

ORDINANCE NO. 6442

AN ORDINANCE TO AMEND TITLE 15 ZONING OF THE 2020 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA BY ENACTING NEW CHAPTER 15.34 "RENEWABLE ENERGY".

**BE IT ORDAINED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA**

SECTION 1. That Title 15 Zoning of the 2020 Municipal Code of Council Bluffs, Iowa, be and is hereby amended by enacting new Chapter 15.34 "Renewable Energy" to read as follows:

Chapter 15.34-Renewable Energy

15.34.010 Statement of Intent

15.34.020 Definitions

15.34.030 Solar Energy Conversion Systems

15.34.010 Statement of Intent

The purpose of this chapter is to provide regulations and procedures for the review of applications for the installation of alternative sources of energy in order to help alleviate the rising costs of energy and offer sustainable energy solutions to the general public. These regulations and procedures seek to minimize the potential adverse effects on the public health, safety and general welfare without unduly restricting the potential of alternative energy production for sustainability.

15.34.020 Definitions

Building-Integrated System: A Solar Energy Conversion System that is constructed as an integral part of a principal or accessory building or structure and where the building-integrated system features maintain a uniform profile or surface of vertical walls and roofing. Building-integrated systems shall not count towards any minimum transparency requirements.

Building-Mounted System: A Solar Energy Conversion System attached to any part of a principal and/or accessory building or structure.

Freestanding/Ground-Mounted System: A Solar Energy Conversion System that is mounted on a structure, pole, or series of poles constructed specifically to support such system and is not attached to any accessory and/or principal structure on a parcel or premises.

Solar Energy Conversion System: A system consisting of one or more building and/or ground-mounted, solar photovoltaic cells, panels, or arrays and solar-related equipment that rely upon solar radiation as an energy source for collection, inversion, storage, and/or distribution of solar energy for electricity generation.

Solar Energy Conversion System (Accessory): Any Solar Energy Conversation System that is not classified as a principal use, as defined in Section 15.03.580 of this Title.

Solar Energy Conversion System (Principal): A Solar Energy Conversation System that is the principal use or comprises fifty (50) percent or more of the land area of a parcel or premises.

15.34.030 Solar Energy Conversion Systems

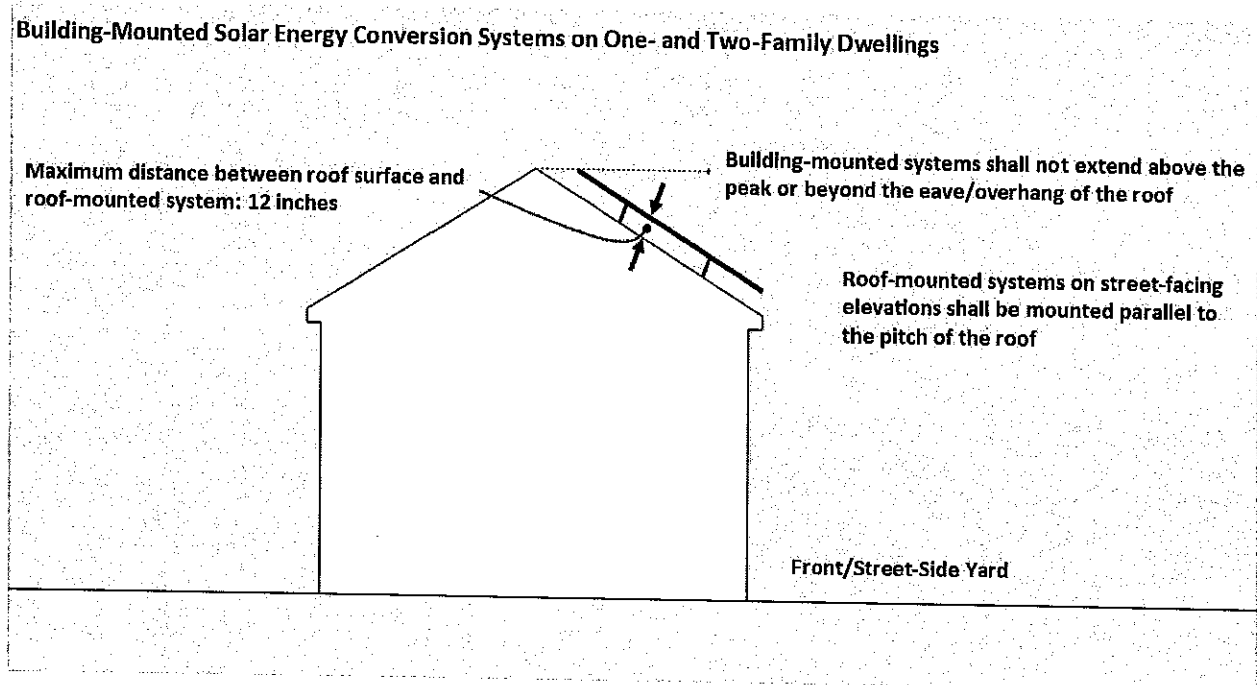
A. General Provisions

1. Solar Energy Conversion Systems shall be allowed as an accessory use in all zoning districts.
2. Solar Energy Conversion Systems in the MCR/Mixed Commercial-Residential District shall be reviewed as part of the adoption of a development plan.
3. Solar Energy Conversion Systems in the West Broadway Corridor (CDO) are subject to the following regulations:
 - a. Only building-integrated systems shall be installed on street-facing building elevations.
 - b. Building-mounted systems shall be allowed if not visible from the abutting public right-of-way.
 - c. Freestanding, ground-mounted systems shall not be permitted in the West Broadway CDO.
4. Any Solar Energy Conversion System on or within any locally designated historic landmark, landmark site, and/or district shall be reviewed by the Historic Preservation Commission prior to installation.
5. The following Solar Energy Conversion Systems shall be exempt from the regulations of this Section, except as limited by the provisions in Sections 15.34.030(A)(3) and 15.34.030(A)(4) of this Chapter:
 - a. Any system located within a public right-of-way. The Public Works Department shall regulate such systems.
 - b. Any system located on private property not exceeding three (3) square feet in surface area and three (3) feet in height. The combined surface area of such systems shall not exceed ten (10) square feet.
6. Solar Energy Conversion Systems shall comply with all applicable federal, state, and local building and electrical codes.
7. No portion of any private Solar Energy Conversion System shall encroach into an abutting private property or public right-of-way.
8. All lines and/or wires serving a Solar Energy Conversion System shall be located underground or otherwise concealed to the greatest extent possible.
9. The property owner of any Solar Energy Conversion System shall maintain such system in a safe and attractive manner, including replacement of defective parts, painting, cleaning, and other acts that may be required for maintenance and upkeep of the function and appearance of such a system. The owner shall maintain the ground upon which the system is located in an orderly manner, such that is free of debris, tall grass and weeds.
10. The property owner of any Solar Energy Conversion System that has been damaged and/or destroyed shall repair or replace such system within six months of the damage being incurred.
11. The property owner of Solar Energy Conversion Systems shall be solely responsible for negotiating with other property owners for any desired solar easements to protect access to sunlight. Any such easements shall be recorded with the Pottawattamie County Recorder's Office.

