

## **NOTICE OF PUBLIC MEETING**

**Governmental Body: Van Meter Planning and Zoning Commission Workshop**

**Date of Meeting: Wednesday, October 9, 2024**

**Time/Location of Meeting: 5:30pm – 310 Mill Street (City Hall)**

### **Agenda:**

1. Call to Order/Roll Call
2. Approval of Agenda
3. Approval of Minutes – 08/28/2024
4. Discussion and Possible Action: Short-Term Vacation Rentals
5. Discussion and Possible Action: Solar Arrays
6. Discussion and Possible Action: Permitted Uses within Commercial Zoning Districts
7. Adjournment

Posted Tuesday, October 8, 2024

City of Van Meter, Iowa

Planning & Zoning Commission Meeting, August 28, 2024

- 1) The Van Meter Planning & Zoning Commission met on Wednesday, August 8, 2024, at City Hall located at 310 Mill St. Commissioner Feldman called the meeting to order at 5:36PM.  
Roll was called: Feldman, Miller, Hulse, DeVore and Cook were present.  
Staff present: Jessica Drake – City Clerk  
Chairperson Wahlert was absent.
- 2) Hulse moved, supported by Miller, to approve the agenda. Motion carried unanimously.
- 3) City Clerk Drake noted that there was an error in the previously approved minutes from the 07/15/24 meeting. Chairperson Wahlert abstained from action regarding Trindle Ridge Plat 2. Amended minutes and supporting documentation was provided. DeVore moved, supported by Cook, to approve the amended minutes from the July 15, 2024 Planning & Zoning Meeting. On roll call, the votes were as follows: DeVore – YES, Cook – YES; Hulse – YES; Miller – YES; Feldman – YES.
- 4) Miller moved, supported by Cook, to approve the minutes of the 8/5/24 Planning & Zoning Meeting. On roll call, the votes were as follows: Miller – YES; Cook – YES; Feldman – YES. Commissioners Hulse and DeVore abstained as they were not present at the meeting.
- 5) City Clerk Drake provided information regarding a request to tie a series of single family lots together, creating 8 single family lots from 16 single family lots. Information was provided from the City Engineer and a written response from Chairperson Wahlert. Hulse questioned the potential impact of the LMI component of the Developer's Agreement. DeVore expressed concerns with the abandonment of services and potential long term impacts of buyer financing. This item was brought to Planning & Zoning for discussion only.
- 6) City Clerk Drake described the current plat review process as it relates to the City's sub-division code. Prior to the most recent final plat review, the process followed did not align with City code. The commission expressed a desire to follow code and have a consistent process. This item was brought to Planning & Zoning for discussion only.
- 7) City Clerk Drake described the current permitted uses under the City's commercial zoning code. The commission will continue to review. This item was brought to Planning & Zoning for discussion only.
- 8) DeVore moved, supported by Cook, to adjourn the meeting. Motion carried unanimously. Meeting adjourned at 6:23pm.

CHAPTER 161  
RENTAL HOUSING CODE

161.01 Definitions	161.16 Vacated Immediately
161.02 Title and Purpose	161.17 Elimination of Defects
161.03 Scope	161.18 Defacing or Removal of Placard
161.04 Housing Code	161.19 Authority to Execute
161.05 Applications for Rental Housing Compliance Certificate	161.20 Action to Enjoin
	161.21 Injunction
161.06 Additional Inspections	161.22 Eviction; Lease Termination
161.07 Inspection Fees for Additional Inspections	161.23 Duties of Occupant
161.08 Entrance and Survey of Buildings	161.24 Notice of Actions
161.09 Rental Housing Compliance Certificate Required	161.25 Rent Collections
161.10 Issuance Duration Validation	161.26 City Liability
161.11 Certificate Displayed; Transferability	161.27 Violation Constitutes a Municipal Infraction
161.12 Notice on Sale of Dwelling Unit	161.28 Additional Liability
161.13 Name and Address of Agent Filed	161.29 Appeal
161.14 Emergency Orders	161.30 Prohibition on Retaliatory Evictions
161.15 Designation of Unfit Dwelling Unit; Condemnation	

161.01 DEFINITIONS.

For use in this chapter the following terms are defined:

1. "Apartment house" or "apartment building" means any building or portion thereof which is designed, rented, leased, let or hired out to be occupied or which is occupied as a two-family or multiple-family dwelling as defined in the Zoning Ordinance of the City.
2. "Building Inspector" means a person retained or employed by the City to enforce the provisions of this chapter. Such person shall be the Building Official appointed pursuant to Section 155.01 of this Code of Ordinances.

