

ORDINANCE NO. 112

AN ORDINANCE AMENDING THE CITY OF NORA SPRINGS ZONING  
ORDINANCE (ORDINANCE 39D) REGARDING PROVISIONS  
REGULATING SOLAR ENERGY SYSTEMS (SES), BATTERY ENERGY  
STORAGE SYSTEMS (BESS), AND THE SALE OF CONSUMER  
FIREWORKS

**NOW, THEREFORE, BE IT ORDAINED** by the Floyd County Board of Supervisors that the Floyd County Zoning Ordinance (Ordinance 39D) is hereby amended as follows:

**SECTION 1. ARTICLE MODIFIED.** Article 3, Definitions is hereby amended as follows:

A. Add the following definitions:

Battery Energy Storage System (BESS): One or more devices, assembled together, capable of storing energy in order to supply electrical energy for later use. The energy may be used onsite or distributed into the electrical grid.

Battery Energy Storage System, Commercial (C-BESS): One or more devices, assembled together, capable of storing energy in order to supply electric energy for the primary purpose of wholesale or retail sales of generated electricity to be distributed into the electric grid. This includes all accessory equipment necessary for energy storage, including but not limited to, inverters, transformers, cooling equipment, switching gear, metering equipment, transmission tie-lines, other power interconnection facilities, and/or a project substation. A project may be co-located with a substation.

Battery Energy Storage System, Small (S-BESS): One or more devices attached to or located inside or outside of the principal building footprint, assembled together, capable of storing energy in order to supply electrical energy to serve primarily the energy needs onsite.

Solar Energy System (SES): A device, array of devices, or structural design feature, the purpose of which is to provide for generation or storage of electricity from sunlight, or the collection, storage and distribution of solar energy for space heating or cooling, daylight for interior lighting, or water heating.

Solar Energy System, Small (S-SES): A solar energy system that generates electricity from solar energy primarily for use on the same site or the same land use with which the system is physically associated and generates electricity up to a nameplate capacity of six hundred (600) kilowatts.

**SECTION 2. ARTICLE 5 MODIFIED.** ARTICLE 5, AGRICULTURAL (AG) DISTRICT is hereby amended as follows:

A. Add the following under Section 3, PERMITTED ACCESSORY USES AND STRUCTURES:

3.7 Small Solar Energy Systems (S-SES)

3.8 Small Battery Energy Storage Systems (S-BESS)

B. Repeal Sub-Section 4.14 under Section 4, CONDITIONAL USES AND STRUCTURES and replace with the following:

4.14 Commercial Battery Energy Storage Systems (C-BESS), provided the use is co-located with a substation

**SECTION 4. ARTICLE 6 MODIFIED.** ARTICLE 6, CONSERVATION (CN) DISTRICT is hereby amended as follows:

A. Add the following under Section 2, PERMITTED USES AND STRUCTURES:

3.6 Small Solar Energy Systems (S-SES) or Small Battery Energy Storage Systems (S-BESS), provided that the use is co-located with a conditional use granted by the Board of Adjustment as permitted within the Conservation District.

B. Add the following under Section 3, CONDITIONAL USES AND STRUCTURES:

4.7 Commercial Battery Energy Storage Systems (C-BESS), provided the use is co-located with a substation

**SECTION 4. ARTICLE 7 MODIFIED.** ARTICLE 7, RESIDENTIAL SINGLE FAMILY (RS) DISTRICT is hereby amended as follows:

A. Add the following under Section 3, PERMITTED ACCESSORY USES AND STRUCTURES:

3.10 Small Solar Energy Systems (S-SES)

3.11 Small Battery Energy Storage Systems (S-BESS)

B. Repeal Sub-Section 4.10 under Section 4, CONDITIONAL USES AND STRUCTURES and replace with the following:

4.10 Commercial Battery Energy Storage Systems (C-BESS), provided the use is co-located with a substation

**SECTION 5. ARTICLE 8 MODIFIED.** ARTICLE 8, RESIDENTIAL MULTI-FAMILY (RM) DISTRICT is hereby amended as follows:

A. Add the following under Section 3, PERMITTED ACCESSORY USES AND STRUCTURES:

- 3.10 Small Solar Energy Systems (S-SES)
- 3.11 Small Battery Energy Storage Systems (S-BESS)

B. Repeal Sub-Section 4.15 under Section 4, CONDITIONAL USES AND STRUCTURES and replace with the following:

- 4.15 Commercial Battery Energy Storage Systems (C-BESS), provided the use is co-located with a substation

**SECTION 6. ARTICLE 9 MODIFIED.** ARTICLE 9, MOBLIE HOME (MH) DISTRICT is hereby amended as follows:

A. Add the following under Section 3, PERMITTED ACCESSORY USES AND STRUCTURES:

- 3.5 Small Solar Energy Systems
- 3.6 Small Battery Energy Storage Systems

B. Add the following under Section 4, CONDITIONAL USES AND STRUCTURES:

- 4.6 Commercial Battery Energy Storage Systems (C-BESS), provided the use is co-located with a substation

