

ORDINANCE NO. 6525

AN ORDINANCE TO AMEND CHAPTER 15.34, RENEWABLE ENERGY OF THE MUNICIPAL CODE (ZONING ORDINANCE) OF THE 2020 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA, BY AMENDING SECTION 15.34.030 "SOLAR ENERGY CONVERSION SYSTEMS".

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

SECTION 1. That Chapter 15.34, Renewable Energy of the Municipal Code (Zoning Ordinance) of the 2020 Municipal Code of Council Bluffs, Iowa, be and the same is hereby amended by amending Section 15.34.030, "Solar Energy Conversion Systems" to read as follows:

15.34.030 Solar Energy Conversion Systems

A. General Provisions

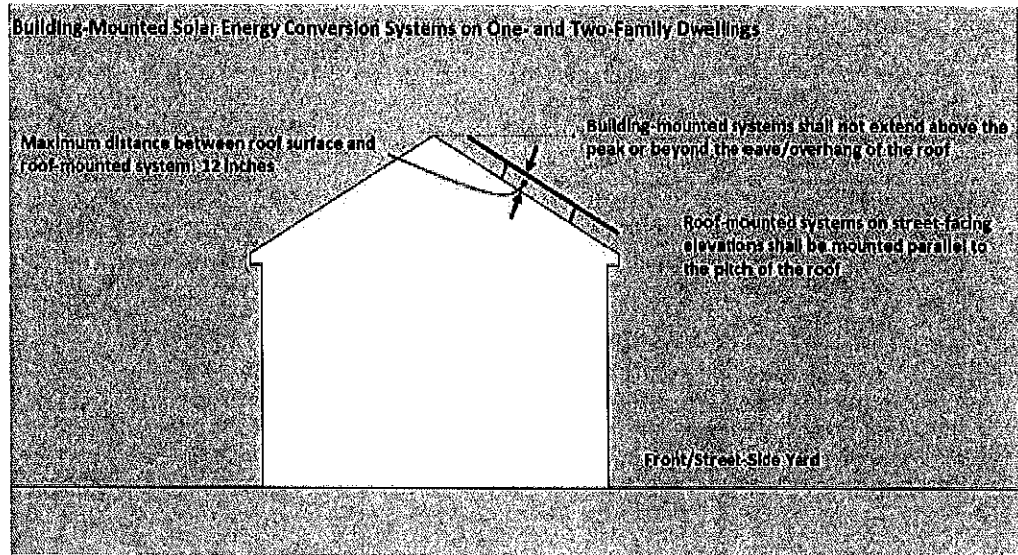
1. Solar Energy Conversion Systems shall be allowed as an accessory use in all zoning districts.
2. Solar Energy Conversion Systems in any planned development district shall be reviewed as part of the adoption of, or amendments to, a development plan.
3. Solar Energy Conversion Systems in the West Broadway 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.
 - (1) Systems mounted on principal structures may encroach into the required interior side yard in accordance with Section 15.24.060 of this Title.
 - (2) No part of any system shall extend into the required front yard setback.
 - (3) Systems mounted on existing nonconforming structures shall be installed in such a manner that does not increase the degree of nonconformity.
- 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.



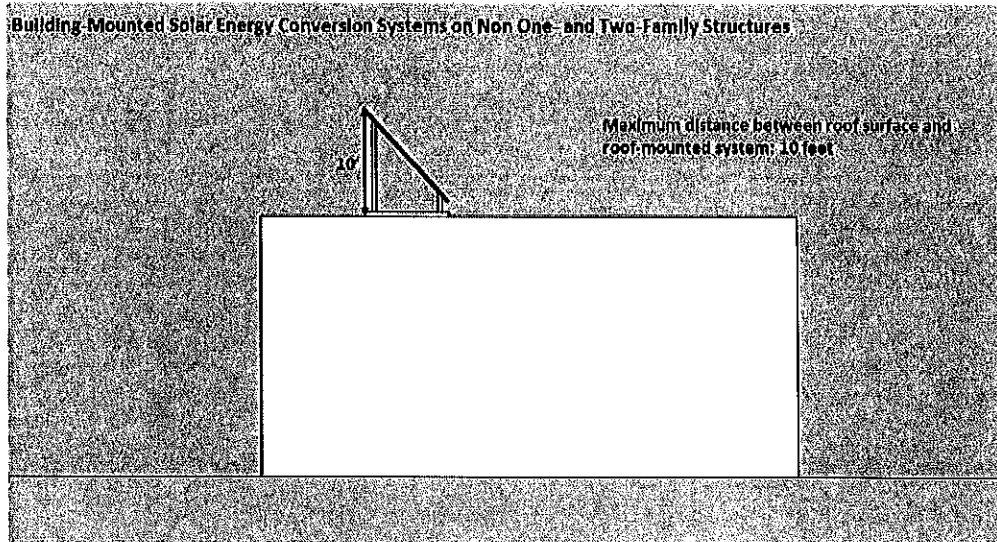
2. Freestanding/Ground-Mounted Systems

- 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.
 - (1) Systems mounted on existing nonconforming structures shall be installed in such a manner that does not increase the degree of nonconformity.
- 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.

HISTORY

Adopted by Ord. 6442 on 3/8/2021

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

October 10, 2022.



MATTHEW J. WALSH Mayor

Attest:



ALLISON HEAD Deputy City Clerk

First Consideration: 9-26-22
Second Consideration: 10-10-22
Public Hearing: 10-10-22
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 City of Council Bluffs to amend the following sections of Title 15: Zoning of the Council Bluffs Municipal Code: Section 15.24.040(C)(2), Fence Height Requirements, relative to the maximum height allowed for fences in a street-side yard in residential districts; Section 15.34.030(A)(2), Solar Energy Conversion Systems - General Provisions, relative to solar energy conversion systems in planned development areas/districts; Section 15.34.030(B)(1), Accessory Solar Energy Conversion Systems for One- and Two-Family Uses - Building-Mounted Systems, by adding subsection (a)(3) relative to solar energy conversions systems mounted on existing non-conforming structures; and Section 15.34.030(C)(1), Accessory Solar Energy Conversion Systems for Non One- and Two-Family Uses - Building-Mounted Systems, by adding subsection (a)(1) relative to solar energy conversions systems mounted on existing non-conforming structures.

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 10th day of October, 2022 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
2022 (10) 2 - 1 Sunday

I, (the undersigned) on my oath do solemnly that I am an authorized representative of CBN 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 02nd day of October, 2022.


Brenda Bruce
Billing Representative

Sworn to and subscribed before me this 2nd day
of October, A.D. 2022.


Kimberly Kay Harris
Notary Public

State of Virginia
County of Hanover
My Commission expires _____

Kimberly Kay Harris
NOTARY PUBLIC
Commonwealth of Virginia
Reg. No. 873763
Commission Exp. Jan. 31, 2025

CITY OF COUNCIL BLUFFS
209 PEARL ST.
COUNCIL BLUFFS, IA 51503

Publication Cost: \$25.56
Customer Number: 1003258
Order Number: 0000332354

E-mail

jquakenbush@councilbluffs-ia.gov

Proof Of Publication

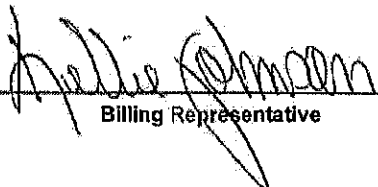
State of Iowa

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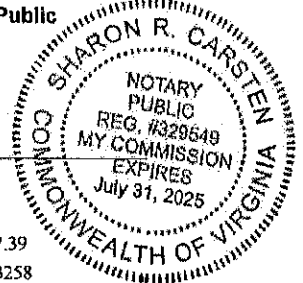
The First publication thereof began on the 14th day of October, 2022.


Billing Representative

Sworn to and subscribed before me this 14th day
of October, A.D. 2022.


Notary Public

State of Virginia
County of Hanover
My Commission expires



CITY OF COUNCIL BLUFFS
209 PEARL ST.
COUNCIL BLUFFS, IA 51503

Publication Cost: \$337.39
Customer Number: 1003258
Order Number: 0000334805

E-mail

jquakenbush@councilbluffs-ia.gov

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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 any planned development district shall be reviewed as part of the adoption of, or amendments to, 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.
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 - 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 it is free of debris, tall grass and weeds.
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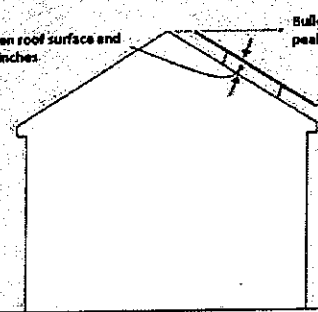
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1. Building-Mounted Systems

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- 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.

Building-Mounted Solar Energy Conversion Systems on One- and Two-Family Dwellings

Maximum distance between roof surface and roof-mounted system: 12 inches.



