

17.51.140 Sign area measurement.* A. The structure or bracing of any sign shall be omitted from measurement unless such structure or bracing has been made an integral part of the message.

B. Where a sign has two or more display faces, the area of all faces shall be measured unless such faces join back to back, are parallel to each other and are no more than twenty-four inches apart.

C. The area of any backing or background material that is a part of the sign display shall be included in the sign area to be measured.

D. The area of any sign shall be measured by determining the sum of the area of each square, rectangle, triangle, circle or portion or combination thereof that encompasses the outer limits of all portions of the sign, message or display. (Ord. 68 §10 (g), 1980)

Chapter 17.54

SOLAR RIGHTS

Sections:

- 17.54.010 Authority.
- 17.54.020 Title of ordinance.
- 17.54.030 Purpose.
- 17.54.040 Definitions.
- 17.54.050 Shading and location of collectors.
- 17.54.060 Existing structures or vegetation.
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- 17.54.110 Administration and enforcement authority.
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17.54.010 Authority. The ordinance codified in this chapter is adopted pursuant to and in accordance with the authority vested in the town council of the town by Sections 15-1-601 through 15-1-611 and Sections 34-22-101 through 34-22-106, Wyoming Statutes, as amended. (Ord. 82 §1, 1981)

* Editor's Note: Diagrams describing sign-area measurement are on file in the office of the town clerk-treasurer.

17.54.020 Title of ordinance. The ordinance codified in this chapter shall be known and may be cited as the "Solar Rights Ordinance of Pinedale, Wyoming." (Ord. 82 §2, 1981)

17.54.030 Purpose. The purpose of this chapter is to protect the health, safety and general welfare of the community by encouraging the use of solar energy systems. The overall objective of these regulations is to provide adequate protection from interference by structures, trees or topography. It is the intent of this chapter to provide a means of protection for the use of solar collectors without causing undue hardships on the rights of adjacent property owners and to establish solar collectors as a permitted use in all zoning or land use districts. (Ord. 82 §3, 1981)

17.54.040 Definitions. The following words, terms and phrases are defined and shall be interpreted in the same fashion throughout this chapter:

A. "Solar collector" means one of the following which is capable of collecting, storing or transmitting at least twenty-five thousand BTU's on a clear winter solstice day:

1. A wall, clerestory or skylight window designed to transmit solar energy into a structure for heating purposes;

2. A greenhouse attached to another structure and designed to provide part or all of the heating load for the structure to which it is attached;

3. A trombe wall, drum wall or other wall or roof structural element designed to collect and transmit solar energy into a structure;

4. A photovoltaic collector designed to convert solar energy into electric energy;

5. A plate-type collector designed to use solar energy to heat air, water or other fluids for use in hot water or space heating or other applications;

6. A massive structural element designed to collect solar energy and transmit it to internal spaces for heating;

or

7. Other devices or combination of devices which rely upon sunshine as an energy source.

B. "Solar right" means a property right to an unobstructed line-of-sight path from a solar collector to the sun which permits radiation from the sun to impinge directly on the solar collector. The extent of the solar right shall be described by what illumination provided by the path of the sun on the winter solstice day which is put to a beneficial use or otherwise limited by these regulations.

C. "Winter solstice day" means the solstice on or about December 21st which marks the beginning of winter in the northern hemisphere and is the time when the sun reaches its southernmost point. (Ord. 82 §4, 1981)

17.54.050 Shading and location of collectors. A.

Except as otherwise provided by these regulations, it is unlawful for any person to erect a building or other structure, or to allow a tree, shrub or other vegetation to cast a shadow upon a solar collector which is greater than the shadow cast by a hypothetical ten-foot-high wall located along the property lines, between the hours of nine a.m. and three p.m., mountain standard time, on the winter solstice day.

B. Solar collectors shall be located on the solar user's property in accordance with the setbacks or minimum yard and height requirements for structures in each zoning district, as established by the provisions of other chapters of this title. They shall also be located so as not to unreasonably or unnecessarily restrict the uses of neighboring property. (Ord. 82 §5, 1981)

17.54.060 Existing structures or vegetation. Structures or vegetation which existed prior to the time of installation of the solar energy collection system or the effective date of the ordinance codified in this chapter shall not be subject to the requirements of Section 17.54.050. (Ord. 82 §6, 1981)

17.54.070 Variances. Any person desiring to erect any structure, or increase the height of any structure, or permit the growth of any tree or other vegetation, or otherwise use their property, not in conformance with this chapter, may apply for a variance from the board of adjustments as established by this title. A variance shall not be approved by the board unless it finds:

A. That there are special circumstances or conditions, fully described in the findings of the board of adjustment, applying to the land, vegetation or building for which the adjustment is sought, which circumstances or conditions are peculiar to the land, vegetation or building and do not apply generally to land, vegetation or buildings in the neighborhood, and have not resulted from any act of the applicant subsequent to the adoption of the ordinance codified in this chapter; and

B. That, for reasons fully set forth in the findings of the board of adjustment, the circumstances or conditions are such that the strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of the land, vegetation or building, that the granting of the adjustment is necessary for the reasonable use of the land, vegetation or building, and that the adjustment as granted by the board is the minimum adjustment that will accomplish this purpose; and

C. That the granting of the adjustment will be in harmony with the general purposes and intent of this chapter, will not be injurious to the neighborhood or

otherwise detrimental to the public welfare, and will not unduly reduce the effectiveness of this chapter in attempting to promote the use of solar energy systems. (Ord. 82 §7, 1981)

17.54.080 Permit required to vest rights. A. A solar permit shall be granted before a solar right may be established.

B. A solar permit shall be granted for any proposed or existing solar collector which complies with the requirements of these regulations.

