ORDINANCE NO. 2022-04

AN ORDINANCE OF IVINS CITY, UTAH, AMENDING SECTIONS 16.11.130 AND 16.34.102 TO ALLOW, AND ADD REGULATIONS FOR, GROUND MOUNTED SOLAR

WHEREAS the Ivins City Council has determined that it would be in the public interest to allow, and add regulations for, ground mounted solar; and

WHEREAS the Ivins City Planning Commission held a Public Hearing thereon on February 1, 2022, and made its recommendation to the City Council regarding same; and

WHEREAS on March 3, 2022, the Ivins City Council held a public hearing on the Planning Commission's recommendation and voted to approve an amended version of the Planning Commission's recommendation as set forth below in this Ordinance; and

WHEREAS after considering facts relevant to this proposed zoning text amendment, the Ivins City Council, in the exercise of its legislative authority and discretion, found that it would be in the interest of the general welfare of the city and its residents to approve the zoning text amendment set forth below;

NOW, THEREFORE, BE IT ORDAINED BY THE IVINS CITY COUNCIL that Sections 16.11.130 and 16.34.102 be amended as follows:

Section 1. Section 16.11.130 of the Ivins City Code is hereby amended to now read as follows:

16.11.130: REQUIRED MECHANICAL AND INDIVIDUAL SOLAR PHOTOVALTAIC SYSTEM EQUIPMENT SCREENING AND PLACEMENT:

(1) In all zoning districts, all at grade mounted, electrical service equipment, air conditioning, heating, cooling and ventilating equipment, swimming pool equipment, pumps and heaters, propane tanks and all other mechanical equipment shall be painted the same color as the exterior color of the adjacent building and screened from surrounding properties and streets by landscaping materials, or enclosed within a building.

(2) The color of all roof mounted equipment and vents shall be the same color as the roof. Solar energy systems shall be exempt from this requirement if the required color would affect the efficient operation of solar energy systems.

(3) No roof mounted equipment shall exceed the maximum height requirements for the zoning district in which the building is located.

(4) Ground mount units frame, structural elements, conduit and electrical panels shall be painted to match fencing or primary structure colors if these elements can be seen from the street frontage. Aluminum frames on the solar panels shall not be used where black and brown frames are available. If fencing is used it shall be of approved fencing materials in this ordinance. Ground mounts shall be screened by solid fencing 6 feet high and in accordance to allowed fencing heights in this ordinance. Ground mount systems shall be built in approved setbacks and within buildable areas for accessory structures in the zone in which they are built. Ground mounts can only be 8 feet tall above grade unless approved by the Planning Commission. Exception: Ground mount solar screening is not required on residential lots 1 acre or bigger.

Section 2. Section 16.34.102 of the Ivins City Code is hereby amended to add the following:

16.34.102 Definitions

Individual Solar Photovoltaic System: An onsite solar power generation plant that backfeeds a primary structure either a commercial or a residential use. Excess electricity produced can be distributed to the utility grid.

Section 3. Severability. If any section, clause, or portion of this ordinance is declared invalid by a court of competent jurisdiction, the remainder shall not be affected thereby and shall remain in full force and effect.

Section 4. Effective Date: This Ordinance shall become effective immediately upon passage.

PASSED AND ADOPTED BY THE IVINS CITY COUNCIL, STATE OF UTAH, ON THIS _____ DAY OF MARCH, 2022 BY THE FOLLOWING VOTE:

	AYE	NAY	ABSTAIN	ABSENT
Dennis Mehr	_____	_____	_____	_____
Adel Murphy	_____	_____	_____	_____
Jenny Johnson	_____	_____	_____	_____
Mike Scott	_____	_____	_____	_____
Lance Anderson	_____	_____	_____	_____

_____
Chris Hart, Mayor

ATTEST:

_____
Kari Jimenez, City Recorder