

ORDINANCE NO. 885

AN ORDINANCE AMENDING THE CITY OF ELDORA, IOWA ZONING ORDINANCE BY ADDING CHAPTER 167 SOLAR ENERGY SYSTEMS

WHEREAS, it is deemed advisable and recommended by the Eldora City Council to add a new Chapter 167: Solar Energy Systems.

NOW THEREFORE IT BE ORDAINED by the Council of the City of Eldora, Iowa, that Chapter 167: Solar Energy Systems be adopted, as follows:

Chapter 167: SOLAR ENERGY SYSTEMS.

167.01 Definitions.

A. Solar Energy System - Any solar collector solar device or structural design feature of a building which primary purpose is to provide for the collection, storage, and distribution of solar energy.

B. Solar Energy System, Attached – A Solar Energy System which requires support by another structure, whether roof or otherwise, and does not connect directly to the ground.

C. Solar Energy System, Building-Integrated ---A Solar Energy System which is used to replace conventional building materials in parts of the building envelope such as the roof, awnings, skylights, or facades which may include roof membrane, solar shingles, facade modules, or glazing and serves the building to which it is attached.

D. Solar Energy System, Commercial – A Solar Energy System which is intended to produce electricity for sale to a rate regulated or non-regulated utility or for use off site.

E. Solar Energy System, Freestanding – A Solar Energy System which is completely self-supported.

F. Solar Energy System, Passive – A Solar Energy System which does not produce electricity and does not use activity mechanical systems for energy transfer.

167.02 Solar Energy Systems.

A. Purpose. The provisions of this section apply to the placement, construction and use of Solar Energy Systems.

B. Allowed Use. Solar Energy Systems are permitted as a Special Exception Use in all zoning districts as set forth herein with no more than one per property parcel or zoning lot and only one module structure per property parcel or zoning lot, where associated with a permitted principal use or permitted accessory use.

C. Building Integrated and Passive System Exemption. Building-integrated solar energy systems and passive solar energy systems do not require a Special Use Permit Special Use and shall be regulated as any other building element under Building Code provided they are of

non-reflective material and they do not project or extend any further outward from the structure than the same element done with conventional design. Building integrated and passive systems which spatially go beyond conventional design or which are made of reflective material shall be subject to all the regulations herein for attached solar energy systems.

D. Freestanding Solar Energy Systems: Freestanding Solar Energy Systems are not allowed in residential districts. In other districts, a Special Use Permit is required.

(1) Setbacks. Freestanding Solar Energy Systems shall not be located within any required front setback or street side yard setback. Minimum setback from interior side and rear lot lines and other structures shall be fifteen (15) feet.

(2) Easements, Utilities, Rights of Ways. No portion of any Freestanding Solar Energy System shall extend into any easement, right of way or public way regardless of above stated minimum setbacks.

(3) Location. Freestanding Solar Energy Systems shall be located on the same lot as the building being served.

(4) Height. Maximum height limit shall be fifteen (15) feet for non-residential uses as measured from the ground/grade of the system at base to the highest peak of the system, including the highest position of any adjustable system.

(5) Maximum Size. Systems for non-residential properties shall not exceed one-half (1/2) of the footprint of the principal structure building served. Measurement of the system shall be based upon the area of the solar receiving panel, regardless of the adjustment angle of the panel.

(6) Coverage area. Any system which does not take up more than 100 square feet of footprint area measured at outermost vertical dimensions is considered as a *Solar Energy System (SES) - Minor*.

E. Attached Solar Energy Systems:

(1) In the case of wall mounting, no part of the system shall project more than five (5) feet from the building.

(2) No part of the system shall extend into any required side or rear setback. No part of the system shall extend into any required front or street side yard setback.

(3) No portion of any Solar Energy System shall extend into any easement, right of way or public way, regardless of above stated setbacks and projection limitations.

(4) Systems shall not exceed the maximum height in the zone, for the structure to which it attached.

(5) The building must have a conforming principal use.

(6) Roof attached systems may be mounted on principal and accessory building roofs provided they conform to the maximum height standards established for the zoning district. Systems shall be no higher than three (3) feet from the roof surface for residential use property systems. Nonresidential use property systems may project up to a maximum of ten (10) feet from the roof. In no case, however, shall the height of the System as installed (including the height of any building to which it is installed) exceed the maximum height for principal structure where attached to said structure or the maximum height for accessory structure where attached to said structure. Base criteria

for *Solar Energy System (SES) – Minor* qualification shall be limited to 6 inches maximum projection for residential use and parallel mounting required.

- (7) Coverage area. Any system which does not take up more than 100 square feet of footprint area measured at outermost vertical dimensions is considered as a *Solar Energy System (SES) - Minor*.