C. The solar right vests on the date the solar permit is granted. The solar collector shall be put to beneficial use within two years except additional time may be granted for good cause. The building inspector or other administration official shall certify the right and its beneficial use within two years of its vesting.

D. Existing solar collector users shall apply for permits within five years after the date the ordinance codified in this chapter is passed.

E. A solar right which is not applied to a beneficial use for a period of five years or more shall be deemed abandoned and without priority. (Ord. 82 §8, 1981)

17.54.090 Application for permit. A. Any person who desires to obtain a solar right shall first make application to the building inspector or other administrative official for a solar access permit.

B. The application for a permit along with the required fee shall be filed on a form furnished for that purpose. Information adequate to determine compliance with these regulations shall accompany the application.

C. The building inspector or other administrative official, after review of the application, shall grant a solar access permit for any proposed or existing solar collector which complies with these regulations. (Ord. 82 §9, 1981)

17.54.100 Recording of permits. A copy of the solar permit shall be recorded with the county clerk by the person receiving the solar permit. The solar permit shall include a description of the collector surface, or that portion of the collector surface to which the permit is granted. The description shall include the dimensions of the collector surface, the direction of orientation, the height above ground level, the location of the collector on the solar user's property and the date the solar permit was granted. (Ord. 82 §10, 1981)

17.54.110 Administration and enforcement authority. The town council shall be responsible for the administration and enforcement of this chapter. For this purpose, there

shall be an authorized individual appointed by the mayor with the advice and consent of the town council. The town shall administer such other persons and moneys for the purposes of this chapter as the town council may provide. The authorized staff person shall:

A. Establish and administer rules and procedures for conducting the purposes of this chapter, to include the development of the necessary forms and development of any necessary procedures not described by this chapter;

B. Coordinate with other officials, the board of adjustments and the town council in the administration and enforcement of this chapter;

C. Receive and review all applications for solar access permits and approve or disapprove such permit requests based on their conformance with the provisions of this chapter;

D. Receive all requests for variance from the provisions of this chapter, notify the town council, and the chief building inspector of the request, and transmit the request along with the record of the denial, order or requirement from which the appeal or request was made to the board of adjustment, subject to receipt from the applicant of the necessary fees;

E. Participate, when deemed appropriate, in all meetings before the board of adjustment;

F. Make any necessary examinations or studies relative to the use of land, vegetation or structures to determine compliance with and appropriateness of these regulations;

G. Maintain such records and files as may be necessary in the efficient conduct of the duties set out in this section. (Ord. 82 §11(a), 1981)

17.54.120 Town liability denied. This chapter not be construed to hold the town or its authorized representatives responsible for any damage to persons or property by reason of the inspection or reinspection authorized in this chapter or failure to inspect or by reason of issuing a solar access permit as provided in this chapter. (Ord. 82 11(b) (5), 1981)

17.54.130 Violation--Prohibited. No person, firm or corporation shall locate, erect, construct, reconstruct, enlarge, change, maintain or use any solar device, building, landscaping or use any land in violation of this chapter. (Ord. 82 §11(b) (1), 1981)

17.54.140 Violation--Correction order. The authorized town representative shall order in writing the remedying of any violation. Such order shall state the nature of the violation, the provision of this chapter violated and the time by which the violation must be corrected. After any such order has been served, no work shall proceed on any

solar device, structure or tract of land covered by such an order except to correct such violation or to comply with the order. (Ord. 82 §11(b) (2), 1981)

17.54.150 Violation--Injunction, mandamus, abatement. This chapter shall be enforceable, in addition to the other civil remedies provided by law, by injunction, mandamus or proceedings in abatement. (Ord. 82 §11(b) (3), 1981)

17.54.160 Violation--Penalty. Persons, firms or corporations convicted of violations of this chapter shall be fined not more than two hundred dollars for each offense. Each day's continuation of such a violation is a separate offense. (Ord. 82 §11(b) (4), 1981)

Chapter 17.57

TEMPORARY USES

Sections:

- 17.57.010 Purpose.
- 17.57.020 Permit requirements.
- 17.57.030 Asphalt or concrete mixing plant.
- 17.57.040 Bazaar, carnival or fair.
- 17.57.050 Christmas tree sales.
- 17.57.060 Special event parking.
- 17.57.070 Produce stand.
- 17.57.080 Public gathering for special event.
- 17.57.090 Construction yard and building.
- 17.57.100 Real property sales office.
- 17.57.110 Sporting event.

17.57.010 Purpose. Under the normal provisions of this title, a zoning permit for construction or alteration and a certificate of occupancy are required before any structure can be constructed or occupied by a permitted use on a designated zone lot in a zone district. Pursuant to the regulations set forth in this chapter, the uses described in this chapter may be operated as uses by temporary permit in any zone district and without the requirement that the use occupy a designated zone lot. (Ord. 68 §7(a), 1980)

17.57.020 Permit requirements. Upon application to and issuance by the zoning administrator therefor, the uses listed in this chapter may be operated as uses by temporary permit. The application for a use by temporary permit shall contain: