

**ORDINANCE NO. 2018 – 25**

**AN ORDINANCE AMENDING SECTION 3-2 OF THE UTAH COUNTY LAND USE  
ORDINANCE RELATED TO A PROPOSED EXCEPTION TO REQUIRED YARD  
SPACE FOR FREE-STANDING SOLAR ENERGY SYSTEMS FOR RESIDENTIAL USE  
APPURTENANT TO AN EXISTING DWELLING**

**WHEREAS**, the Planning Commission initiated a review of Section 3-2 of the Utah County Land Use Ordinance (UCLUO) related to a proposed exception to required yard space for free-standing solar energy systems for residential use appurtenant to an existing dwelling; and

**WHEREAS**, the Planning Commission addressed the proposed amendment to the Utah County Land Use Ordinance during the regularly scheduled meeting of the Planning Commission on October 16, 2018, held a public hearing regarding the proposed amendments, and made a recommendation to the Board of County Commissioners regarding the proposed amendments; and

**WHEREAS**, the Board of County Commissioners has received and carefully reviewed the recommendation from the Planning Commission regarding the proposed amendment, and the minutes of the Planning Commission meeting and the public hearing regarding the proposed amendments to the Utah County Land Use Ordinance; and

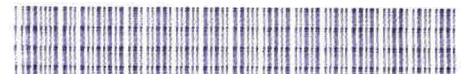
**WHEREAS**, the Board of County Commissioners has received and carefully reviewed the input, documents, and testimony from the public regarding the proposed amendment to the Utah County Land Use Ordinance; and

**WHEREAS**, the Board of County Commissioners finds the proposed amendment to the Utah County Land Use Ordinance conforms to the Utah County General Plan, 2014, and is consistent with the other provisions of the Utah County Land Use Ordinance; and

**WHEREAS**, the Board of County Commissioners finds that the proposed amendment to the Utah County Land Use Ordinance is in the best interest of the health, safety, and welfare of the citizens of Utah County, considering all factors.

NOW, THEREFORE, THE COUNTY LEGISLATIVE BODY OF UTAH COUNTY ORDAINS AS FOLLOWS:

**Part I:**



Section 3-2 of the Utah County Land Use Ordinance is hereby amended to read as follows:

3-2: YARDS TO BE UNOBSTRUCTED, EXCEPTIONS

Every part of a required yard shall be open to the sky and unobstructed from the ground upward for the entire breadth of the required setback distance, except for

- A. Fences;
- B. Swimming pools, including water heating and filtration equipment;
- C. Open decks and patios that do not require guardrails;
- D. A footbridge or a vehicle bridge with vehicle guardrails that meet the minimum requirements of adopted codes and ordinances with no overhead structure;
- E. Pump houses not greater than 120 square feet in area nor more than nine (9) feet in height that do not encroach into the designated road right-of-way as measured from the road centerline and will not create a sight barrier to the driveway access;
- F. Stand-by power generators and air conditioning and/or heating equipment appurtenant to an on-site dwelling provided such equipment is no more than four(4) feet in height;
- G. Un-walled roof extensions, provided: no roof may extend more than two (2) feet into the required yard area;
- H. Canopies over gasoline pumps in the NC-1 and HS-1 Zones, which may extend up to ten(10) feet into the required setback or separation distance;
- I. Free-standing solar energy systems appurtenant to an on-site dwelling provided the equipment associated with such systems is no more than twelve(12) feet in height (measured at its maximum design tilt) and has a total solar panel surface area of the system no greater than 1,000 square feet. However, a free-standing solar energy system appurtenant to an on-site dwelling located in the Critical Environment (CE-1) Zone that shares a common side or rear property line, or portion of property line, with a property owned by a governmental entity may have a free-standing solar energy system located in that common required side or rear setback without limitation to total solar panel surface area provided the governmental entity has provided written consent to the size and location of the proposed system prior to the issuing of any applicable permit required for the system.

**Part II:**

A copy of the Utah County Land Use Ordinance, as amended herein, is hereby ordered to be filed in the office of the Utah County Clerk/Auditor.

**Part III:**

If any of the sections, sentences, clauses or provisions of this ordinance shall for any reason be adjudged inapplicable or invalid by a court of competent jurisdiction, such shall not affect or invalidate the remaining portion contained herein.

**Part IV:**

This ordinance shall become effective fifteen (15) days after it is passed and upon at least one (1) publication in a newspaper published in and having general circulation in Utah County.


PASSED and ordered published this 30th day of October 2018.

~~UTAH COUNTY COMMISSION~~

**VOTE**

\_\_\_\_\_  
NATHAN IVIE, CHAIR

AYE

  
\_\_\_\_\_  
WILLIAM C. LEE, VICE-CHAIR

AYE

  
\_\_\_\_\_  
GREG GRAVES, COMMISSIONER

AYE

**ATTEST:**  
**BRYAN E. THOMPSON**  
County Clerk/Auditor

**APPROVED AS TO FORM:**  
**JEFFREY R. BUHMAN**  
County Attorney

By:   
\_\_\_\_\_  
Deputy

Approved

Disapproved



By:   
\_\_\_\_\_  
Deputy

Date of Publication: Once only, as soon as possible