3. "Dwelling" means any house or building or portion thereof which is occupied in whole or part as a home or residence of one or more tenants, on a rental basis or in return for housing a tenant agrees to occupy and maintain the premises. The term encompasses a "dwelling" as defined in the Zoning Ordinance. Payment of utilities is not required under the terms of this chapter for a property to be considered a "dwelling" within the meaning of this chapter. No part of a building hereafter constructed or altered into a dwelling as described may be occupied in whole or in part for human habitation until the issuance of a rental housing compliance certificate by the City Building Inspector that such part of the dwelling conforms to the requirements of this chapter. A dwelling unit that is being rented for a period of 90 days or less in a single calendar year or a portion of such dwelling unit is exempt from this chapter.

4. "Dwelling unit" means one or more habitable rooms in a dwelling, apartment house or building which are occupied or which are intended or designed to be occupied by one family with facilities for living, sleeping, cooking or eating. The term encompasses a "dwelling unit" as defined in the Zoning Ordinance.

5. "Rental housing compliance certificate" means the certificate that is issued within 14 days after written application for a dwelling unit if the dwelling unit at the date of such application is entitled thereto.

6. "Short-Term Rental" means any residential property, dwelling, condominium, or portion thereof that is available for use or is used for accommodations or lodging of guests, who pay a fee or other compensation, for a period of less than thirty-one (31) consecutive days. "Vacation rentals" or "Short-Term Rental" means any establishment engaged in the business of furnishing or providing rooms intended or designed for dwelling, lodging or sleeping purposes to transient guests and which are known in the trade as such. The terms "Vacation Rental" or "Short-Term Rental" do not include any hospital, convalescent or nursing home or sanitarium, or any facility associated with a hospital providing rooms for medical patients and their families, nor do they include any hotel, motel, or bed and breakfast facility.

7. "Tenant" means a person occupying a dwelling unit who pays, or has payments made on the individual's behalf, a stated payment at fixed intervals for the use of the dwelling unit. The term includes a person occupying a dwelling unit owned by another individual, who in return for housing agrees to occupy and maintain the premises. Payment of utilities is not required under the terms of this chapter for a person to be considered a "tenant" within the meaning of this chapter.

#### 161.02 TITLE AND PURPOSE.

This chapter shall be known as the City of Van Meter Rental Housing Code. The purpose of this chapter is to ensure that rental housing facilities and short-term rentals and the conditions of such facilities are of sufficient quality to protect and promote the health, safety and welfare of those persons utilizing such housing as well as the general public.

### 161.03 SCOPE.

The provisions of this chapter shall be deemed to apply to all dwellings as defined in this chapter or portions thereof used or designed or intended to be used for human habitation. All occupancies in existing buildings may be continued except in such structures that are found to be substandard as defined in this chapter. Where any building or portion thereof is used or intended to be used as a combination apartment house/hotel, the provisions of this chapter shall apply to the separate portions as if they were separate buildings. Every rooming house or lodging house shall comply with all of the requirements of this chapter applicable to dwellings.

### 161.04 HOUSING CODE.

The International Property Maintenance Code, 2012 Edition, as published by the International Code Council, adopted in Chapter 158 of this Code of Ordinances, shall constitute the City's Housing Code. In the event of an express conflict between the provisions of this chapter and such Housing Code, the provisions of this chapter shall apply.

### 161.05 APPLICATIONS FOR RENTAL HOUSING COMPLIANCE CERTIFICATE.

Every person that offers for rent a dwelling unit within the City shall submit to the Clerk, on forms provided by the City, an application requesting a rental housing compliance certificate. Such application shall be accompanied by a registration fee in an amount established by Council resolution. When inspections are due, the person that offers for rent a dwelling unit must contact the Building Inspector to schedule an inspection and at that time the inspection fee is due. If the premises fails to comply, the Building Inspector shall notify the applicant in writing, stating the reasons for such noncompliance. The landlord shall have 30 days after receipt of noncompliance to correct the deficiencies and schedule a re-inspection. Fees for re-inspection shall also be established by the Council resolution.

