City Council Communication

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

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 Monrroy, 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