhouses.
- IV. Storage of materials used for the construction of a building, including a temporary contractor's office and/or tool shed; provided, that such uses are on the building site; and provided, further, that such use shall be for only the period of construction and thirty (30) days thereafter. Approval is subject to a bond and site plan approval from planning staff.
- V. Barns, corrals and arenas.
- VI. **Solar Panels.**

16.05.03: CONDITIONAL USES

The following uses and structures are permitted in the preservation zone (P-160) only after a conditional use permit has been approved, and subject to the terms and conditions thereof:

CONDITIONAL USES IN THE PRESERVATION ZONE (P-160)

Accessory residential unit (attached)
Caretaker accessory dwelling unit
Grouping of residential lots
Guest accessory dwelling unit
Telephone, relay towers, microwave or others
Electric utilities (except 4813)
Gas pressure control stations
Water storage
Water storage covered
Underground pipeline right of way and pressure control stations
Police protection and related activities (public only)
Fire protection and related activities (public only)
Yurt
Group or organized camps
Zip lines, canopy tours, etc.¹
Fishing activities for personal use only
Metal ore mining
Crude petroleum and natural gas
Crushed and broken stone quarrying
Freestanding Solar Arrays not more than 300 square feet
Freestanding Solar Array greater than 300 square feet

16.05.17 CONDITIONAL USE PERMITS FOR FREESTANDING SOLAR ARRAYS

The conditional use permit standards for freestanding solar arrays are:

A. Freestanding Solar Arrays not more than 300 square feet shall:

1. not exceed 15 feet in height;
2. be located to the side or rear of the principal structure;
3. not be placed in the setbacks;
4. be completely screened from view from all parcels, lots, and Right-of-Ways within the Town.

B. Freestanding Solar Array greater than 300 square feet shall:

1. only be located on parcels or lots greater than or equal to one (1) acre in area;
2. not exceed 15 feet from natural grade;
3. comply with all setbacks required for Accessory Buildings;
4. located to the rear of the principal building; and
5. be completely screened from view from all parcels, lots, and Right-of-Ways within the Town.

CHAPTER 16.08 RESIDENTIAL-AGRICULTURAL ZONE (RA-1)

16.08.02 PERMITTED PRIMARY USES

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D. Permitted Accessory Uses: Accessory uses and structures are permitted in the residential-agricultural zone (RA-1), provided they are incidental to, and do not substantially alter the character of, the permitted principal use or structure:

- I. Accessory buildings such as garages, carports, greenhouses, gardening sheds, recreation rooms and similar structures, which are customarily used in conjunction with and are incidental to a principal use or structure.
- II. Swimming pools and incidental bathhouses.
- III. Storage of materials used for the construction of a building, including a temporary contractor's office and/or toolshed; provided, that such uses are on the building site; and provided, further, that such use shall be for only the period of construction and thirty (30) days thereafter.
- IV. Barns, corrals, machine sheds and outdoor arenas that are noncommercial.
- V. Solar Panels.

16.08.03: CONDITIONAL USES

The following uses and structures are permitted in the residential-agricultural zone (RA-1) only after a conditional use permit has been approved, and subject to the terms and conditions thereof:

CONDITIONAL USES IN THE RESIDENTIAL-AGRICULTURAL ZONE (RA-1)

Residential facility for handicapped persons
Residential facility for elderly
Bed and breakfast
Group transient lodging
Accessory residential unit (attached)
Caretaker accessory dwelling unit
Guest accessory dwelling unit

Electric transmission right of way over 35 feet and/or over 38 kVA

Electric substations

Gas pressure control stations

Water storage

Water pressure control stations and pumping stations

Sewer pumping station or pressure control stations

Combination utility rights of way

Petroleum pipeline right of way underground

Cemeteries, mausoleum (except 6243)

Police protection and related activities

Fire protection and related activities

Protective functions and related activities

Nursery, primary and secondary education

Religious activities

Botanical gardens and arboretums

Recreational activities - noncommercial

Golf course (public)

Golf course (private)

Sleigh ride, wagon ride and farm experience activities

Indoor arenas (noncommercial)

Veterinary services

Animal hospital services

Animal kennels, boarding, grooming

Freestanding Solar Arrays not more than 300 square feet.