### 161.06 ADDITIONAL INSPECTIONS.

The Building Inspector is empowered to make inspections of all rental dwelling units as frequently or infrequently as may be necessary and may make inspection at any reasonable time on a written complaint submitted by the owner, tenant or other person concerning the dwelling unit.

### 161.07 INSPECTION FEES FOR ADDITIONAL INSPECTIONS.

1. When an inspection is made at the request of the owner, an inspection fee as provided in 161.05 shall be charged. If an inspection is made at the written request of a tenant and

the dwelling unit is found to be in noncompliance due to an omission of the owner, such owner shall be responsible for the re-inspection fee. No inspection shall be conducted at the request of a tenant unless the tenant has first submitted the complaint in writing to the landlord no less than seven days before making such complaint to the Building Inspector. If, after a written complaint by the tenant, the dwelling unit is found to comply or if such noncompliance is due to conduct on the part of the tenant, the tenant shall be liable for the cost of such inspection. If such costs are not paid by the tenant within 30 days from the date of billing, the City may initiate an action at law or in equity to recover the same, in which event the tenant shall be liable for reasonable attorney fees incurred in the prosecution of the action. No fee shall be charged to the owner for such inspection.

2. In the event an inspection is initiated by the City or at the written request of a person other than the owner or tenant, and if the dwelling unit is found to be in noncompliance, the owner shall be liable for such inspection fees. No inspection shall be conducted at the request of a person other than the owner or tenant unless that person has first submitted the complaint in writing to the landlord no less than seven days before making such complaint to the Building Inspector. In the event that on the date of the inspection the dwelling unit complies with the provisions of this chapter, no fee shall be charged. In the event that on the date of inspection a dwelling unit fails to comply with the provisions of this chapter which necessitates additional inspections, the owner shall be liable for the cost of such re-inspection.

#### 161.08 ENTRANCE AND SURVEY OF BUILDINGS.

The Building Inspector and any such other person as may be deemed necessary by the Building Inspector may, without fee except as provided in Section 161.07, enter, examine, make necessary records, and survey all dwellings units within the City. If entry into the interior portion of a dwelling unit is required, 72 hours' notice shall be given by the Building Inspector to the owner and tenant. The owner, owner's agent or representative, and the lessee and occupant of every dwelling unit and every person having the care and management of the same shall, at all reasonable times when required by the Building Inspector and such other person, give the Building Inspector and such other person free access to such dwelling unit and premises. The owner of a dwelling unit and owner's agents and employees shall have right of access to such dwelling units at reasonable times for the purpose of bringing about compliance with the provisions of this chapter or any order issued hereunder.

#### 161.09 RENTAL HOUSING COMPLIANCE CERTIFICATE REQUIRED.

All owners of dwelling units shall register such dwelling units with the City Clerk. No person shall rent, lease, operate or otherwise allow the occupancy of any dwelling unit unless such person holds a Rental Housing Compliance Certificate as required by this chapter.

#### 161.10 ISSUANCE DURATION VALIDATION.

If a dwelling unit fails to comply under Section 161.09 and if the dwelling unit and premises are found later to comply with the requirements of this chapter upon re-inspection, the Building Inspector shall issue a Rental Housing Compliance Certificate.

#### 161.11 CERTIFICATE DISPLAYED; TRANSFERABILITY.

Rental Housing Compliance Certificates shall be transferable to succeeding owners. They shall be displayed by the owner for the tenant to examine before the dwelling unit may be rented, leased or otherwise occupied.

#### 161.12 NOTICE ON SALE OF DWELLING UNIT.

Every person holding a Rental Housing Compliance Certificate under this chapter shall give notice in writing to the Building Inspector within 96 hours after having sold, transferred, conveyed or otherwise disposed of the ownership, interest in or control of any dwelling unit. This notice shall include the name and address of the person succeeding to the ownership or control thereof.

#### 161.13 NAME AND ADDRESS OF AGENT FILED.

Every owner, agent or lessee of a dwelling unit shall file with the Clerk a notice containing the name and address of an agent of such dwelling unit for the purpose of receiving service of all notices required by this chapter.