F. Solar Access. A property owner who has installed or intends to install a Solar Energy System shall be responsible for negotiation with other property owners in the vicinity for any necessary solar easement. The granting of a Special Use Permit for Solar Energy System by the Board of Adjustment does not constitute a grant of or guarantee of or create any solar access rights or easement.

G. Special Use Permit Application Materials. The Special Use Permit application for a Solar Energy System shall include, but not be limited to:

- (1) A plot plans drawn to scale, showing:
 - a) Existing structures on the lot,
 - b) Proposed system,
 - c) Property lines,
 - d) Setbacks of existing and proposed structures,
 - e) Rights of ways,
 - f) Utility diagram applicable to proposed system,
 - g) Easements of record,
- (2) Elevation views and dimensions,
- (3) Manufacturer's photographs,
- (4) Manufacturer's spec sheet including capacity, and
- (5) Demarcation of dimensions.

H. Special Use Permit Criteria. Any proposed Free Standing Solar Energy System is permitted only through Special Use Permit through Board of Adjustment pursuant to Chapter 165 of this Ordinance

To approve a Special Use Permit for Solar Energy System, the Board of Adjustment must find that the proposal conforms to the following criteria, in addition to other criteria set forth in the Eldora Zoning Ordinance for Special Use Permits:

The system will, to the extent reasonably practicable through placement and design:

- (1) Minimize the impact to the character of the neighboring properties as they exist on the date of approval, which is defined as properties within 200 feet of the system property.
- (2) Ensure that access to open space (air and light) from the neighboring properties is not significantly reduced.
- (3) Ensure the predominant pattern of building placement, height, orientation and scale among the neighboring properties and general area beyond the neighboring properties will not be negatively impacted or altered by the system.
- (4) Meet other City, State, and Federal regulations.
- (5) Ensure that unique topography, vegetation or lot conditions exist which help to shield the system from the view of neighboring properties and from the street or placement of the principal building allows the system to be located and operated in a way that helps to shield the system from the view of neighboring properties.

I. Special Use Permit Approval. The Board of Adjustment may request additional information if insufficient information is presented to determine conformance with the criteria. If

approved the Special Use Permit may be revoked after a public hearing, if there is evidence that the system does not comply with, or is not being used in accordance with, the provisions of the Special Use Permit. The Board may impose conditions as it deems necessary for the general welfare of the public and for information required for a Special Use Permit.

J. Interconnection Agreement. A Solar Energy System shall not be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned system and a copy of executed interconnection agreement (or other required agreement) with the utility company is provided.

K. Abandonment. Any solar energy system that is not operated for a continuous period of 180 days shall be considered abandoned and shall be removed by the property owner. Removal includes the entire structure including transmission equipment. Failure to remove the structure within sixty (60) days of written Notice of Abandonment may result in the City taking enforcement measures pursuant to section 165.27, Code of Ordinances.

L. Signage. Only a manufacturer's sign/emblem is allowed and is limited to one (1) square foot and attached to the system.

M. Maintenance. The property owner of any Solar Energy 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 the maintenance and upkeep of the function and appearance of such a system, to maintain an appearance consistent with the original appearance of the system as constructed or installed.

N. Underground Wire Requirement. The electrical collection system shall be placed underground within the interior of each parcel. Overhead lines shall not be permitted.

O. Industry Standard. As part of the Special Use Permit, documentation shall be provided showing that the system and parts meet industry standards, such as Underwriters Laboratories (UL), or another standard applicable to the technology and materials of the system. Owners are responsible for supplying proof of and knowing the applicable standards and meeting the requirements any and all applicable building codes.

P. Applicable Fees. The applicant for any Solar Energy System under this Ordinance shall be responsible for any applicable fees.

3. Commercial Solar Energy Systems Prohibited. Commercial Solar Energy Systems are not permitted within the zoning jurisdiction of the City of Eldora, Iowa.

Section 2. **Effect.** All other Sections of said Chapters shall remain unchanged and in full force and effect.

Section 3. **Severability.** If any section, subsection, paragraph, subparagraph, sentence, clause or phrase of the Code is, for any reason, held to be invalid or enforceable as to any person or circumstances, the application of such section, subsection, paragraph, subparagraph, sentence, clause or phrase to persons or circumstances other than those as to which it shall be held

invalid or unenforceable, shall not be affected thereby, and all other provisions of the Code, in all other respects, shall be and remain valid and enforceable.

Section 4. **Effective Date.** This ordinance and the Eldora City Code shall be in full force and shall take effect, from and after the adoption and publication of this ordinance.

Passed and approved by the City Council of the City of Eldora, Iowa this 12th day of July, 2022.

David W. Dunn, Mayor

ATTEST:

Chandra Kyte, City Clerk

Introduced:	07-12-2022
Passed 1 st Consideration:	07-12-2022
Passed 2 nd Consideration:	07-12-2022
Passed 3 rd Consideration:	07-12-2022
Passed & Adopted:	07-12-2022