B. Accessory Solar Energy Conversion Systems for One- and Two-Family Uses

1. Building-Mounted Systems
 - a. Building-mounted systems shall be subject to all applicable minimum setback regulations in the underlying zoning district.

- i. Systems mounted on principal structures may encroach into the required interior side yard in accordance with Section 15.24.060 of this Title.
- ii. No part of any system shall extend into the required front yard setback.
- b. Only roof-mounted and/or building-integrated systems shall be installed on street-facing building elevations.
- c. Systems mounted on a rear or interior-side wall(s) shall not project more than three (3) feet from the building, and shall not extend beyond the edges of the wall to which it is attached.
- d. Roof-mounted systems shall not extend above the peak nor beyond the eave/overhang of the roof plane on which they are mounted.
- e. Roof-mounted systems located on a street-facing building elevation shall be mounted parallel to the pitch of the roof with a maximum distance, measured perpendicular to the roof, of twelve (12) inches between the roof surface and highest edge or surface of the system.
- f. System components servicing the collector panel shall be concealed and all exposed metal shall be finished with similar colors to the structure on which it is mounted.



2. Freestanding/Ground-Mounted Systems

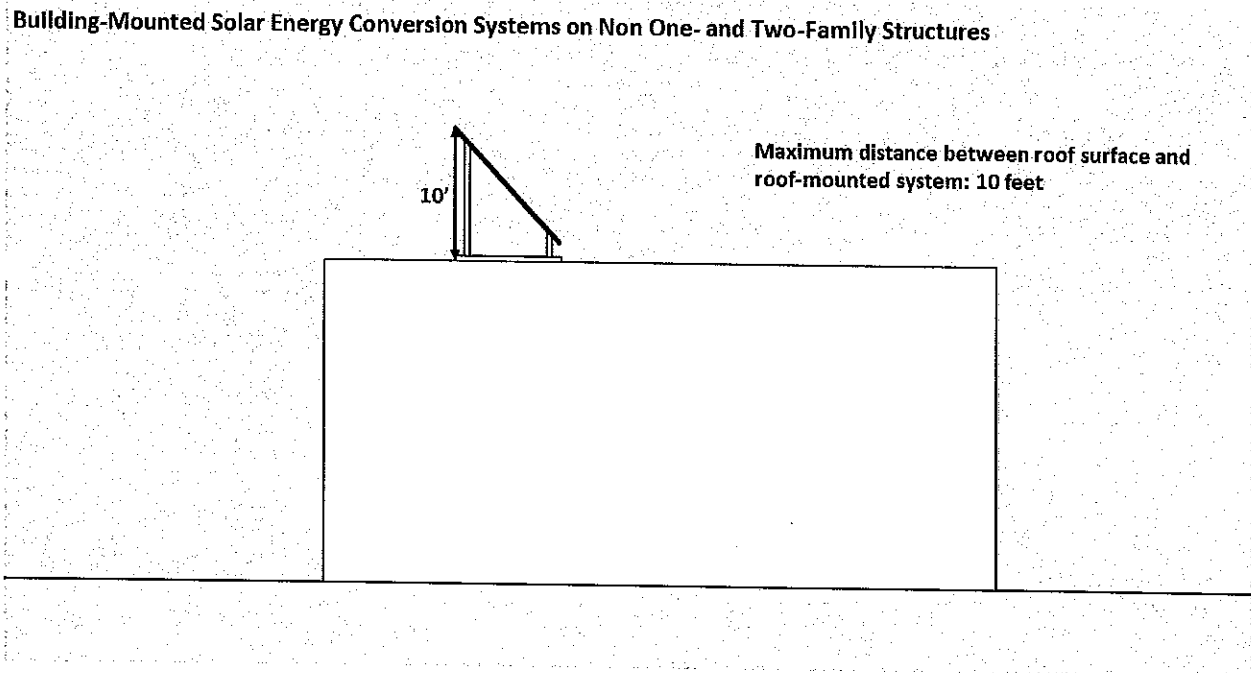
- a. Freestanding, ground-mounted systems shall be located on the same parcel or premises as the buildings being served.
- b. Freestanding, ground-mounted systems shall be subject to all applicable setback and lot coverage regulations for accessory structures in the underlying zoning district.
- c. Freestanding, ground-mounted systems shall be located a minimum of five (5) feet from any principal and/or accessory structures located on the subject parcel or premises and on any abutting property.
- d. The combined surface area of all freestanding, ground-mounted systems, including associated equipment, on a parcel or premises shall not exceed one-fourth ($\frac{1}{4}$) of the footprint of the principal structure, excluding attached accessory structures such as decks, or five hundred (500) square feet, whichever is greater.

- e. Systems shall not exceed ten (10) feet in height when oriented at maximum tilt.

C. Accessory Solar Energy Conversion Systems for Non One- and Two-Family Uses

1. Building-Mounted Systems

- a. Building-mounted systems shall be subject to all applicable setback regulations in the underlying zoning district. Systems mounted on principal structures may encroach into the required front and side yards in accordance with Section 15.24.060 of this Title.
- b. Systems mounted on any wall shall not project more than three (3) feet from the building, and shall not extend beyond the edges of the wall to which it is attached.
- c. Roof-mounted systems shall be mounted with a maximum distance, measured perpendicular to the roof, of ten (10) feet between the roof surface and highest edge or surface of the system.



2. Freestanding/Ground-Mounted Systems

- a. Freestanding, ground-mounted systems shall be located on the same parcel or premises as the buildings being served.
- b. Freestanding, ground-mounted systems shall be located a minimum of five (5) feet from any principal and/or accessory structures located on the subject parcel or premises and on any abutting property.
- c. The combined surface area of all freestanding, ground-mounted systems, including associated equipment, on a parcel or premises shall be subject to the maximum lot coverage allowed for all structures in the underlying zoning district.
- d. The combined surface area of all systems, including associated equipment, on a parcel or premises shall not exceed one-fourth ($\frac{1}{4}$) of the footprint of the principal structure.
- e. Systems shall not exceed eighteen (18) feet in height when oriented at maximum tilt.

D. Solar Energy Conversion Systems as a Principal Use

- 1. Systems shall be located a minimum of six (6) feet from all property lines and any principal and/or accessory structures located on the subject parcel or premises and on any abutting property.

2. There shall be no surface area limits on solar energy conversion systems as a primary use on a site. However, the maximum lot coverage of any solar energy conversion system shall not exceed eighty (80) percent of the total land area of a parcel or premises.
3. Systems shall not exceed twenty (20) feet in height when oriented at maximum tilt.
4. Additional site development standards may apply if a conditional use permit is required for solar energy conversion systems in the underlying zoning district.

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. SEVERABILITY CLAUSE. If any of the provisions of this ordinance are for any reason declared illegal or void, then the lawful provisions of this ordinance which are severable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

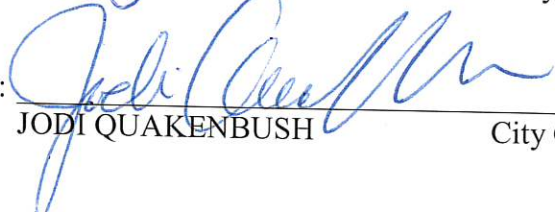
SECTION 4. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its final passage and publication, as by law provided.

PASSED
AND
APPROVED

March 8, 2021.



MATTHEW J. WALSH Mayor

Attest: 

JODI QUAKENBUSH City Clerk

First Consideration: 2-22-21
Second Consideration: 3-8-21
Public Hearing: 3-8-21
Third Consideration: Waived

Proof Of Publication

State of Iowa

Pottawattamie County

NOTICE OF PUBLIC HEARING

TO WHOM IT MAY CONCERN:

You and each of you are hereby notified that the City Council of the City of Council Bluffs, Iowa, has scheduled a public hearing on the request of the Community Development Department to amend Title 15: Zoning of the Council Bluffs Municipal Code by enacting Chapter 15.34, Renewable Energy; amending Section 15.05.030 to add 'solar energy conversion systems' as a conditional use in the A-2/Parks, Estates and Agricultural District; amending Section 15.21.030 to add 'solar energy conversion systems' as a conditional use in the I-2/General Industrial District; and amending Section 15.22.020 to add 'solar energy conversion systems' as a principal use in the I-3/Heavy Industrial District.

You are further notified that the public hearing on said matter will be held by the City Council of the City of Council Bluffs, Iowa, at its regular meeting held at 7:00 p.m., on the 8th day of March, 2021 in the City Council Chambers, 2nd Floor of City Hall, 209 Pearl Street, Council Bluffs, Iowa at which time and place all persons interested in said matter will be given an opportunity to be heard.

Jodi Quakenbush, City Clerk
2021(2)28-1 Sunday

I, Tom Schmitt, on my oath do solemnly that I am Publisher of the COUNCIL BLUFFS DAILY NONPAREIL, a newspaper issued DAILY and printed in said county, COUNCIL BLUFFS, IOWA.

The attached notice was published in said newspaper 1 consecutive time(s) as follows:

The First publication thereof began on the 28th day of February, 2021.

NOTICE OF PUBLIC HEARING

TO WHOM IT MAY CONCERN:

You and each of you are hereby notified that the City Council of the City of Council Bluffs, Iowa, has scheduled a public hearing on the request of the Community Development Department to amend Title 15: Zoning of the Council Bluffs Municipal Code by enacting Chapter 15.34, Renewable Energy; amending Section 15.05.030 to add 'solar energy conversion systems' as a conditional use in the A-2/Parks, Estates and Agricultural District; amending Section 15.21.030 to add 'solar energy conversion systems' as a conditional use in the I-2/General Industrial District; and amending Section 15.22.020 to add 'solar energy conversion systems' as a principal use in the I-3/Heavy Industrial District.

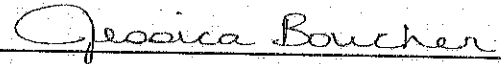
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Jodi Quakenbush, City Clerk
2021(2)28-1 Sunday

Signed in my presence by the said Tom Schmitt and by her sworn to before me this 28th day of February, A.D. 2021.



Tom Schmitt
Daily Nonpareil Publisher



Jessica Boucher
Notary Public

Filed this 28th day of February, A.D. 2021.

Publication Cost: \$19.12



Customer Number: 1003258
Order Number: 0000213730

Proof Of Publication

State of Iowa

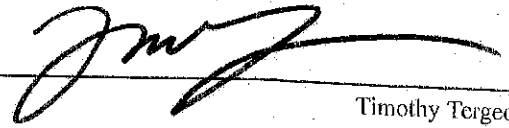
Pottawattamie County

I, Timothy Tergeoglou, on my oath do solemnly that I am President of the COUNCIL BLUFFS DAILY NONPAREIL, a newspaper issued DAILY and printed in said county, COUNCIL BLUFFS, IOWA.

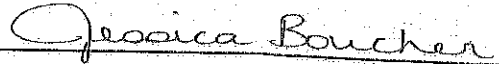
The attached notice was published in said newspaper 1 consecutive time(s) as follows:

The First publication thereof began on the 12th day of March, 2021.

Signed in my presence by the said Timothy Tergeoglou and by her sworn to before me this 12th day of March, A.D. 2021.



Timothy Tergeoglou
Daily Nonpareil President



Jessica Boucher
Notary Public

Filed this 12th day of March, A.D. 2021.

Publication Cost: \$260.10



Customer Number: 1003258

Order Number: 0000216793

AN ORDINANCE TO AMEND TITLE 15 ZONING OF THE 2020 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA BY ENACTING NEW CHAPTER 15.34 "RENEWABLE ENERGY" BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COUNCIL BLUFFS, IOWA

SECTION 1. That Title 15 Zoning of the 2020 Municipal Code of Council Bluffs, Iowa, be and is hereby amended by enacting new Chapter 15.34 "Renewable Energy" to read as follows:

Chapter 15.34-Renewable Energy

15.34.010 Statement of Intent

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15.34.030 Solar Energy Conversion Systems

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The purpose of this chapter is to provide regulations and procedures for the review of applications for the installation of alternative sources of energy. In order to help alleviate the rising costs of energy and offer sustainable energy solutions to the general public, these regulations and procedures seek to minimize the potential adverse effects on the public health, safety and general welfare without unduly restricting the potential of alternative energy production for sustainability.

15.34.020 Definitions

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Freestanding/Ground-Mounted System: A Solar Energy Conversion System that is mounted on a structure, pole, or series of poles constructed specifically to support such system and is not attached to any accessory and/or principal structure on a parcel or premises.

Solar Energy Conversion System: A system consisting of one or more building and/or ground-mounted solar photovoltaic cells, panels, or arrays and solar-related equipment that rely upon solar radiation as an energy source for collection, inversion, storage, and/or distribution of solar energy for electricity generation.

Solar Energy Conversion System (Accessory): Any Solar Energy Conversion System that is not classified as a principal use, as defined in Section 15.03.680 of this Title.

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15.34.030 Solar Energy Conversion Systems

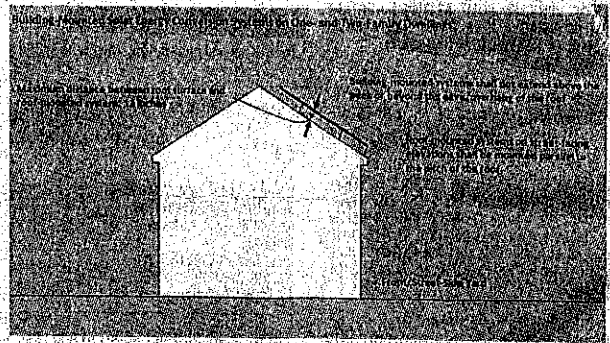
A. General Provisions

1. Solar Energy Conversion Systems shall be allowed as an accessory use in all zoning districts.
2. Solar Energy Conversion Systems in the MCR Mixed Commercial/Residential District shall be reviewed as part of the adoption of a development plan.
3. Solar Energy Conversion Systems in the West Broadway Corridor (CDD) are subject to the following regulations:
 - a. Only building-integrated systems shall be installed on street-facing building elevations.
 - b. Building-mounted systems shall be allowed if not visible from the abutting public right-of-way.
 - c. Freestanding, ground-mounted systems shall not be permitted in the West Broadway CDD.
4. Any Solar Energy Conversion System on or within any locally designated historic landmark, landmark site, and/or district shall be reviewed by the Historic Preservation Commission prior to installation.
5. The following Solar Energy Conversion Systems shall be exempt from the regulations of this Section, except as limited by the provisions in Sections 15.34.030(A)(3) and 15.34.030(A)(4) of this Chapter:
 - a. Any system located within a public right-of-way. The Public Works Department shall regulate such systems.
 - b. Any system located on private property not exceeding three (3) square feet in surface area and three (3) feet in height. The combined surface area of such systems shall not exceed ten (10) square feet.
6. Solar Energy Conversion Systems shall comply with all applicable federal, state, and local building and electrical codes.
7. No portion of any private Solar Energy Conversion System shall encroach into an abutting private property or public right-of-way.
8. All lines and/or wires serving a Solar Energy Conversion System shall be located underground or otherwise concealed to the greatest extent possible.
9. The property owner of any Solar Energy Conversion System shall maintain such system in a safe and attractive manner, including replacement of defective parts, painting, cleaning, and other acts that may be required for maintenance and upkeep of the function and appearance of such a system. The owner shall maintain the ground upon which the system is located in an orderly manner, such that is free of debris, tall grass and weeds.
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11. The property owner of Solar Energy Conversion Systems shall be solely responsible for negotiating with other property owners for any desired solar easements to protect access to sunlight. Any such easements shall be recorded with the Pottawattamie County Recorder's Office.

B. Accessory Solar Energy Conversion Systems for One- and Two-Family Uses

1. Building-Mounted Systems

- a. Building-mounted systems shall be subject to all applicable minimum setback regulations in the underlying zoning district.



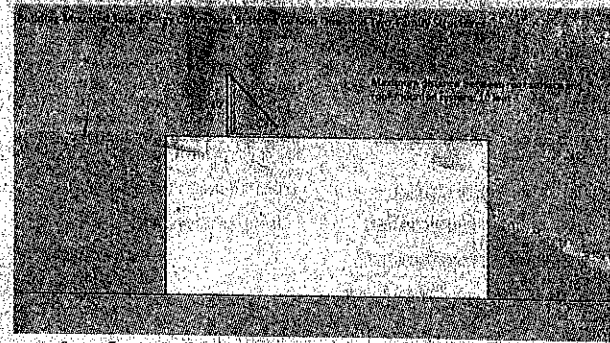
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- a. Freestanding, ground-mounted systems shall be located on the same parcel or premises as the buildings being served.
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- c. Freestanding, ground-mounted systems shall be located a minimum of five (5) feet from any principal and/or accessory structures located on the subject parcel or premises and on any abutting property.
- d. The combined surface area of all freestanding, ground-mounted systems, including associated equipment, on a parcel or premises shall not exceed one-fourth (1/4) of the footprint of the principal structure, excluding attached accessory structures such as decks, or five hundred (500) square feet, whichever is greater.
- e. Systems shall not exceed ten (10) feet in height when oriented at maximum tilt.

C. Accessory Solar Energy Conversion Systems for Non One- and Two-Family Uses

1. Building-Mounted Systems

- a. Building-mounted systems shall be subject to all applicable setback regulations in the underlying zoning district. Systems mounted on principal structures may encroach into the required front and side yards in accordance with Section 15.24.060 of this Title.
- b. Systems mounted on any wall shall not project more than three (3) feet from the building and shall not extend beyond the edges of the wall to which it is attached.
- c. Ground-mounted systems shall be mounted with a maximum distance, measured perpendicular to the array, of ten (10) feet between the roof surface and highest edge or surface of the system.



2. Freestanding/Ground-Mounted Systems

- a. Freestanding, ground-mounted systems shall be located on the same parcel or premises as the buildings being served.
- b. Freestanding, ground-mounted systems shall be located a minimum of five (5) feet from any principal and/or accessory structures located on the subject parcel or premises and on any abutting property.
- c. The combined surface area of all freestanding, ground-mounted systems, including associated equipment, on a parcel or premises shall be subject to the maximum lot coverage allowed for all structures in the underlying zoning district.
- d. The combined surface area of all systems, including associated equipment, on a parcel or premises shall not exceed one-fourth (1/4) of the footprint of the principal structure.
- e. Systems shall not exceed eighteen (18) feet in height when oriented at maximum tilt.

D. Solar Energy Conversion Systems as a Principal Use

1. Systems shall be located a minimum of six (6) feet from all property lines and any principal and/or accessory structures located on the subject parcel or premises and on any abutting property.
2. There shall be no surface area limits on solar energy conversion systems as a primary use on a site. However, the maximum lot coverage of any solar energy conversion system shall not exceed eighty (80) percent of the total land area of a parcel or premises.
3. Systems shall not exceed twenty (20) feet in height when oriented at maximum tilt.
4. Additional site development standards may apply if a conditional use permit is required for solar energy conversion systems in the underlying zoning district.