#### 161.14 EMERGENCY ORDERS.

Whenever the Building Inspector finds that an emergency exists which threatens immediately the public health, safety or welfare, the Building Inspector may issue an order reciting the existence of such an emergency and requiring that such action be taken as the Building Inspector deems necessary to meet the emergency. Notwithstanding the other provisions of this chapter, such order shall be effective immediately. Any person to whom such order is directed shall comply therewith immediately.

#### 161.15 DESIGNATION OF UNFIT DWELLING UNIT; CONDEMNATION.

No person shall let to another for occupancy any dwelling unit for the purpose of living, inhabiting, sleeping, cooking or eating thereon which does not comply with the following requirements. Any dwelling unit which is found to have any of the following defects shall

be condemned as unfit for human habitation and shall be so designated and placarded by the Building Inspector.

1. One which is so damaged, decayed, dilapidated, unsanitary, unsafe or vermin infested that it creates a serious hazard to the health, safety or welfare of the occupants or the public.
2. One which lacks illumination, ventilation or sanitation facilities adequate to protect the health, safety or welfare of the occupants or of the public.
3. One which, because of its general condition or location is unsanitary or otherwise dangerous to the health, safety or welfare of the occupants or of the public.

#### 161.16 VACATED IMMEDIATELY.

Any dwelling unit or any portion thereof condemned as unfit for human habitation and so designated and placarded by the Building Inspector shall be vacated immediately as ordered by the Building Inspector. The Building Inspector shall notify the Clerk of such action prior to placarding the dwelling unit.

#### 161.17 ELIMINATION OF DEFECTS.

No dwelling unit or any portion thereof which has been condemned and placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from and such placard is removed by the Building Inspector. The Building Inspector shall remove such placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated.

#### 161.18 DEFACING OR REMOVAL OF PLACARD.

No person shall deface or remove the placard from any dwelling unit which has been condemned as unfit for human habitation and placarded as such, except as provided in this chapter.

#### 161.19 AUTHORITY TO EXECUTE.

In case any notice or order issued by the City is not complied with, the Building Inspector may recommend that the City apply to the Iowa District Court for Dallas County to institute an action for an order authorizing the City to execute and carry out the provisions of the notice or order to correct any violation specified in the notice or order to abate any nuisance in or about the dwelling unit.



#### 161.20 ACTION TO ENJOIN.

In case any dwelling unit, building or structure is constructed, altered, converted or maintained in violation of any provisions of this chapter or of any order or notice of the Building Inspector, or in case a nuisance exists in any such dwelling unit, building or structure or upon the lot on which it is situated, the City may cause the institution of any appropriate action or proceeding to prevent such unlawful construction, alteration, conversion or maintenance, to restrain, correct or abate such violation, or nuisance, or to prevent the occupation of the dwelling unit, building or structure, or to prevent any illegal act, or to prevent the conduct of business in or about such dwelling unit or lot.

#### 161.21 INJUNCTION.

In any such action or proceeding, the Building Inspector may, by a statement duly verified setting forth the facts, request that the City apply to the Iowa District Court for Dallas County for an order granting the relief for which the action or proceeding is brought, or for an order enjoining any persons from doing or permitting to be done any work in or upon such dwelling unit, building, structure or lot, or from occupying or using the same for any purpose until the entry of final judgment or order.

#### 161.22 EVICTION; LEASE TERMINATION.

If the occupant of a dwelling fails to comply with the provisions of this chapter after due and proper notice from the Building Inspector or from the owner, such failure to comply shall be deemed sufficient cause for the eviction of such occupant by the owner and for cancellation of the occupant's lease.

#### 161.23 DUTIES OF OCCUPANT.

It is unlawful for any tenant to deliberately or recklessly destroy, deface, damage or remove a part of the premises or to knowingly permit any other person to do so, or to remove without permission of the landlord any furniture or other items of personal property belonging to the landlord or owner or to cause damage resulting in noncompliance with this chapter.

#### 161.24 NOTICE OF ACTIONS.

In any action brought by the City in relation to a dwelling unit or injunction, vacation of the premises, or abatement of nuisance or to establish a lien thereon, or to recover a civil penalty, service of notice shall be in the manner provided by law for the service of an original notice.

