

AN ORDINANCE OF THE CITY OF WILDWOOD, MISSOURI, AMENDING VARIOUS PROVISIONS OF CHAPTER 415 OF THE CODE OF ORDINANCES OF THE CITY OF WILDWOOD, MISSOURI, AND ENACTING A NEW SECTION 415.630, PROVIDING FOR REGULATIONS RELATED TO THE USE OF SOLAR ENERGY SYSTEMS WITHIN THE CITY.

WHEREAS, the City of Wildwood, Missouri (“City”), for the purposes of promoting the health, safety, morals, and general welfare of the residents of the City, may, by ordinance, adopt regulations relating to the location and use of buildings, structures and land for trade, industry, residence or other purposes; and

WHEREAS, City residents have exhibited an increased interest in employing solar energy systems for residential and other purposes; and

WHEREAS, the City Council hereby finds and determines that amending the current solar energy system regulations to provide an administrative process whereby residents can gain approval to employ such systems, while ensuring aesthetic characteristics of the City and the safety of its residents remain intact, will promote the health, safety, morals and general welfare of all residents of the City of Wildwood.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WILDWOOD, MISSOURI, AS FOLLOWS:

Section One. That Subsection (C) of Section 415.090 of the Code of Ordinances of the City of Wildwood, Missouri, be and hereby is amended by deleting the conditional uses listed in subparagraphs “35a” and “35b” and reserving subparagraphs “35a” and “35b” for the City’s future use.

Section 415.090. “NU” Non-Urban Residence District Regulations.

C. ...

35a. (Reserved).

35b. (Reserved).

Section Two. That Subsection (a) of Subparagraph (1) of Subsection (D) of Section 415.090 of the Code of Ordinances of the City of Wildwood, Missouri, be and hereby is amended by deleting Subsection (a) of Subparagraph (1) of Subsection (D) of Section 415.090 in its entirety and reserving that section for the City’s future use.

Section 415.090. “NU” Non-Urban Residence District Regulations.

D. ...

1. ...

a. (Reserved).

Section Three. That Subsection (C) of Section 415.110 of the Code of Ordinances of the City of Wildwood, Missouri, be and hereby is amended by deleting the conditional use listed in subparagraph “24a” and reserving subparagraph “24a” for the City’s future use.

Section 415.110. “R-1” One Acre Residence District Regulations.

C. ...

24a. (Reserved).

Section Four. That Subparagraph (1) of Subsection (D) of Section 415.110 of the Code of Ordinances of the City of Wildwood, Missouri, be and hereby is amended by deleting Subparagraph (1) of Subsection (D) of Section 415.110 in its entirety and reserving that section for the City’s future use.

Section 415.110. “R-1” One Acre Residence District Regulations.

D. ...

1. (Reserved).

Section Five. That Subsection (C) of Section 415.120 of the Code of Ordinances of the City of Wildwood, Missouri, be and hereby is amended by deleting the conditional use listed in subparagraph “16a” and reserving subparagraph “16a” for the City’s future use.

Section 415.120. “R-1A” Residence District Regulations.

C. ...

16a. (Reserved).

Section Six. That Subparagraph (1) of Subsection (D) of Section 415.120 of the Code of Ordinances of the City of Wildwood, Missouri, be and hereby is amended by deleting Subparagraph (1) of Subsection (D) of Section 415.120 in its entirety and reserving that section for the City’s future use.

Section 415.120. “R-1A” Residence District Regulations.

D. ...

1. (Reserved).

Section Seven. That Subsection (C) of Section 415.130 of the Code of Ordinances of the City of Wildwood, Missouri, be and hereby is amended by deleting the conditional use listed in subparagraph “17a” and reserving subparagraph “17a” for the City’s future use.

Section 415.130. “R-2” Residence District Regulations.

C. ...

17a. (Reserved).

Section Eight. That Subparagraph (1) of Subsection (D) of Section 415.130 of the Code of Ordinances of the City of Wildwood, Missouri, be and hereby is amended by deleting Subparagraph (1) of Subsection (D) of Section 415.130 in its entirety and reserving that section for the City’s future use:

Section 415.130. “R-2” Residence District Regulations.