Building-mounted systems shall not extend above the peak or beyond the eave/overhang of the roof.

Roof-mounted systems on street-facing elevations shall be mounted parallel to the pitch of the roof.

Front/Street-Side Yard

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.
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- 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

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- 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.

Building-Mounted Solar Energy Conversion Systems on Non One- and Two-Family Structures



Maximum distance between roof surface and roof-mounted system: 10 feet.

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.
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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.
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4. Additional site development standards may apply if a conditional use permit is required for solar energy conversion systems in the underlying zoning district.

HISTORY

Adopted by Ord. 6442 on 3/8/2021

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 October 10, 2022

Matthew J. Walsh, Mayor

Attest: Allison Head, Deputy City Clerk

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 City of Council Bluffs to amend the following sections of Title 15: Zoning of the Council Bluffs Municipal Code: Section 15.24.040(C)(2), Fence Height Requirements, relative to the maximum height allowed for fences in a street-side yard in residential districts; Section 15.34.030(A)(2), Solar Energy Conversion Systems - General Provisions, relative to solar energy conversion systems in planned development areas/districts; Section 15.34.030(B)(1), Accessory Solar Energy Conversion Systems for One- and Two-Family Uses - Building-Mounted Systems, by adding subsection (a)(3) relative to solar energy conversions systems mounted on existing non-conforming structures; and Section 15.34.030(C)(1), Accessory Solar Energy Conversion Systems for Non One- and Two-Family Uses - Building-Mounted Systems, by adding subsection (a)(1) relative to solar energy conversions systems mounted on existing non-conforming structures.


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Jodi Quakenbush, City Clerk
2022 (10) 2 - 1 Sunday

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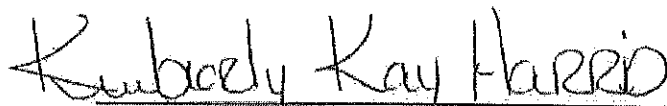
The attached notice was published in said newspaper 1 consecutive time(s) as follows:

The First publication thereof began on the 02nd day of October, 2022.



Brande Bauer
Billing Representative

Sworn to and subscribed before me this 2nd day of October, A.D. 2022.



Kimberly Kay Harris
Notary Public

State of Virginia
County of Hanover
My Commission expires _____

Kimberly Kay Harris
NOTARY PUBLIC
Commonwealth of Virginia
Reg. No. 373753
Commission Exp. Jan 31, 2025

CITY OF COUNCIL BLUFFS
209 PEARL ST.
COUNCIL BLUFFS, IA 51503

Publication Cost: \$25.56
Customer Number: 1003258
Order Number: 0000332354

E-mail

jquakenbush@councilbluffs-ia.gov

Council Communication

Department: City Clerk
Case/Project No.: ZT-22-007
Submitted by: Moises Monroy, Planner

Ordinances 6524 and 6525
ITEM 5.G.

Council Action: 10/10/2022

Description

Amending the following sections of Title 15: Zoning of the Municipal Code;

1. Ordinance 6524 to amend Chapter 15.24, Supplemental Use and Site Development Regulations, by amending Section 15.24.040 "Fencing Regulations."
2. Ordinance 6525 to amend Chapter 15.34, Renewable Energy, by amending Section 15.34.030 "Solar Energy Conversion Systems."

Background/Discussion

Recommendation

ATTACHMENTS:

Description	Type	Upload Date
Staff Report	Staff Report	9/16/2022
Attachment A: Proposed Section 15.34.030, Solar Energy Conversion Systems	Code Section	9/16/2022
Attachment B: Proposed Section 15.24.040, Fence Regulations	Code Section	9/16/2022
Attachment C: Fence diagrams for fencing in a street side yard	Other	9/16/2022
Public Hearing Notice	Notice	9/16/2022
Ordinance 6424	Ordinance	10/5/2022
Ordinance 6425	Ordinance	10/5/2022

City Council Communication

Department: Community Development CASE #ZT-22-007 Applicant: City of Council Bluffs 209 Pearl Street Council Bluffs, IA 51503	Ordinance No. _____	<u>City Council</u> 1 st Consideration: 9/26/2022 2 nd Consideration: 10/10/2022 3 rd Consideration: 10/24/2022 Planning Commission: 9/13/2022
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Subject/Title