#### 161.25 RENT COLLECTIONS.

Rent shall not be recoverable by the owner or lessee of any dwelling unit which does not comply with the provisions of this chapter until the City gives written notice to the owner and occupant that such dwelling unit has been issued a valid Rental Housing Compliance Certificate as required by this chapter.

#### 161.26 CITY LIABILITY.

The City, its agents and employees are not liable for damages to a person or property as a result of any act or failure to act in the enforcement of this chapter. This chapter shall not be construed to relieve from or lessen the responsibility of any person owning, operating or controlling any equipment or structure regulated herein for damages to a person or property caused by its defects, nor shall the City, its agents or employees be held liable by reason of the registration, inspection, re-inspection, or approval authorized by this chapter.

#### 161.27 VIOLATION CONSTITUTES A MUNICIPAL INFRACTION.

The owner of any dwelling unit or of any building or structure upon the same lot with a dwelling unit, or of the lot, which violates this chapter shall be guilty of a municipal infraction as defined in Chapter 3 of this Code of Ordinances. An owner who creates or knowingly permits the existence of such violation, or any tenant or occupant who shall violate or assist in violating any provisions of this chapter, shall also be jointly and severally liable for each such violation. Such person or persons and also the premises shall be liable in such case for all costs, expenses and disbursements paid or incurred by the Building Department, including attorneys' fees, paid or incurred by the City, by any of the officers, agents or employees thereof, in the removal of any such nuisance or violation.

#### 161.28 ADDITIONAL LIABILITY.

Any person who, having been served with a notice or order to remove any such nuisance or violation, fails to proceed in good faith to comply with the notice or order within five days after such service, or continues to violate any provisions or requirements of this chapter or other provisions of this Code of Ordinances shall also be subject to a civil penalty of as set out in Section 161.27. For the recovery of such penalties, costs, expenses or disbursements, an action may be brought in a court of competent civil jurisdiction.

#### 161.29 APPEAL.

Decisions of the Building Inspector may be appealed to the Housing Appeals Board. The Housing Appeals Board shall consist of the same members as the Board of Adjustment but which shall constitute a separate body. The Housing Appeals Board shall adopt rules and

regulations to conduct their meetings and effectuate this chapter. Such rules shall include incorporation of Code of Iowa Chapter 21 requirements regarding open meetings but shall not include a requirement that notice be published unless otherwise required by State law. The Chair of the Board of Adjustment shall serve as the administrative officer of the Board and shall sit at all meetings and hearings as the presiding officer.

1. Any person claiming to be aggrieved by any notice or order served upon that person under this chapter may file with the City Clerk a written appeal, requesting a hearing before the Housing Appeals Board.
2. The appeal must be in writing and explicitly indicate which item on the notice or order of the Building Inspector the appellant is contesting. The appeal must be accompanied by a check made payable to the City Clerk in the sum of \$50.00, which fee is nonrefundable unless the Housing Appeals Board reverses the notice or decision of the Building Inspector in its entirety.
3. The appeal shall be filed within five days after a person has received a notice or order from the Building Inspector. A notice or order under this chapter shall advise the person of the opportunity to be heard, the manner in which appeals under this chapter are to be filed, the amount of the appeal fee, the right to produce witnesses on such person's own behalf, and the right to counsel.
4. After receiving an appeal filed under this chapter, the City Clerk shall immediately notify the presiding officer of the Housing Appeals Board. The presiding officer shall set the time, place, and date of hearing and notify the appellant, other members of the Board, and the Building Inspector of the details concerning such hearing. The presiding officer may change the time, place, and date for such hearing upon good cause shown.
5. At the hearing, the appellant shall be afforded an opportunity to be heard, have the right to produce witnesses, and be represented by counsel. The Housing Appeals Board shall also receive evidence from the Building Inspector. After receiving all relevant evidence to the specific issue identified in the appeal, the Housing Appeals Board shall submit to both the appellant and the Building Inspector the written ruling within three days of the hearing.
6. Until the ruling of the Housing Appeals Board has been received, all proceedings except a vacation order under this chapter shall be stayed.
7. Failure to appeal shall constitute a waiver of the appellant's rights and shall be considered an adjudication adverse to the appellant.