Freestanding Solar Array greater than 300 square feet.

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16.08.16 CONDITIONAL USE PERMITS FOR FREESTANDING SOLAR ARRAYS.

The conditional use permit standards for freestanding solar arrays are as follows:

A. Freestanding Solar Arrays not more than 300 square feet shall:

1. not exceed 15 feet in height;
2. be located to the side or rear of the principal structure;
3. not be placed in the setbacks;
4. be completely screened from view from all parcels, lots, and Right-of-Ways within the Town.

B. Freestanding Solar Array greater than 300 square feet shall:

1. only be located on parcels or lots greater than or equal to one (1) acre in area;
2. not exceed 15 feet from natural grade;
3. comply with all setbacks required for Accessory Buildings;

4. located to the rear of the principal building; and
5. be completely screened from view from all parcels, lots, and Right-of-Ways within the Town.

CHAPTER 16.09 MOUNTAIN ZONE (M)

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16.09.02 PERMITTED PRINCIPAL USES

D. Permitted Accessory Uses: Accessory uses and structures are permitted in the mountain zone (M), provided they are incidental to, and do not substantially alter the character of, the permitted principal use or structure.

- I. Accessory buildings such as garages, carports, greenhouses, gardening sheds, recreation rooms and similar structures, which are customarily used in conjunction with and are incidental to a principal use or structure.
- II. Swimming pools and incidental bath houses.
- III. Storage of materials used for the construction of a building, including a temporary contractor's office and/or tool shed; provided, that such uses are on the building site; and provided, further, that such use shall be for only the period of construction and thirty (30) days thereafter. Approval is subject to a bond and site plan approval from planning staff.
- IV. Barns, corrals, machine sheds and arenas.
- V. Solar Panels.

16.09.03: CONDITIONAL USES

The following table shows the uses and structures that are permitted in the mountain zone (M) only after a conditional use permit has been approved, and subject to the terms and conditions thereof. Planned performance developments shall be considered a conditional use and must have a minimum of one hundred sixty (160) acres.

CONDITIONAL USES IN THE MOUNTAIN ZONE (M)

Single-family (attached) as part of a planned performance development
Religious quarters as part of a planned performance development
Hotels/lodges as part of a planned performance development, ski resorts, equestrian facilities (commercial uses see chapter 16.29 of this title)
Group transient lodging
Accessory residential unit
Telephone relay towers, microwave or other

Electric utility (except 4813)
Gas pressure control stations
Water treatment plants
Water storage
Water storage covered
Underground pipeline right of way and pressure control stations, NEC
Police protection and related activities (public only)
Fire protection and related activities (public only)
Churches, synagogues, temples, and missions
Group camps

Freestanding Solar Arrays not more than 300 square feet

Freestanding Solar Array greater than 300 square feet

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16.09.17 CONDITIONAL USE PERMITS FOR FREESTANDING SOLAR ARRAYS

The conditional use permit standards for freestanding solar arrays are as follows:

A. Freestanding Solar Arrays not more than 300 square feet shall:

1. not exceed 15 feet in height;
2. be located to the side or rear of the principal structure;
3. not be placed in the setbacks;
4. be completely screened from view from all parcels, lots, and Right-of-Ways within the Town.

B. Freestanding Solar Array greater than 300 square feet shall:

1. only be located on parcels or lots greater than or equal to one (1) acre in area;
2. not exceed 15 feet from natural grade;
3. comply with all setbacks required for Accessory Buildings;
4. located to the rear of the principal building; and
5. be completely screened from view from all parcels, lots, and Right-of-Ways within the Town.