D. ...

1. (Reserved).

Section Nine. That Subsection (C) of Section 415.140 of the Code of Ordinances of the City of Wildwood, Missouri, be and hereby is amended by deleting the conditional use listed in subparagraph “16a” and reserving subparagraph “16a” for the City’s future use.

Section 415.140. “R-3” Residence District Regulations

C. ...

16a. (Reserved).

Section Ten. That Subparagraph (1) of Subsection (D) of Section 415.140 of the Code of Ordinances of the City of Wildwood, Missouri, be and hereby is amended by deleting Subparagraph (1) of Subsection (D) of Section 415.140 in its entirety and reserving that section for the City’s future use.

Section 415.140. “R-3” Residence District Regulations

D. ...

1. (Reserved).

Section Eleven. That Subsection (C) of Section 415.150 of the Code of Ordinances of the City of Wildwood, Missouri, be and hereby is amended by deleting the conditional use listed in subparagraph “17a” and reserving subparagraph “17a” for the City’s future use.

Section 415.150 “R-4” Residence District Regulations

C. ...

17a. (Reserved).

Section Twelve. That Subparagraph (1) of Subsection (D) of Section 415.150 of the Code of Ordinances of the City of Wildwood, Missouri, be and hereby is amended by deleting Subparagraph (1) of Subsection (D) of Section 415.150 in its entirety and reserving that section for the City’s future use.

Section 415.150 “R-4” Residence District Regulations

D. ...

1. (Reserved).

Section Thirteen. That Subsection (C) of Section 415.160 of the Code of Ordinances of the City of Wildwood, Missouri, be and hereby is amended by deleting the conditional use listed in subparagraph “16a” and reserving subparagraph “16a” for the City’s future use.

Section 415.160 “R-6A” Residence District Regulations

C. ...

16a. (Reserved).

Section Fourteen. That Subparagraph (1) of Subsection (D) of Section 415.160 of the Code of Ordinances of the City of Wildwood, Missouri, be and hereby is amended by deleting Subparagraph (1) of Subsection (D) of Section 415.160 in its entirety and reserving that section for the City’s future use.

Section 415.160 “R-6A” Residence District Regulations

D. ...

1. (Reserved).

Section Fifteen. That Chapter 415 of the Code of Ordinances of the City of Wildwood, Missouri, be and here by is amended by enacting a new Section 415.630 to read as follows:

Section 415.630. Solar Energy System Regulations.

A. *Definitions.* For purposes of this Section, the following terms shall have the meaning set forth below:

RACEWAY

An enclosed channel designed expressly for holding wires, cables, bus bars, and any other component(s) of a solar energy system with the goal of organizing or hiding such component(s).

ROOF PLAN

A scaled layout or diagram of an overhead, external view of the roof structure, showing the dimensions of the roof and the proposed location and dimensions of all solar energy collectors and solar energy equipment.

ROOF FRAMING PLAN

A scaled layout or diagram of a proposed roof development focusing on the internal and external structural components of the roof, including the dimensions of the entire structure, measurements, shapes, design, and placement of all materials, wires, ventilation, and slopes.

SOLAR ENERGY COLLECTOR

The component of a solar energy system containing the device that absorbs energy from the sun when exposed to light, including, but not limited to, monocrystalline photovoltaic panels, polycrystalline photovoltaic panels, and thin film photovoltaic panels.

SOLAR ENERGY EQUIPMENT

The solar energy collectors, electronics, disconnects, valves, and other appurtenances associated with a solar energy system.

SOLAR ENERGY SYSTEM

A system of building-mounted or building integrated solar energy collectors which rely upon solar radiation as the source for the generation of electricity or transfer of stored heat, including all solar energy equipment required for the operation of such system.

SOLAR ENERGY SYSTEM, BUILDING INTEGRATED

A solar energy system that is seamlessly integrated into the building envelope as an integral part of a principal or accessory building rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building which contributes to the design of the building, including, but not limited to, solar energy collectors and/or equipment contained within roofing materials, windows, skylights, shingles, roof tiles, siding, awnings,

and any other component wherein such component serves the dual purposes of energy production and a structural/architectural function.