#### 161.30 PROHIBITION ON RETALIATORY EVICTIONS.

No person shall maintain an action for eviction, threaten such an action or otherwise harass a tenant who occupies property owned by such person, or the person's principal or employer, as a result of a tenant's report of a violation of this chapter or a related provision of this Code of Ordinances to the Building Inspector, any City employee or City officer.

## 165D.09 SOLAR ENERGY SYSTEMS/SOLAR PANELS.

1. Purpose. The purpose of the regulations of this Section is to balance the need for clean, renewable energy sources with the need to protect the public health, safety, and welfare. The regulations of this Section are found to be necessary to ensure that solar energy conversion systems are appropriately designed, sited, and installed in the corporate limits of the City.

2. Definitions. For the purpose of this Section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

A. "Solar Energy System (SES)" means an aggregation of parts including the base, supporting structure, photovoltaic or solar thermal panels, inverters, and accessory equipment such as utility interconnection and battery banks, in such configurations as necessary to convert radiant energy from the sun into mechanical or electrical energy.

B. "Large Solar Energy System (LSES)" means a solar energy system that has a nameplate rated capacity of over twenty-five (25) kilowatts in electrical energy for non-single-family residential uses and which is incidental and subordinate to a principal use on the same parcel. A system is considered an LSES only if it supplies electrical power or thermal energy solely for use by the owner on the site, except that when a parcel on which the system is installed also receives electrical power supplied by a utility company in accordance with Section 199, Chapter 15.11(5) of the Iowa Administrative Code, as amended from time to time.

C. "Small Solar Energy System (SSES)" means a solar energy system that has a nameplate rated capacity of up to fifteen kilowatts in electrical energy or fifty kBtu of thermal energy for residential uses and that is incidental and subordinate to a principal use on the same parcel. A system is considered an SSES only if it supplies electrical power or thermal energy solely for use by the owner on the site, except that when a parcel on which the system is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed by the owner for on-site use may be used by the utility company in accordance with Section 199, Chapter 15.11(5) of the Iowa Administrative Code, as amended from time to time.

D. "Solar Energy System, Building Integrated" means a solar photovoltaic system that is constructed as an integral part of a principal or accessory building and where the collector component maintains a uniform profile or surface with the building's vertical walls, window openings, and roofing. Such a system is used in lieu of an architectural or structural component of the building. A building integrated system may occur within vertical facades, replacing glazing or other facade material; into semitransparent skylight systems; into roofing systems, replacing traditional roofing materials; or other building or structure envelope systems. To be considered a building integrated solar energy system, the appearance of the collector components must be consistent with the surrounding materials.

E. "Solar Energy System, Building Mounted" means a SES that is securely fastened to any portion of a building roof, whether attached directly to a principal or accessory building.

F. "Total System Height for Building Mounted System" means the height above roof surface measured perpendicular to the roof specific to the installation on a sloped roof or the height above the roof surface specific to the installation on a flat roof.

G. "Total System Height for Ground Mounted System" means the height above grade from the highest point, including the supporting structure, related equipment, and the collector panels. Adjustable angle systems shall be measured from the highest point where the system is at its maximum vertical extension.

H. "Off Grid" means an electrical system that is not connected to a utility distribution grid.

I. "Solar Access" means a property owner's right to have sunlight shine on his land.

J. "Solar Energy" means radiant energy received from the sun at wavelengths suitable for heat transfer, photosynthetic use, or photovoltaic use.

K. "Utility Scale Solar Energy System" means a solar energy system that supplies electrical power or thermal energy solely for use by off-site consumers.

L. "Kilowatt (kW)" is equal to 1,000 watts.

M. "Watt (W)" is the International System of Units' standard unit of power, the equivalent of one (1) joule per second.

N. "(kBtu)" means kilo (thousand) British thermal units, a common unit of energy management.

3. Permitted SES. The following solar energy systems (SES) are permitted in all zoning districts with the corporate limits of the City, subject to the stated limitations:

A. A building integrated system is allowed in any zone.

B. A building mounted system attached to a roof of a principal or accessory building is allowed in any zone.

C. A ground mounted system as an accessory use or structure to a primary structure is allowed in any zone in compliance with the City's Zoning Code section 165A.22.