**SECTION 7. ARTICLE 10 MODIFIED.** ARTICLE 10, CENTRAL BUSINESS COMMERCIAL (BC) DISTRICT is hereby amended as follows:

A. Add the following under Section 2, PRINCIPAL USES PERMITTED:

- 2.62 Fireworks retail and wholesale sales

B. Add the following under Section 3, PERMITTED ACCESSORY USES AND STRUCTURES:

- 3.4 Small Solar Energy Systems
- 3.5 Small Battery Energy Storage Systems

C. Add the following under Section 4, CONDITIONAL USES AND STRUCTURES:

- 4.22 Commercial Battery Energy Storage Systems (C-BESS), provided the use is co-located with a substation

**SECTION 8. ARTICLE 11 MODIFIED.** ARTICLE 11, ARTERIAL COMMERCIAL (AC) DISTRICT is hereby amended as follows:

A. Add the following under Section 2, PRINCIPAL USES PERMITTED:

2.21 Fireworks retail and wholesale sales

B. Add the following under Section 3, PERMITTED ACCESSORY USES AND STRUCTURES:

3.3 Small Solar Energy Systems

3.4 Small Battery Energy Storage Systems

C. Repeal Sub-Section 4.7 under Section 4, CONDITIONAL USES AND STRUCTURES and replace with the following:

4.7 Commercial Battery Energy Storage Systems (C-BESS), provided the use is co-located with a substation

**SECTION 9. ARTICLE 13 MODIFIED.** ARTICLE 13, LIGHT INDUSTRIAL (LI) DISTRICT is hereby amended as follows:

A. Add the following under Section 2, PRINCIPAL USES PERMITTED:

2.33 Fireworks retail and wholesale sales

B. Add the following under Section 3, PERMITTED ACCESSORY USES AND STRUCTURES:

3.4 Small Solar Energy Systems

3.5 Small Battery Energy Storage Systems

C. Add the following under Section 4, CONDITIONAL USES AND STRUCTURES:

4.7 Commercial Battery Energy Storage Systems (C-BESS)

**SECTION 10. ARTICLE 14 MODIFIED.** ARTICLE 14, HEAVY INDUSTRIAL (HI) DISTRICT is hereby amended as follows:

A. Add the following under Section 2, PRINCIPAL USES PERMITTED:

2.12 Fireworks retail and wholesale sales

B. Add the following under Section 3, PERMITTED ACCESSORY USES AND STRUCTURES:

3.4 Small Solar Energy Systems

3.5 Small Battery Energy Storage Systems

C. Add the following under Section 4, CONDITIONAL USES AND STRUCTURES:

4.12 Commercial Battery Energy Storage Systems (C-BESS)

**SECTION 11. ARTICLE 15 MODIFIED.** ARTICLE 15, ADDITIONAL AREA, HEIGHT, AND SUPPLEMENTAL REGULATIONS is hereby amended as follows:

A. Add the following under Section 8. ACCESSORY BUILDINGS AND STRUCTURES

8.18 No zoning permit shall be required for roof-mounted, small solar energy systems (S-SES), roof-mounted, small battery energy storage systems (S-BESS), or S-BESS located on the interior of a building and are a permitted accessory use in all districts. However, all exterior, ground-mounted units shall meet all requirements for other accessory buildings or structures under this Section and requires a permit as provided for in Article 20 of this Ordinance.

B. Add a new Section 17. FIREWORKS RETAIL AND WHOLESALE SALES.

Section 17. FIREWORKS RETAIL AND WHOLESALE SALES. Fireworks retail and wholesale sales shall be prohibited in all districts except commercial and industrial districts. Any business or establishment that is involved in the retail sale or wholesale of fireworks in any commercial or industrial district shall meet the regulations of Iowa Code, Section 100.19.

**SECTION 12. ARTICLE 18 MODIFIED.** ARTICLE 18, CONDITIONAL USES is hereby amended as follows:

A. Repeal Sub-Section 5.4, Firework Retail and Whole Sales and replace with the following:

5.4 Commercial Battery Energy Storage Systems (C-BESS). All C-BESS shall comply with the following standards:

5.4.1 All components of C-BESS shall be a minimum of fifty (50) feet from non-participating property lines, road right-of-way, and railroad right-of-way.

5.4.2 C-BESS, including all mechanical equipment, shall be enclosed by an eight (8) foot tall fence with a self-locking gate to prevent unauthorized access unless housed in a dedicated-use building and not interfering with ventilation or exhaust ports.

5.4.3 Vegetative screening shall be required at the discretion of the Board of Adjustment in consideration of any nearby residential uses.

5.4.4 **Minimum Clearance.** Areas within ten (10) feet of the C-BESS shall be clear of combustible vegetation or other combustible materials or growth.

5.4.5 **Fire and Safety Compliance.** The applicant shall be responsible in meeting all standards of the National Fire Protection Association (NFPA) and applicable state and federal fire and safety requirements, including but not limited to NFPA 1, NFPA 70, NFPA 855, and the National Electrical Code (NEC).

**SECTION 13. REPEALER.** All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

**SECTION 14. SEVERABILITY.** If any section, provision or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

**SECTION 15. SAVING.** The Floyd County Zoning Ordinance (Ordinance 39D) shall remain in full force and effect, save and except as amended by this Ordinance.

**SECTION 16. EFFECTIVE DATE.** This Ordinance shall be in effect after its final passage, approval, and publication as provided by law.