CHAPTER 16.11 HIGHWAY SERVICES ZONE (HS)

16.11.02 CONDITIONAL USES

Those land uses or categories of uses as listed herein, and no others, are allowed as a conditional use in the highway services zone (HS).

- A. All uses contained herein are listed by number as designated in the Independence Town land use classifications, which is published and maintained by the planning department, and is attached, as appendix 1, chapter 16.36 of this title. Classes or groupings of uses permitted in the zone are identified by a four (4) digit number in which the last one or two (2) digits are zeros, and subuses of those categories or groupings will follow that number. (For example, a particular category may be listed as 8100, and a subcategory of 8100 would be 8110 and a subcategory of 8110 would 8111.) This document, available in the planning office, is to be used by the planning office and others to assist in determining similar uses and the intent of this chapter.
- B. All such classes listed herein and all specific uses contained within them in the Independence Town land use classification will be permitted in the highway services zone (HS), subject to the limitations set forth herein:
- C. CONDITIONAL USES IN THE HIGHWAY SERVICES ZONE (HS)

Vacation vehicle courts
Hotels
Motels and motor hotels
Bed and breakfast
Accessory dwelling for nonresidential use
Highway and street rights of way
Telephone relay towers
Radio transmitting stations and towers
Television transmitting stations and relay towers
Electric utilities, except 4813
Utilities
Other retail trade - general merchandise
Fruits and vegetables
Candy, nuts and confectionery
Dairy products
Doughnut shops
Retail trade - food, NEC
Tires, batteries and accessories
Gasoline service stations
Eating and drinking places
Sporting goods
Fuel and ice
Gifts, novelties, souvenirs, cards, etc.
Recreation, NEC
Parks

Solar Panels

Freestanding Solar Arrays not more than 300 square feet

Freestanding Solar Array greater than 300 square feet

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16.11.12 CONDITIONAL USE PERMITS FOR SOLAR PANELS AND FREESTANDING SOLAR ARRAYS

The conditional use permit standards for solar panels and freestanding solar arrays are as follows:

A. Solar Panels shall be allowed within the roof perimeter of any permitted structure.

B. Freestanding Solar Arrays not more than 300 square feet shall:

1. not exceed 15 feet in height;
2. be located to the side or rear of the principal structure;
3. not be placed in the setbacks;
4. be completely screened from view from all parcels, lots, and Right-of-Ways within the Town.

C. Freestanding Solar Array greater than 300 square feet shall:

1. only be located on parcels or lots greater than or equal to one (1) acre in area;
2. not exceed 15 feet from natural grade;
3. comply with all setbacks required for Accessory Buildings;
4. located to the rear of the principal building; and
5. be completely screened from view from all parcels, lots, and Right-of-Ways within the Town.

CHAPTER 16.23 CONDITIONAL USE; GENERAL PROCEDURE

16.23.03: DETERMINATION OF JURISDICTION

The planning commission hereby delegates to the planning staff, the following conditional use requests for administrative action, unless negative responses are received from neighboring property owners:

- A. Cell towers or other communication facilities if the applications are for stealth or collocation.
- B. Utility buildings and structures.
- C. Utility lines that do not exceed thirty six (36) kVA, are less than thirty five feet (35') in height and consist of a single pole.
- D. Bed and breakfast uses may be processed by the planning staff if the application is for five (5) bedrooms or less and there will be no food service to anyone other than overnight guests.

- E. Kennels, catteries, animal hospitals.
- F. Small scale subdivisions.
- G. Minor plat amendments.
- H. Building permits within fifty feet (50') from flood zone and wetlands.
- I. Temporary uses.
- J. Any accessory building with a footprint larger than one thousand five hundred (1,500) square feet.
- K. Solar Panels.
- L. Freestanding Solar Arrays not more than 300 square feet.
- M. Freestanding Solar Array greater than 300 square feet.

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