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. SEVERABILITY CLAUSE. If any of the provisions of this ordinance are for any reason declared illegal or void, then the lawful provisions of this ordinance which are severable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

- i. Systems mounted on principal structures may encroach into the required interior side yard in accordance with Section 15.24.080 of this Title.
- ii. No part of any system shall extend into the required front yard setback.
- b. Only roof-mounted and/or building-integrated systems shall be installed on street-facing building elevations.
- c. Systems mounted on a rear or interior-side wall(s) shall not project more than three (3) feet from the building, and shall not extend beyond the edges of the wall to which it is attached.
- d. Roof-mounted systems shall not extend above the peak nor beyond the eave/overhang of the roof plane on which they are mounted.
- e. Roof-mounted systems located on a street-facing building elevation shall be mounted parallel to the pitch of the roof with a maximum distance, measured perpendicular to the roof, of twelve (12) inches between the roof surface and highest edge or surface of the system.
- f. System components servicing the collector panel shall be concealed and all exposed metal shall be finished with similar colors to the structure on which it is mounted.

SECTION 4. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its final passage and publication, as by law provided.

PASSED
AND
APPROVED

March 8, 2021.

MATTHEW J. WALSH Mayor

Attest:

JODI QUAKENBUSH City Clerk

First Consideration: 2-22-21
Second Consideration: 3-8-21
Public Hearing: 3-8-21
Third Consideration: Waived
2021(3)12-1 Friday

Council Communication

Department: City Clerk
Case/Project No.: ZT-21-002
Submitted by: Moises Montroy, Planner

Ordinances 6442 , 6443, 6444 and 6445
ITEM 5.B.

Council Action: 3/8/2021

Description

Ordinances to amend Title 15: Zoning by enacting a new chapter 15.34 "Renewable Energy"; amending Section 15.05.030 to allow 'solar energy conversion systems' as a conditional use in an A-2/Parks, Estates, and Agricultural District; amending Section 15.21.030 to allow 'solar energy conversion systems' as a conditional use in an I-2/General Industrial District; and amending Section 15.22.020 to allow 'solar energy conversion systems' as a principal use in an I-3/Heavy Industrial District.

Background/Discussion

See attachments.

Recommendation

ATTACHMENTS:

Description	Type	Upload Date
Staff Report	Staff Report	2/11/2021
Attachment A - Resolution No. 20-97	Other	2/11/2021
Attachment B - Proposed Chapter 15.34	Code Section	2/11/2021
Attachment C - Proposed Section 15.05.030	Code Section	2/11/2021
Attachment D - Proposed Section 15.21.030	Code Section	2/11/2021
Attachment E - Proposed Section 15.22.020	Code Section	2/11/2021
Public Hearing Notice	Notice	2/11/2021
Ordinance 6442	Ordinance	2/17/2021
Ordinance 6443	Ordinance	2/17/2021
Ordinance 6444	Ordinance	2/17/2021
Ordinance 6445	Ordinance	2/17/2021

City Council Communication

Department: Community Development CASE #ZT-21-002 Applicant: City of Council Bluffs Community Development Department	Ordinance No. _____	1 st Consideration: 02/22/2021 2 nd Consideration: 03/08/2021 3 rd Consideration: 03/22/2021 Planning Commission: 2/9/2021
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Subject/Title

Request: Public hearing on the request of the City of Council Bluffs to amend Title 15: Zoning of the Council Bluffs Municipal Code by enacting Chapter 15.34, Renewable Energy; amending Section 15.05.030 to add 'solar energy conversion systems' as a conditional use in the A-2/Parks, Estates and Agricultural District; amending Section 15.21.030 to add 'solar energy conversion systems' as a conditional use in the I-2/General Industrial District; and amending Section 15.22.020 to add 'solar energy conversion systems' as a principal use in the I-3/Heavy Industrial District.

Background/Discussion

The Community Development Department is proposing to amend Title 15: Zoning of the Council Bluffs Municipal Code as follows:

1. Enact Chapter 15.34, Renewable Energy. This chapter is intended to provide zoning regulations and procedures for the review of applications for the installation of alternative sources of energy;
2. Amend Section 15.05.030 by adding 'solar energy conversion systems' as a conditional use in the A-2/Parks, Estates and Agricultural District;
3. Amend Section 15.21.030 by adding 'solar energy conversion systems' as a conditional use in the I-2/General Industrial District; and
4. Amend Section 15.22.020 by adding 'solar energy conversion systems' as a principal use in the I-3/Heavy Industrial District.

On April 20, 2020, City Council passed Resolution No. 20-97, which directed the Mayor to execute a letter to the International City/County Management Association announcing the City's commitment to become a SolSmart-designated community. SolSmart is a national program led by the International City/County Management Association and The Solar Foundation that recognizes local governments for promoting solar energy growth. As of January 2021, SolSmart has designated over 390 communities in the United States, including the following Iowa communities: Ames, Cedar Rapids, Fairfield, Perry and Linn County. As part of this effort, the Community Development Department is proposing to enact Chapter 15.34, Renewable Energy, of the Council Bluffs Municipal Code (see Attachment 'B').

The process to obtain SolSmart certification began with City staff and members of The Solar Foundation reviewing the City's Zoning Ordinance to identify any regulatory impediments. After conducting their review, The Solar Foundation provided staff with a list of comments on how to implement solar energy regulations in Council Bluffs. Using these comments as a guideline, staff began drafting the standards outlined in proposed Chapter 15.34. Staff also conducted research on solar energy regulations implemented in various cities around the country and the Midwest region to determine best practices.

The proposed text amendment includes the following standards for solar energy conversion systems:

- A 'solar energy conversion system' is defined as a system consisting of one or more building and/or ground-mounted, solar photovoltaic cells, panels, or arrays and solar-related equipment that rely upon solar radiation as an energy source for collection, inversion, storage, and/or distribution of solar energy for electricity generation.
- Solar energy conversion systems will be allowed as an accessory use in all zoning districts.
- Solar energy conversion systems will be allowed as a principal use in the I-3/General Industrial District, and as a conditional use in the A-2/Parks, Estates and Agricultural District and the I-2/General Industrial District.
- Roof-mounted systems for one- and two-family uses shall not extend above the peak nor beyond the eave/overhang of the roof plane on which they are mounted. Such systems located on a street-facing building elevation shall be mounted parallel to the pitch of the roof with a maximum distance, measured perpendicular to the roof, of twelve (12) inches between the roof surface and highest edge or surface of the system.
- Roof-mounted systems for non one- and two-family uses shall be mounted with a maximum distance, measured perpendicular to the roof, of ten (10) feet between the roof surface and highest edge or surface of the system.
- Ground-mounted systems for one- and two-family uses shall not exceed ten (10) feet in height when oriented at maximum tilt. The combined surface area for such systems shall not exceed one-fourth (¼) of the footprint of the principal structure, excluding attached accessory structures such as decks, or five hundred (500) square feet, whichever is greater.
- Ground-mounted systems for non one- and two-family uses shall not exceed eighteen (18) feet in height when oriented at maximum tilt. The combined surface area for such systems shall not exceed one-fourth (¼) of the footprint of the principal structure.
- Solar energy conversions systems as a principal use shall not exceed twenty (20) feet in height when oriented at maximum tilt. The maximum lot coverage for such systems shall not exceed eighty (80) percent of the total land area of a parcel or premises.

