AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, AMENDING SECTION 2, TABLE 2-3 PRINCIPAL USE TABLE, REGARDING ALTERNATIVE ENERGY AND SECTION 3.11 D. 1. PHOTOVOLTAIC ARRAYS OF THE CITY OF GUNNISON LAND DEVELOPMENT CODE

WHEREAS, Section 2, Table 2-3 Principal Use Table, currently requires a Conditional Use process for approval and installation of solar voltaic within all zone districts; and

WHEREAS, the current process for approval and installation can add months to solar applications and staff considers this to be an unnecessary difficult process; and

WHEREAS, the Community Development Director of the City of Gunnison has filed an application with the City of Gunnison, Colorado, seeking approval of a text amendment to Section 2 and 3 of the City’s Land Development Code; and

WHEREAS, the Planning and Zoning Commission of the City of Gunnison, Colorado, held a public hearing on said application pursuant to notice published in accordance with the Land Development Code of the City of Gunnison, Colorado, on May 8, 2019; and

WHEREAS, Section 10.5 of the City of Gunnison Land Development Code states that approval of a text amendment to the Land Development Code may only occur if the application meets all the Review Standards for Text Amendment; and

WHEREAS, the Planning and Zoning Commission considered the amendment to the Land Development Code following a public hearing held on May 8, 2019, and recommends approval of the same. Therefore, staff requests Council to approve the amendments in the form incorporated herein; and

WHEREAS, the City Council of the City of Gunnison, Colorado, held a public hearing on the Text Amendment application to the Land Development Code on May 28, 2019;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GUNNISON, COLORADO, THAT:

Section 1. City of Gunnison Land Development Code, Section 2, Table 2-3 Principal Use Table, Alternative Energy and Section 3.11 Other Use Standards, D. Alternative Energy Sources, 1. Photovoltaic Arrays, is hereby adopted in the form incorporated herein.

§3.11 OTHER USE STANDARDS
D. Alternative Energy Sources

1. Solar Energy Systems. A Solar Energy System is an arrangement of solar collectors (solar PV cell, panel, or array, or solar thermal collector device) and other electrical and/or mechanical devices capable of collecting and converting solar radiation into heat or mechanical or electrical energy and transferring these forms of energy by a separate
apparatus to storage or to point of use, including, but not limited to, water heating, space heating or cooling, electric energy generation, or mechanical energy generation. The following standards apply to Solar Energy Systems:

a. **Roof-Mounts.** Solar Energy Systems may be roof-mounted on principal and accessory buildings in all zone districts, as long as the building is conforming to height and setback standards with the system installed.

b. **Ground-Mounts.**

   i. Ground mounted solar energy systems (not mounted on buildings) shall conform to all building and setback standards as if they were detached accessory buildings, and shall be included in the maximum lot coverage.

   ii. The height of the solar collector and any ground mount shall not exceed an overall maximum height of 15 feet at the required setback line, systems set back greater than the required setback may increase the total height six inches for every foot of additional setback, to a maximum of 25 feet.

All Solar Energy Systems shall conform to applicable State and Federal laws and regulations, local ordinances and International Building, Fire and Electrical Codes.

A Solar Energy System shall provide energy only for the principal and/or accessory structure on the lot(s) held by the same owner on which the Solar Energy System is located.

Section 2. If any section, sentence, clause, phrase, word or other provision of this ordinance is for any reason held to be unconstitutional or otherwise invalid, such holding shall not affect the validity of the remaining sections, sentences, clauses, phrases, words or other provisions of this ordinance, or the validity of this ordinance as an entirety, it being the legislative intent that this ordinance shall stand notwithstanding the invalidity of any section, sentence, clause, phrase, word or other provision.

**INTRODUCED, READ, PASSED, AND ORDERED PUBLISHED** this 28th day of May, 2019 on first reading, and introduced, read, passed and adopted on second and final reading this 11th day of June, 2019.

ATTEST:  

Jim Gelwicks, Mayor

Erica Boucher, City Clerk