Request: Public hearing on the request of the City of Council Bluffs to amend the following sections of Title 15: Zoning of the Council Bluffs Municipal Code: Section 15.24.040(C)(2), *Fence Height Requirements*, relative to the maximum height allowed for fences in a street-side yard in residential districts; Section 15.34.030(A)(2), *Solar Energy Conversion Systems – General Provisions*, relative to solar energy conversion systems in planned development areas/districts; Section 15.34.030(B)(1), *Accessory Solar Energy Conversion Systems for One- and Two-Family Uses – Building-Mounted Systems*, by adding subsection (a)(3) relative to solar energy conversions systems mounted on existing nonconforming structures; and Section 15.34.030(C)(1), *Accessory Solar Energy Conversion Systems for Non One- and Two-Family Uses – Building-Mounted Systems*, by adding subsection (a)(1) relative to solar energy conversions systems mounted on existing nonconforming structures.

Background

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

1. Amend Section 15.24.040(C), *Fence Height Requirements*, by updating subsection (2) relative to the maximum height allowed for fences in the street-side yard;
2. Amend Section 15.34.030(A), *Solar Energy Conversion Systems – General Provisions*, by updating subsection (2) relative to the regulation of solar energy conversion systems in planned development districts;
3. Amend Section 15.34.030(B)(1), *Accessory Solar Energy Conversion Systems for One- and Two-Family Uses – Building-Mounted Systems*, by adding subsection (a)(3) relative to solar energy conversions systems mounted on existing nonconforming structures; and
4. Amend Section 15.34.030(C)(1), *Accessory Solar Energy Conversion Systems for Non One- and Two-Family Uses – Building-Mounted Systems*, by adding subsection (a)(1) relative to solar energy conversions systems mounted on existing nonconforming structures.

The provisions of the Zoning Ordinance outlined above were adopted within the last 18 months. The proposed text amendment consists of minor changes intended to provide clarity on the implementation of these standards.

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

Discussion

1. Section 15.24.040(C) Fence Height Requirements

All fences shall comply with the maximum height requirements set forth in the following table, unless otherwise specified below.

The purpose of this revision is to clarify that Section 15.24.040(C) establishes maximum height requirements for fences in the City of Council Bluffs.

2. Section 15.24.040(C) Fence Height Requirements

2. *In residential districts, the height of a fence in a street side yard shall not exceed four feet if any of the following conditions exist:*

b. *A driveway is located within the street side yard of the property where the fence is installed.*

The purpose of this revision is to clarify that CBMC Section 15.24.040(C)(2)(b) is applicable when a driveway is located on the same property where a fence is proposed to be installed. The proposed revision is also intended to help differentiate this section of the Municipal Code with the CBMC Section 15.24.040(C)(2)(c), which addresses fence height in the street-side yard in residential districts when a driveway is located on an adjoining property.

3. Section 15.24.040(C) Fence Height Requirements

2. *In residential districts, the height of a fence in a street side yard shall not exceed four feet if any of the following conditions exist:*

c. *~~The fence is located within five feet of the driveway entrance of an adjoining property along the same street is located within ten feet of a shared property line. If a topographical difference exists between the two properties, and the property owner can reasonably demonstrate the fence will not block visibility from the driveway, said fence may exceed four feet in height at the discretion of the Community Development Director or their designee.~~*

As per the proposed revision, CBMC Section 15.24.040(C)(2)(c) would be applicable when the driveway entrance of an adjoining property is located within ten feet of a shared property line, as opposed to five feet under current regulations. The purpose of this revision to ensure that the installation of a fence does not create an obstruction that adversely impacts the visibility of vehicles using the adjoining driveway. The proposed revision also provides relief to property owners if they can be reasonably demonstrate that the installation of a fence that exceeds four feet in height will not block visibility from the driveway due to existing topographical conditions.

4. Section 15.34.030(A) Solar Energy Conversion Systems – General Provisions

2. *Solar Energy Conversion Systems in ~~the MCR/Mixed Commercial Residential District~~ any planned development district shall be reviewed as part of the adoption of, or amendment to, a development plan.*

CBMC Section 15.34.030(A) is currently only applicable to the MCR/Mixed Commercial-Residential District. The purpose of this revision is to broaden the applicability of this section of the Municipal Code to other planned development districts which provide the option of the adoption of a development plan (i.e. P-C/Planned Commercial District, P-I/Planned Industrial District, PR/Planned Residential Overlay).