Additional standards for other forms of renewable energy (e.g. wind energy, hydroelectric, geothermal, etc.) may be adopted in the future under proposed Chapter 15.34, Renewable Energy, of the Municipal Code (Zoning Ordinance).

All City Departments and local utilities were notified of the proposed text amendment. No adverse comments have been received.

Recommendation

The Community Development Department recommends approval of the request to amend Title 15: Zoning of the Council Bluffs Municipal Code by enacting Chapter 15.34, Renewable Energy; amending Section 15.05.030 to add 'solar energy conversion systems' as a conditional use in the A-2/Parks, Estates and Agricultural District; amending Section 15.21.030 to add 'solar energy conversion systems' as a conditional use in the I-2/General Industrial District; and amending Section 15.22.020 to add 'solar energy conversion systems' as a principal use in the I-3/Heavy Industrial District.

Public Hearing

Staff speakers for the request:

1. Moises Monroy, Planner, Community Development Department, City of Council Bluffs, 209 Pearl Street, Council Bluffs, IA

Speakers in favor: None

Speakers against: None

Planning Commission Recommendation

The Planning Commission recommended approval to amend to amend Title 15: Zoning of the Council Bluffs Municipal Code by enacting Chapter 15.34, Renewable Energy; amending Section 15.05.030 to add 'solar energy conversion systems' as a conditional use in the A-2/Parks, Estates and Agricultural District; amending Section 15.21.030 to add 'solar energy conversion systems' as a conditional use in the I-2/General Industrial District; and amending Section 15.22.020 to add 'solar energy conversion systems' as a principal use in the I-3/Heavy Industrial District.

VOTE: AYE – Bass, Danielsen, Halm, Haner, Holm, Hutcheson, Rater, Rew, Scott, Stroebele, and VanHouten
NAY - None ABSTAIN - None ABSENT – None VACANT - None Motion: Carried.

Attachments

Attachment A: Resolution No. 20-97

Attachment B: Proposed Chapter 15.34, Renewable Energy, of the Municipal Code (Zoning Ordinance)

Attachment C: Proposed Section 15.05.030 of the Municipal Code (Zoning Ordinance)

Attachment D: Proposed Section 15.21.030 of the Municipal Code (Zoning Ordinance)

Attachment E: Proposed Section 15.22.020 of the Municipal Code (Zoning Ordinance)

Prepared by: Moises Monrroy, Planner, Community Development Department

RESOLUTION NO. 20-97

A RESOLUTION AUTHORIZING AND DIRECTING THE MAYOR TO EXECUTE A LETTER TO THE INTERNATIONAL CITY/COUNTY MANAGEMENT ASSOCIATION ANNOUNCING THE CITY OF COUNCIL BLUFFS COMMITMENT TO BECOMING A SOLSMART-DESIGNATED COMMUNITY.

WHEREAS, it would be in the best interest of the City of Council Bluffs to create a 10-year sustainability master plan to include the City's goals and objects to decrease energy water and fossil fuel use along with greenhouse gas emissions by 2030 while also increasing reuse and recycling of materials; and

WHEREAS, the City should enact policies to remove barriers and support the installation of sustainable clean energy; and

WHEREAS, the City should engage the community and surrounding areas to encourage clean energy practices.

**NOW, THEREFORE, BE IT RESOLVED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA**

That the Mayor is hereby authorized and directed to execute a letter directed to the International City/County Management Association and The Solar Foundation announcing the City of Council Bluffs commitment to becoming a SolSmart-designated community.

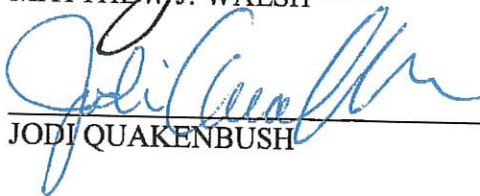
ADOPTED
AND
APPROVED

April 20, 2020.



MATTHEW J. WALSH Mayor

Attest:



JODI QUAKENBUSH City Clerk

Council Communication

Department: City Clerk
Case/Project No.:
Submitted by: Legal Department

Resolution 20-97 (Continued from 4-6-20)
ITEM 5.A.

Council Action: 4/20/2020

Description

Resolution authorizing and directing the Mayor to execute a letter to the International City/County Management Association announcing the City of Council Bluffs commitment to becoming a SolSmart-designated community.

Background/Discussion

This resolution was prepared at the direction of Council Members Wolf and Head.

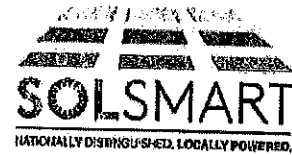
Recommendation

Approval of this Resolution.

ATTACHMENTS:

Description	Type	Upload Date
Solar Statement	Letter	3/30/2020
Resolution 20-97	Resolution	3/31/2020

SOLAR STATEMENT



April 6, 2020

Scott Annis
International City/County Management Association
777 North Capitol St. NE, Ste. 500
Washington, DC 20002

Theresa Perry
The Solar Foundation
1717 Pennsylvania AVE NW, Ste. 750
Washington, DC 20006

Dear Scott Annis and Theresa Perry:

On behalf of Council Bluffs, IA, I am proud to announce our commitment to become a SolSmart-designated community. In partnership with the SolSmart team, Council Bluffs' dedicated staff members will work to improve solar market conditions, making it faster, easier, and more affordable for our residents and businesses to install solar energy systems. These efforts will also increase the efficiency of local processes related to solar development, which may save our local government time and money.

Council Bluffs will leverage SolSmart to achieve the following goals:

- Create a 10-year sustainability master plan to include City goals and objects to decrease energy, water and fossil fuel use along with Greenhouse gas emissions by 2030 while also increasing reuse and recycling of materials.
- Enact policies to remove barriers and support the installation of sustainable, clean energy.
- Engage the community and surrounding areas to encourage clean energy practices.

These efforts demonstrate that our community is committed to driving continual improvement in our solar market, and in the process of doing so, all the related areas identified as community priorities in our relevant plans or initiatives.

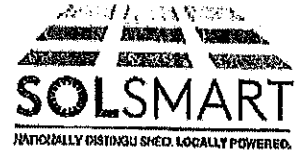
In order to measure progress along the way, Council Bluffs will track key metrics related to solar energy deployment, such as installed solar capacity and the number of installations across sectors.