SOLAR ENERGY SYSTEM, BUILDING-MOUNTED

A solar energy system affixed, by some form of additional mounting structure, to a principal or accessory structure on a lot.

B. Solar Energy Systems, Permits Required; Installation, Modification, Removal, and Disposal.

1. Solar energy systems shall be permitted as an accessory use to single-family and two-family dwellings in all zoning districts in the City of Wildwood, Missouri.

2. Prior to the installation, modification, removal, or disposal of any solar energy system, a permit application must be submitted to the Department of Planning (“Department”), and the Department must issue the applicable permit thereby authorizing the installation, modification, removal or disposal to occur within the City of Wildwood, Missouri.

a. Applications for solar energy system installation and modification permits must contain:

i. The name, address, phone number and email address of the applicant.

ii. The address of the property upon which the solar energy system will be installed or modified.

iii. The names of each owner of the property upon which the solar energy system will be installed or modified.

iv. A declaration supported by documentation stating the solar energy system will be designed by a company, or person, certified by the North American Board of Certified Energy Practitioners (NABCEP) or an electrical engineer licensed by the State of Missouri, and further showing all solar energy system installation or modification will be performed by or supervised by the system designer.

v. A structural analysis report, performed by a Missouri professional engineer with experience in structural design, verifying that after installation or modification, the building will remain compliant with all structural requirements of the building code as adopted pursuant to Article II of Chapter 500 of this Code. If structural modifications are required to facilitate the installation or modification, a roof-framing plan must be submitted, showing

new and existing supporting rafters, beams and headers, including rafter size, span, and spacing.

vi. Electrical drawings showing the solar energy system is compliant with the electrical code as adopted pursuant to Article III of Chapter 500 of this Code.

vii. A roof plan.

viii. A site plan of the lot where the proposed solar energy system is to be installed or modified, designating the location of the building and all existing trees, noting if any trees are planned to be removed. If a tree or trees are shown to be removed, the site plan shall indicate size, species, and health.

ix. All manufacturer specification sheets and installation instructions related to the solar energy system.

x. The applicant must submit to the Director of Planning a verified statement confirming that any applicable Homeowners Association has been notified of the application. If the property is not subject to any regulations promulgated by a Homeowners Association, the application must state such fact.

xi. The applicant must submit to the Director of Planning a verified statement that the plans for the solar energy system were delivered to the applicable fire protection district.

b. Applications for solar energy system removal and disposal permits must contain:

i. A declaration supported by documentation the solar energy system will be removed by a company, or person, certified by NABCEP or an electrical engineer licensed by the State of Missouri.

ii. A declaration supported by documentation showing the solar energy system will be disposed in accordance with all applicable City ordinances and regulations, state and federal rules and regulations, including the Resource Conservation and Recovery Act ("RCRA"), and all regulations promulgated thereunder. As part of this declaration, the applicant must designate whether or not the solar energy system to be disposed of qualifies as hazardous waste under the RCRA, and if so, a plan consistent with the provisions of the RCRA for how such hazardous waste will be disposed.

iii. In the event emergency removal of a solar energy system is required, the property owner may proceed with such removal without obtaining a permit. However, a reasonable time thereafter, not to exceed three (3) business days, the property owner must notify the Department of such emergency and reason for removal, and submit an application for disposal of the solar energy system.

3. Upon receipt of the application, the Department will review the sufficiency of the application materials. If the application materials are insufficient, the Department will notify the applicant of the deficiency prior to processing the application. Upon the receipt of all required information, the Department shall determine if the installation, modification, removal, or disposal of the proposed/existing solar energy system complies with the requirements of Section 415.630. Upon finding the requirements of Section 415.630 are met, the Department shall issue the applicable permit thereby authorizing the installation, modification, removal, or disposal of the solar energy system, as the case may be.

4. Notwithstanding the provisions of this Section to the contrary, any conditional use permit approved for the installation of a solar energy system on or before November 13, 2023, shall be deemed an approved permit pursuant to this subsection B; provided however, the conditional use permit approved shall remain subject to Section 415.500(O) of this Code.