5. Section 15.34.030(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.*

(3) *Systems mounted on existing nonconforming structures shall be installed in such a manner that does not increase the degree of nonconformity.*

CBMC Section 15.34.040(B)(1)(a) requires building-mounted solar energy conversion systems installed to serve one- and two-family residential uses to comply with minimum setback requirements in the underlying zoning district. It is possible to interpret this provision prohibits the installation of solar energy conversion systems on existing nonconforming structures that do not meet minimum setback requirements, which was not the intention. The proposed provision is intended to remove any ambiguity in this matter and explicitly state solar energy conversion systems are allowed to be installed on existing nonconforming structures provided the degree of nonconformity is not increased.

6. Section 15.34.030(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 minimum 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.

(1) Systems mounted on existing nonconforming structures shall be installed in such a manner that does not increase the degree of nonconformity.

CBMC Section 15.34.040(C)(1)(a) requires building-mounted solar energy conversion systems installed to serve land uses other than one- and two-family residential uses to comply with minimum setback requirements in the underlying zoning district. The proposed provision serves the same purpose as the previous revision.

Recommendation

The Community Development Department recommends approval of the request to amend Section 15.24.040(C)(2), Fence Height Requirements; Section 15.34.030(A)(2), Solar Energy Conversion Systems – General Provisions; Section 15.34.030(B)(1), Accessory Solar Energy Conversion Systems for One- and Two-Family Uses – Building-Mounted Systems; and Section 15.34.030(C)(1), Accessory Solar Energy Conversion Systems for Non One- and Two-Family Uses – Building-Mounted Systems, of the Council Bluffs Municipal Code (Zoning Ordinance), as shown in Attachments ‘A’ and ‘B’.

Public Hearing

Staff speakers for the request:

1. Moises Monroy, Planner, City of Council Bluffs, 209 Pearl Street, Council Bluffs, IA 51503

Speakers in favor: None

Speakers against: None

Planning Commission Recommendation

The City Planning Commission recommended approval to amend the following sections of Title 15: Zoning of the Council Bluffs Municipal Code: Section 15.24.040(C)(2), Fence Height Requirements, relative to the maximum height allowed for fences in a street-side yard in residential districts; Section 15.34.030(A)(2), Solar Energy Conversion Systems – General Provisions, relative to solar energy conversion systems in planned development areas/districts; Section 15.34.030(B)(1), Accessory Solar Energy Conversion Systems for One- and Two-Family Uses – Building-Mounted Systems, by adding subsection (a)(3) relative to solar energy conversions systems mounted on existing nonconforming structures; and Section 15.34.030(C)(1), Accessory Solar Energy Conversion Systems for Non One- and Two-Family Uses – Building-Mounted Systems, by adding subsection (a)(1) relative to solar energy conversions systems mounted on existing nonconforming structures.

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

Attachments

Attachment A: Proposed Section 15.24.040, *Fence Regulations*, of the Council Bluffs Municipal Code (Zoning Ordinance)

Attachment B: Proposed Section 15.34.030, *Solar Energy Conversion Systems*, of the Council Bluffs Municipal Code (Zoning Ordinance)

Attachment C: Fence diagrams for fencing in a street side yard

Prepared by: Moises Monrroy, Planner, Community Development Department

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~~ any planned development district shall be reviewed as part of the adoption of, or amendment to, a development plan.

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.
 - (1) Systems mounted on principal structures may encroach into the required interior side yard in accordance with Section 15.24.060 of this Title.
 - (2) No part of any system shall extend into the required front yard setback.
 - (3) Systems mounted on existing nonconforming structures shall be installed in such a manner that does not increase the degree of nonconformity.

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.
 - (1) Systems mounted on existing nonconforming structures shall be installed in such a manner that does not increase the degree of nonconformity.

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 City of Council Bluffs to amend the following sections of Title 15: Zoning of the Council Bluffs Municipal Code: Section 15.24.040(C)(2), *Fence Height Requirements*, relative to the maximum height allowed for fences in a street-side yard in residential districts; Section 15.34.030(A)(2), *Solar Energy Conversion Systems – General Provisions*, relative to solar energy conversion systems in planned development areas/districts; Section 15.34.030(B)(1), *Accessory Solar Energy Conversion Systems for One- and Two-Family Uses – Building-Mounted Systems*, by adding subsection (a)(3) relative to solar energy conversions systems mounted on existing nonconforming structures; and Section 15.34.030(C)(1), *Accessory Solar Energy Conversion Systems for Non One- and Two-Family Uses – Building-Mounted Systems*, by adding subsection (a)(1) relative to solar energy conversions systems mounted on existing nonconforming structures.

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 10th day of October, 2022 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