In these efforts, we call on our residents, businesses, non-profits, and others to get involved, and we invite everyone to stay tuned by visiting www.councilbluffs-ia.gov/solar

Inquiries related to Council Bluffs' SolSmart participation can be directed to communications contact at bgarrett@councilbluffs-ia.gov

Sincerely,

SOLAR STATEMENT



Printed name

Title

Chapter 15.34

Renewable Energy

Sections:

- 15.34.010 Statement of Intent
- 15.34.020 Definitions
- 15.34.030 Solar Energy Conversion Systems

15.34.010 Statement of Intent. The purpose of this chapter is to provide regulations and procedures for the review of applications for the installation of alternative sources of energy in order to help alleviate the rising costs of energy and offer sustainable energy solutions to the general public. These regulations and procedures seek to minimize the potential adverse effects on the public health, safety and general welfare without unduly restricting the potential of alternative energy production for sustainability.

15.34.020 Definitions

Building-Integrated System: A Solar Energy Conversion System that is constructed as an integral part of a principal or accessory building or structure and where the building-integrated system features maintain a uniform profile or surface of vertical walls and roofing. Building-integrated systems shall not count towards any minimum transparency requirements.

Building-Mounted System: A Solar Energy Conversion System attached to any part of a principal and/or accessory building or structure.

Freestanding/Ground-Mounted System: A Solar Energy Conversion System that is mounted on a structure, pole, or series of poles constructed specifically to support such system and is not attached to any accessory and/or principal structure on a parcel or premises.

Solar Energy Conversion System: A system consisting of one or more building and/or ground-mounted, solar photovoltaic cells, panels, or arrays and solar-related equipment that rely upon solar radiation as an energy source for collection, inversion, storage, and/or distribution of solar energy for electricity generation.

Solar Energy Conversion System (Accessory): Any Solar Energy Conversion System that is not classified as a principal use, as defined in Section 15.03.580 of this Title.

Solar Energy Conversion System (Principal): A Solar Energy Conversion System that is the principal use or comprises fifty (50) percent or more of the land area of a parcel or premises.

15.34.030 Solar Energy Conversion Systems

A. General Provisions

1. Solar Energy Conversion Systems shall be allowed as an accessory use in all zoning districts.
2. Solar Energy Conversion Systems in the MCR/Mixed Commercial-Residential District shall be reviewed as part of the adoption of a development plan.
3. Solar Energy Conversion Systems in the West Broadway Corridor (CDO) are subject to the following regulations:
 - a. Only building-integrated systems shall be installed on street-facing building elevations.
 - b. Building-mounted systems shall be allowed if not visible from the abutting public right-of-way.
 - c. Freestanding, ground-mounted systems shall not be permitted in the West Broadway CDO.
4. Any Solar Energy Conversion System on or within any locally designated historic landmark, landmark site, and/or district shall be reviewed by the Historic Preservation Commission prior to installation.
5. The following Solar Energy Conversion Systems shall be exempt from the regulations of this Section, except as limited by the provisions in Sections 15.34.030(A)(3) and 15.34.030(A)(4) of this Chapter:
 - a. Any system located within a public right-of-way. The Public Works Department shall regulate such systems.
 - b. Any system located on private property not exceeding three (3) square feet in surface area and three (3) feet in height. The combined surface area of such systems shall not exceed ten (10) square feet.
6. Solar Energy Conversions Systems shall comply with all applicable federal, state, and local building and electrical codes.
7. No portion of any private Solar Energy Conversion System shall encroach into an abutting private property or public right-of-way.
8. All lines and/or wires serving a Solar Energy Conversion System shall be located underground or otherwise concealed to the greatest extent possible.

9. The property owner of any Solar Energy Conversion System shall maintain such system in a safe and attractive manner, including replacement of defective parts, painting, cleaning, and other acts that may be required for maintenance and upkeep of the function and appearance of such a system. The owner shall maintain the ground upon which the system is located in an orderly manner, such that is free of debris, tall grass and weeds.

10. The property owner of any Solar Energy Conversion System that has been damaged and/or destroyed shall repair or replace such system within six months of the damage being incurred.

11. The property owner of Solar Energy Conversion Systems shall be solely responsible for negotiating with other property owners for any desired solar easements to protect access to sunlight. Any such easements shall be recorded with the Pottawattamie County Recorder's Office.

B. Accessory Solar Energy Conversion Systems for One- and Two-Family Uses

1. Building-Mounted Systems

a. Building-mounted systems shall be subject to all applicable minimum setback regulations in the underlying zoning district.

i. Systems mounted on principal structures may encroach into the required interior side yard in accordance with Section 15.24.060 of this Title.

ii. No part of any system shall extend into the required front yard setback.

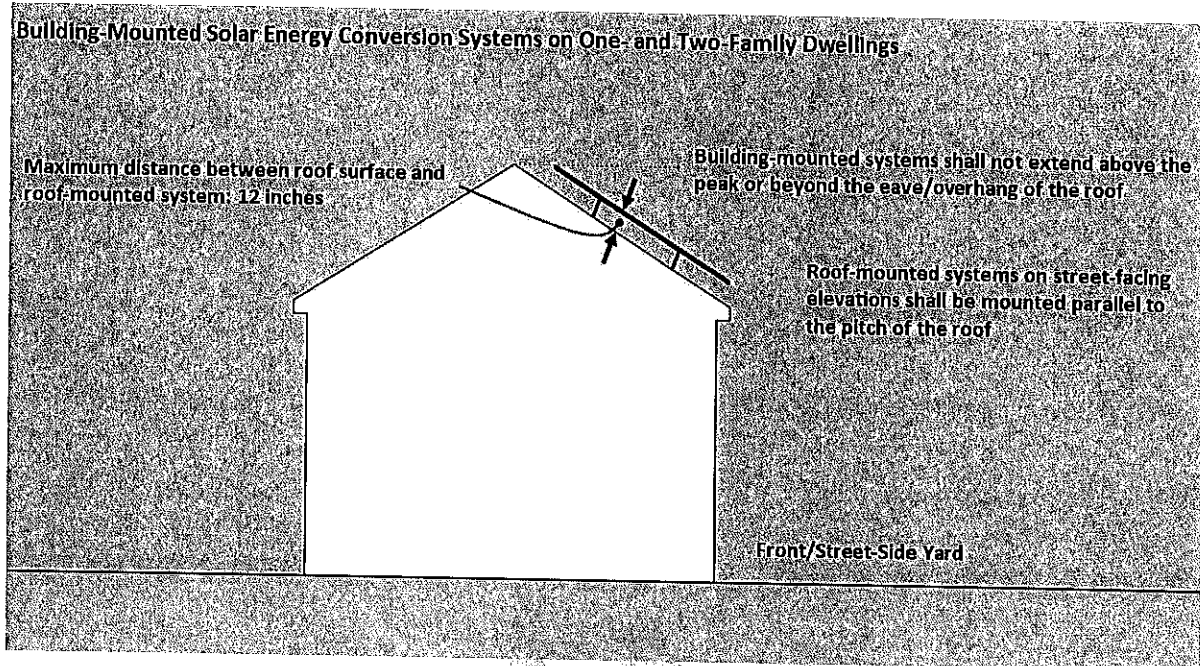
b. Only roof-mounted and/or building-integrated systems shall be installed on street-facing building elevations.