D. Large solar energy systems (LSES) are not allowed in residential zones.

E. Utility scale solar energy systems are not allowed unless approved and authorized by the City Council.

F. Off grid solar energy systems are not allowed.

4. Requirements for Construction or Installation.

A. Interconnection Agreement. In order to install and construct any SES, the owner or operator is required to complete the Interconnection Agreement and submit to the City of Sergeant Bluff.

B. Building Permit Required. It shall be unlawful to construct, erect, install, alter, or locate any SES within the corporate limits of the City, unless approved with a building permit. The application for a building permit shall include:

(1) A site plan drawn to scale showing the following:

- a. Existing structures on the lot;
- b. Proposed system location;
- c. Property lines;
- d. Setbacks of existing and proposed structures;
- e. Right-of-ways and easements; and
- f. Utility diagram applicable to proposed system.

(2) Elevation views and dimensions.

(3) Manufacturer's photographs.

(4) Manufacturer's spec sheet including capacity.

(5) Standard drawings, specifications of system components, and dimensional representations of the system and all its parts, including the supporting frame and footings.

(6) A single line drawing in accordance with the Interconnection Agreement diagram in sufficient detail to allow for determination that the manner of installation conforms to the National Electric Code and the requirement of the utility provider.

(7) Systems to be mounted on existing buildings, an engineered analysis showing sufficient structural capacity of the receiving structure to support the SES per applicable code regulations, certified by an Iowa licensed professional engineer.

C. Compliance with all Governmental Regulations. The owner/operator of the SES shall obtain any other permits required by other federal, state, and local agencies/departments prior to erecting the system.

D. Installation and Inspections. Installation shall be subject to inspections by the City building inspector. Installation must be done according to manufacturer's recommendations. All work must be completed according to the applicable building, fire, and electrical codes. All electrical components must meet code recognized test standards.

E. Color. The color of the support base of the SES shall be a neutral color. All surfaces shall be non-reflective to minimize glare that could affect adjacent or nearby properties. Measures to minimize nuisance glare may be required including modifying the surface

material, placement, or orientation of the system, and if necessary, adding screening to block glare.

F. Lighting. No lighting other than required safety lights or indicators shall be installed on the SES.

G. Signage. No advertising or signage other than the manufacturer's identification logo and signage as required by applicable building codes and electrical codes.

H. Maintenance. The SES shall be well maintained in an operational condition that poses no potential safety hazard. Should the SES fall into disrepair and be in such a dilapidated condition that it poses a safety hazard or would be considered generally offensive to the senses of the general public, the SES may be deemed a public nuisance and will be subject to abatement as such.

I. Displacement of parking prohibited. The location of the SES shall not result in the net loss of minimum required parking.

J. Utility Notification. No SES that generates electricity shall be installed until evidence has been given that the utility company has been informed of and is in agreement with the customer's intent to install an interconnected customer owned generator.

K. Interconnection. The SES, if interconnected to a utility system, shall meet the requirements for interconnection and operation as set forth by the utility and the Iowa Utilities Board.

L. Restriction on Use of Energy Generated. An SES shall be used exclusively to supply electrical power or thermal energy for on-site consumption, except that excess electrical power generated by the SES and not presently needed for onsite use may be used by the utility company in accordance with section 199, chapter 15.11(5) of the Iowa Administrative Code.

M. Shutoff. A clearly marked and easily accessible shutoff for any SES that generates electricity will be required as determined by the Building Inspector.

N. Electromagnetic Interference. The SES shall be designed and constructed so as not to cause radio or television interference. If it is determined that the SES is causing electromagnetic interference, the operator shall take the necessary corrective action to eliminate this interference including relocating or removal of the facilities, subject to the approval of the appropriate city authority. A permit granting an SES may be revoked if electromagnetic interference from the SES becomes evident.

O. Solar Access Easements. The enactment of this Section does not constitute the granting of an easement by the City. The owner/operator may need to acquire covenants, easements, or similar documentation to assure sufficient solar exposure to operate the SES unless adequate accessibility to the sun is provided on site. Such covenants, easements, or similar documentation are the sole responsibility of the owner/operator to obtain and maintain. Should the owner/operator pursue a solar access easement, the extent of the

solar access should be defined, and the easement document executed in compliance with the regulation contained in Iowa Code chapter 564A (access to solar energy).

