

ORDINANCE NO. 6443

AN ORDINANCE TO AMEND CHAPTER 15.05 "A-2/PARKS, ESTATES AND AGRICULTURAL DISTRICT" OF THE 2020 MUNICIPAL CODE (ZONING ORDINANCE) BY AMENDING SECTION 15.05.030 "CONDITIONAL USES".

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

SECTION 1. That Chapter 15.05 "A-2/Parks, Estates and Agricultural District" of the 2020 Municipal Code (Zoning Ordinance) is hereby amended by amending Section 15.05.030 "Conditional Uses" to read as follows:

15.05.030 Conditional Uses

The following conditional uses shall be permitted in an A-2 district in accordance with the requirements set forth in CBMC 15.02:

- A. Agricultural sales and service;
- B. Commercial recreation (indoor and outdoor);
- C. Day care services;
- D. Extraction activity;
- E. Funeral service in conjunction with a cemetery;
- F. Outdoor firing range;
- G. Private campground;
- H. Sanitary landfill;
- I. Rubble dump;
- J. Greenhouse, commercial; and
- K. Solar energy conversion systems.

(Ord. No. 6055, § 2, 3-8-2010; Ord. No. 6372, § 1, 12-17-2018)

Editor's note— Ord. No. 6055, § 2, adopted Mar. 8, 2010, repealed the former section and enacted a new section as set out herein. The former section pertained to similar subject matter and derived from Ord. No. 5523, § 2, 2000.

HISTORY

Amended by Ord. 6393 on 8/12/2019

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 All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.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

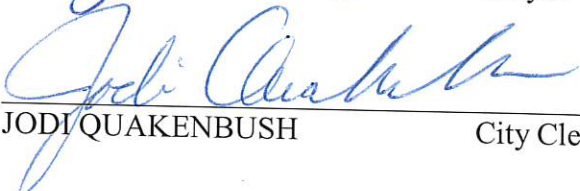
SECTION 4. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its final passage and publication, as by law provided.

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.

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

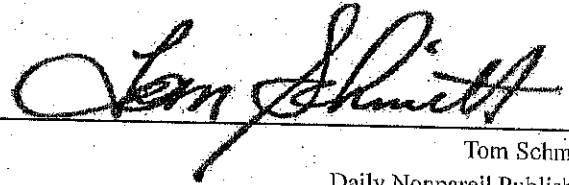
NOTICE OF PUBLIC HEARING

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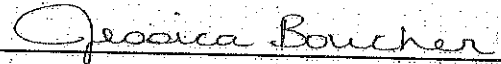
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2021(2)28-1 Sunday



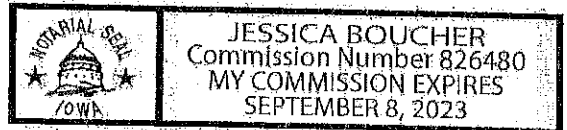
Tom Schmitt
Daily Nonpareil Publisher



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

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15.05.030 Conditional Uses

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- A. Agricultural sales and service;
- B. Commercial recreation (Indoor and outdoor);
- C. Day care services;
- D. Extraction activity;
- E. Funeral service in conjunction with a cemetery;
- F. Outdoor firing range;
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(Ord. No. 6055, § 2, 3-8-2010; Ord. No. 6372, § 1, 12-17-2018)

Editor's note— Ord. No. 6055, § 2, adopted Mar. 8, 2010, repealed the former section and enacted a new section as set out herein. The former section pertained to similar subject matter and derived from Ord. No. 5523, § 2, 2000.

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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

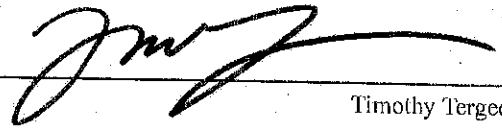
First Consideration: 2-22-21
Second Consideration: 3-8-21
Public Hearing: 3-8-21
Third Consideration: Waived
2021(3)13-1 Saturday

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.

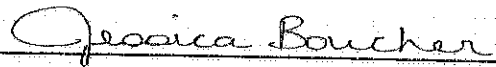
The attached notice was published in said newspaper 1 consecutive time(s) as follows:

The First publication thereof began on the 13th day of March, 2021.

Signed in my presence by the said Timothy Tergeoglou and by her sworn to before me this 13th day of March, A.D. 2021.



