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:

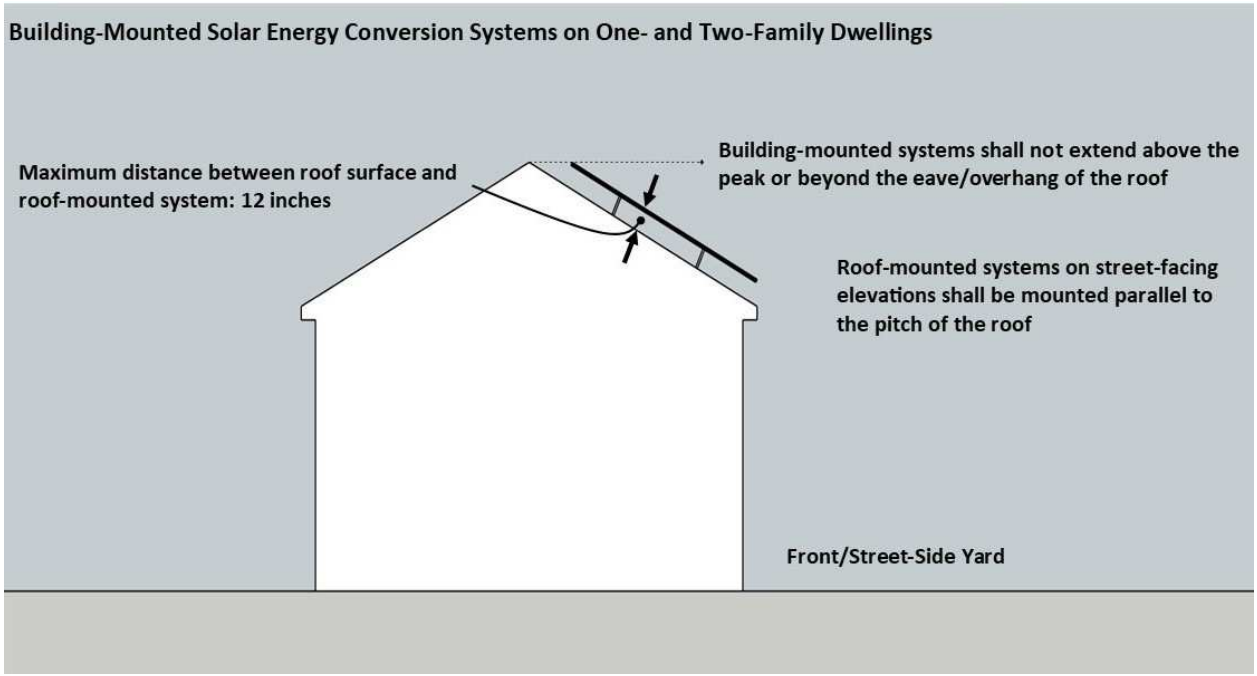
      a. Only building-integrated systems shall be installed on street-facing building elevations.
      b. Building-mounted systems shall be allowed if not visible from the abutting public right-of-way.
      c. Freestanding, ground-mounted systems shall not be permitted in the West Broadway CDO.

   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 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.

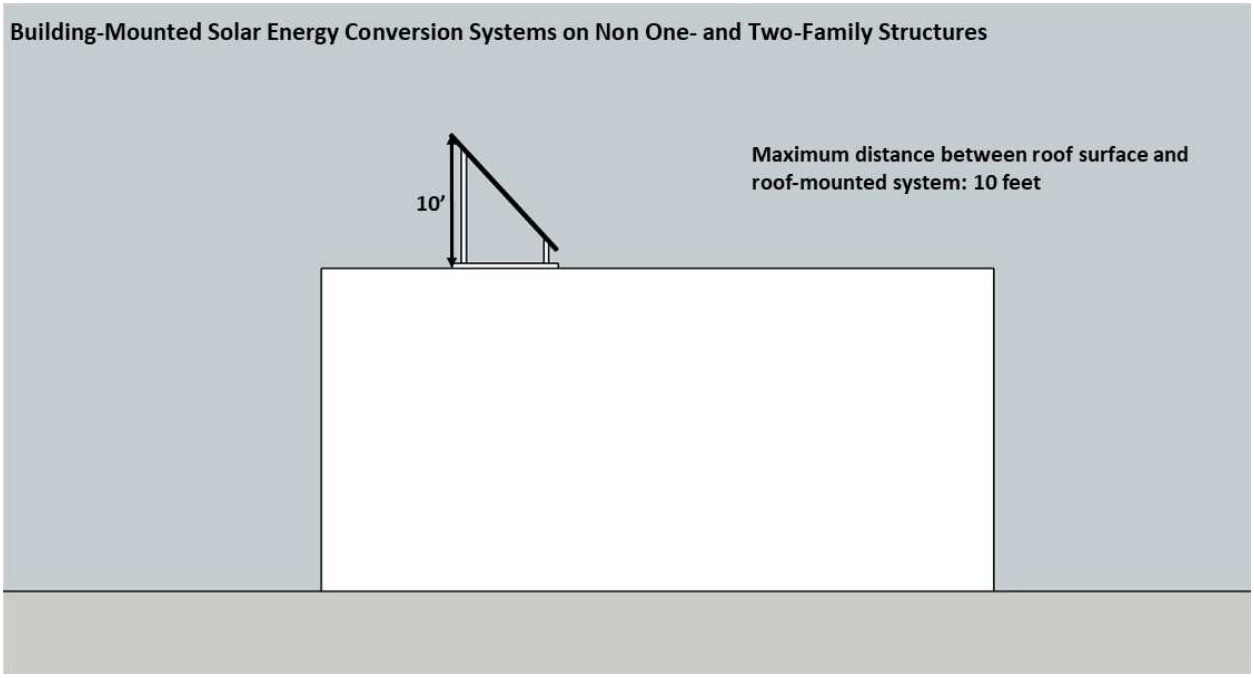
b. Only roof-mounted and/or building-integrated systems shall be installed on street-facing building elevations.
c. Systems mounted on a rear or interior-side wall(s) shall not project more than three (3) feet from the building, and shall not extend beyond the edges of the wall to which it is attached.
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 (¼) 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 (¼) 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 March 8, 2021.
APPROVED

_____
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: _____