P. Removal. If the SES remains nonfunctional or inoperative for a continuous period of 180 days, the system shall be deemed to be abandoned. The owner/operator shall remove the abandoned system at their expense. Removal of the system includes the entire structure; collector panels and related equipment form the property excluding foundations. Should the owner/operator fail to remove the system, the SES will be considered a public nuisance and will be subject to abatement as such.

Q. Nonconforming Systems. An SES that has been installed on or before the effective date of this Section and is in active use and does not comply with any or all of the provisions of this Section shall be considered a legal nonconforming structure under the provisions of the Zoning Code sections 165A.26 through 165A.28.

R. Unsafe Condition. Nothing in this Section shall be deemed to prevent the strengthening or restoring to a safe condition of any SES or associated building or structure, or any part thereof, declared to be unsafe by the appropriate authority.

S. Bulk Regulations.

(1) Location.

- a. No more than one SES may be placed on any zoned lot unless otherwise specifically approved by the Zoning Administrator.
- b. No SES shall be constructed within twenty (20) feet laterally from an overhead electrical power line, excluding secondary electrical service lines or service drops.
- c. Ground Mounted SES.
  - i. No part of the SES shall be located within or over drainage, utility, or other established easements, or on or over property lines.
  - ii. The SES shall be located in accordance with the regulations for accessory use in the Zoning Code section 165A.22 and meet the accessory setbacks as required for the zoned district in which the SES is being placed.
  - iii. The SES shall not be located with the front yard setback, side yard setback, or street side setback for the zoned area it is being installed.
  - iv. No portion of the SES shall be located closer than five (5) feet from the principal building or to any other building or structure on the lot or location. In addition, the SES shall not occupy more than 30% of the rear yard.
  - v. The setback from underground electrical distribution lines shall be a minimum of five (5) feet.
  - vi. No SES shall be located which may obstruct vision between a height of thirty (30) inches and ten (10) feet on any corner lot with a vision triangle of twenty-five (25) feet formed by intersecting street right-of-way lines.



d. Building Mounted SES.

i. The SES shall be set back not less than one (1) foot from the exterior perimeter of the roof for every one (1) foot the system extends above the parapet wall or roof surface.

ii. Should the SES be mounted on an existing structure that does not conform to current setback requirements, the SES shall be installed to meet the current setback requirements applicable to the structure.

iii. The SES shall be designed to minimize its visual presence to surrounding properties and public thoroughfares. Panel arrangement shall take into account the proportion of the roof surface, and panels shall be placed in a consistent manner without gaps unless necessary to accommodate vents, skylights, or equipment.

iv. Access pathways for the SES shall be provided in accordance with all applicable building, fire and safety codes.

v. The SES shall be located in such a manner that fall protection railings are not required or are not visible from the public thoroughfare.

e. Building Integrated SES.

i. No setback required.

ii. Access pathways for the SES shall be provided in accordance with all applicable building, fire, and safety codes.

iii. The SES shall be located in such a manner that fall protection railings are not required or are not visible from the public thoroughfare.

(2) Height.

a. Ground Mounted SES. The maximum height of the SES shall not exceed fifteen (15) feet in height as measured from the highest peak or angle to the average grade.

b. Building Mounted SES.

i. The collector panel surface and mounting system shall not extend higher than eighteen (18) inches above the roof surface of a sloped roof.

ii. The collector panel surface and mounting system shall not extend higher than seven (7) feet above the roof surface of a flat roof.

c. Building Integrated SES. The collector panel shall maintain a uniform profile of surface with the building's vertical walls, window openings, and roofing.

(3) Size.

a. Unless otherwise defined in this subsection, the size of the SES is calculated by measuring the total surface area of the collector panels for the system.

b. For a Building Mounted SES, the system size will be determined by the available roof area subject to the installation, minus the required setbacks or access pathways.

c. For a Building Integrated SES, the system size will be determined by the available building surface area subject to the installation, minus the required access pathways.

(Ord. 725 - Aug. 22 Supp.)

SAMPLE