c. Systems mounted on a rear or interior-side wall(s) shall not project more than three (3) feet from the building, and shall not extend beyond the edges of the wall to which it is attached.

d. Roof-mounted systems shall not extend above the peak nor beyond the eave/overhang of the roof plane on which they are mounted.

e. Roof-mounted systems located on a street-facing building elevation shall be mounted parallel to the pitch of the roof with a maximum distance, measured perpendicular to the roof, of twelve (12) inches between the roof surface and highest edge or surface of the system.

- f. System components servicing the collector panel shall be concealed and all exposed metal shall be finished with similar colors to the structure on which it is mounted.



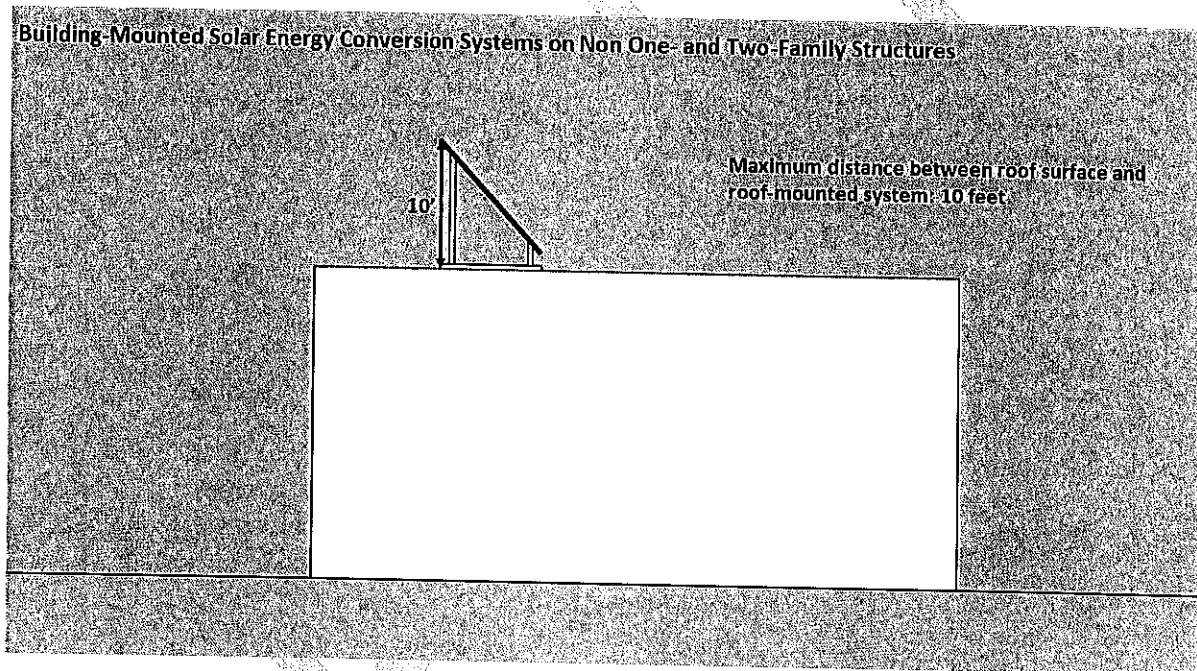
2. Freestanding/Ground-Mounted Systems

- a. Freestanding, ground-mounted systems shall be located on the same parcel or premises as the buildings being served.
- b. Freestanding, ground-mounted systems shall be subject to all applicable setback and lot coverage regulations for accessory structures in the underlying zoning district.
- c. Freestanding, ground-mounted systems shall be located a minimum of five (5) feet from any principal and/or accessory structures located on the subject parcel or premises and on any abutting property.
- d. The combined surface area of all freestanding, ground-mounted systems, including associated equipment, on a parcel or premises shall not exceed one-fourth ($\frac{1}{4}$) of the footprint of the principal structure, excluding attached accessory structures such as decks, or five hundred (500) square feet, whichever is greater.
- e. Systems shall not exceed ten (10) feet in height when oriented at maximum tilt.

C. Accessory Solar Energy Conversion Systems for Non One- and Two-Family Uses

1. Building-Mounted Systems

- a. Building-mounted systems shall be subject to all applicable setback regulations in the underlying zoning district. Systems mounted on principal structures may encroach into the required front and side yards in accordance with Section 15.24.060 of this Title.
- b. Systems mounted on any wall shall not project more than three (3) feet from the building, and shall not extend beyond the edges of the wall to which it is attached.
- c. Roof-mounted systems shall be mounted with a maximum distance, measured perpendicular to the roof, of ten (10) feet between the roof surface and highest edge or surface of the system.



2. Freestanding/Ground-Mounted Systems

- a. Freestanding, ground-mounted systems shall be located on the same parcel or premises as the buildings being served.
- b. Freestanding, ground-mounted systems shall be located a minimum of five (5) feet from any principal and/or accessory structures located on the subject parcel or premises and on any abutting property.

- c. The combined surface area of all freestanding, ground-mounted systems, including associated equipment, on a parcel or premises shall be subject to the maximum lot coverage allowed for all structures in the underlying zoning district.
- d. The combined surface area of all systems, including associated equipment, on a parcel or premises shall not exceed one-fourth ($\frac{1}{4}$) of the footprint of the principal structure.
- e. Systems shall not exceed eighteen (18) feet in height when oriented at maximum tilt.

D. Solar Energy Conversion Systems as a Principal Use

1. Systems shall be located a minimum of six (6) feet from all property lines and any principal and/or accessory structures located on the subject parcel or premises and on any abutting property.
2. There shall be no surface area limits on solar energy conversion systems as a primary use on a site. However, the maximum lot coverage of any solar energy conversion system shall not exceed eighty (80) percent of the total land area of a parcel or premises.
3. Systems shall not exceed twenty (20) feet in height when oriented at maximum tilt.
4. Additional site development standards may apply if a conditional use permit is required for solar energy conversion systems in the underlying zoning district.