Timothy Tergeoglou
Daily Nonpareil President



Jessica Boucher
Notary Public

Filed this 13th day of March, A.D. 2021.

Publication Cost: \$43.27



Customer Number: 1003258
Order Number: 0000216780

Council Communication

Department: City Clerk
Case/Project No.: ZT-21-002
Submitted by: Moises Monroy, 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
Subject/Title		
<p>Request: Public hearing on the request of the City of Council Bluffs to amend Title 15: <u>Zoning</u> of the Council Bluffs Municipal Code by enacting Chapter 15.34, <u>Renewable Energy</u>; 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.</p>		
Background/Discussion		
<p>The Community Development Department is proposing to amend Title 15: <u>Zoning</u> of the Council Bluffs Municipal Code as follows:</p> <ol style="list-style-type: none"> 1. Enact Chapter 15.34, <u>Renewable Energy</u>. 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. <p>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, <u>Renewable Energy</u>, of the Council Bluffs Municipal Code (see Attachment 'B').</p> <p>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.</p>		

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 Monroy, 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.

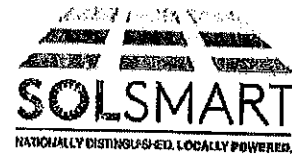
Background/Discussion
This resolution was prepared at the direction of Council Members Wolf and Head.

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 15.05

A-2/PARKS, ESTATES AND AGRICULTURAL DISTRICT

Sections:

15.05.010	Statement of Intent
15.05.020	Principal Uses
15.05.030	Conditional Uses
15.05.040	Accessory Uses
15.05.050	Site Development Regulations
15.05.060	Additional Regulations
15.05.070	Signs

15.05.010 Statement of Intent. This district is intended to preserve lands best suited for agricultural, recreational and large-parcel residential uses. It is also intended to preserve land suited for eventual development, pending proper timing for economical and practical provisions of streets, utilities, schools and other facilities so that reasonably compact development will occur.

(Ord. 5285 § 1 (part), 1996)

15.05.020 Principal Uses. The following principal uses shall be permitted outright in an A-2 district:

- A. Animal Production
- B. Cemetery.
- C. Dwelling, single-family detached.
- D. Family home.
- E. Government maintenance facility.
- F. Horticulture and crop production.
- G. Local utility services.
- H. Park and recreation services.
- I. Public campground.
- J. Public safety services.
- K. Religious assembly.

L. Secondary airports and private light plane landing strips, when laid out and operated in accordance with all applicable regulations of the Federal Aviation Administration (FAA) and when situated on a site containing not less than thirty (30) acres.

M. Animal shelter (non-profit).

(Ord. No. 6055, § 1, 3-8-2010; Ord. No. 6081, § 1, 5-24-2010)

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15.05.030 Conditional Uses. The following conditional uses shall be permitted in an A-2 district in accordance with the requirements set forth in CBMC 15.02:

- A. Agricultural sales and service;
 - 1. Commercial recreation (indoor and outdoor);
- B. Day care services;
- C. Extraction activity;
- D. Funeral service in conjunction with a cemetery;
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HISTORY

Amended by Ord. 6393 on 8/12/2019

15.05.040 Accessory Uses. Accessory uses shall include uses of land or structures customarily incidental and subordinate to one of the principal uses, unless otherwise excluded. In an A-2 district only, an accessory structure may exceed the ground floor coverage of the principal structure.

(Ord. 5285 § 1 (part), 1996)

15.05.050 Site Development Regulations

Minimum Lot Size

Lot area:	3 acres
Lot width:	150 feet
Lot depth:	200 feet

Minimum Setbacks	Principal Structure	Accessory Structure
Front yard:	50 feet	50 feet
Street side yard:	20 feet	20 feet
Side yard:	10% of lot width or 10 feet whichever is greater	10% of lot width or 10 feet whichever is greater
Rear yard:	20 feet	20 feet
Maximum height:	35 feet	25 feet
Lot coverage:	10% maximum	

(Ord. 5285 § 1 (part), 1996)

HISTORY

Amended by Ord. 6393 on 8/12/2019

15.05.060 Additional Regulations

A. Reserved.

(Ord. 5285 § 1 (part), 1996)

15.05.070 Signs. Signage in this district shall comply with CBMC 15.33, "Signs."

(Ord. 5285 § 1 (part), 1996)