C. Solar Energy Systems, Generally.

1. The removal of woodlands to accommodate access to the sun for an existing solar energy system, or solar energy system proposed to be installed, shall be minimized and comply with all City ordinances and regulations. Removal of any "Grand Tree," as defined in Chapter 410 of this Code, Tree Preservation and Restoration Requirements, shall only be authorized by a permit issued by the Department and the restoration of its loss must occur on same property, consistent with Chapter 410.

2. All wiring associated with a solar energy system shall be routed underground or contained within a raceway that complements the building materials and architectural design of the principal structure.

3. Solar energy collectors shall be documented by the manufacturer as being non-reflective pursuant to recognized engineering standards showing reflectivity of less than thirty percent (30%) or shall be placed such that concentrated sunlight or glare shall not be directed onto nearby properties or streets.

4. Should the solar energy system become non-functional, whether that be from damage caused by a storm or some other event rendering the solar energy system non-functional, the system shall be removed unless it is feasible to repair, as supported by the testimony of a person or company certified by NABCEP or a Missouri licensed electrical engineer. If the system is to be repaired, the owner shall apply for and receive a modification permit under Section 415.630(B)(1), detailing how the repair is to be completed, prior to taking such action.

D. Building Integrated Solar Energy Systems.

1. Building integrated solar energy systems shall meet all required setback, height, and land use requirements, and remain compliant with the standards described in this Code related to building integrated solar energy systems throughout the entire time such system is installed and utilized.

2. All solar energy equipment part of a building integrated solar energy system shall complement the building materials and architectural design of the principal structure, including the color thereof.

E. Building Mounted Solar Energy Systems.

1. Building Mounted Solar Energy Systems shall be installed on the plane of the roof (flush mounted) or made part of the roof design by using solar panel collector capping or support framing that is compatible with the color of the roof or structure..

2. Building Mounted Solar Energy Systems shall meet all required setback, height, and land use requirements, and remain compliant with the standards described in this Code related to building mounted solar energy systems throughout the entire time such system is installed and utilized.

3. When located on a sloped roof, building mounted solar energy collectors shall be positioned in a symmetrical fashion, centered on the plane of the roof on which they are located, installed parallel to the roof slope, and shall not project vertically above the peak of the sloped roof.

4. For each roof plane with a Building Mounted Solar Energy System, not fewer than one (1) thirty-six (36) inch wide pathway from the lowest roof edge to the ridge shall be provided on the same roof plane as the Building Mounted Solar Energy System, on an adjacent roof plane, or straddling the same and adjacent roof planes.

5. Building Mounted Solar Energy Systems must be setback not less than eighteen (18) inches from the roof ridges, edges, and valleys.

6. Solar energy collectors installed on a flat roof must be screened by the use of parapet or other architectural feature to completely screen the view from the street and ground level of adjoining properties.

7. All solar energy equipment part of a building mounted solar energy system shall complement the building materials and architectural design of the principal structure.


F. Ground Mounted Solar Energy Systems, meaning those that are not attached to another structure, other than a mounting structure, mounting structure being directly or indirectly affixed to the ground, are prohibited.

Section Sixteen. Savings. Nothing contained in this Ordinance shall in any manner be deemed or construed to alter, modify, supersede, supplant or otherwise nullify any other Ordinance of the City or the requirements thereof whether or not relating to or in manner connected with the subject matter hereof, unless expressly set forth herein.

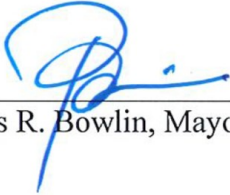
Section Seventeen. Severability. If any term, condition, or provision of this Ordinance shall, to any extent, be held to be invalid or unenforceable, the remainder hereof shall be valid in all other respects and continue to be effective and each and every remaining provision hereof shall be valid and shall be enforced to the fullest extent permitted by law, it being the intent of the City Council that it would have enacted this Ordinance without the invalid or unenforceable provisions. In the event of a subsequent change in applicable law so that the provision, which had been held invalid, is no longer invalid, said provision shall thereupon return to full force and effect without further action by the City and shall thereafter be binding.

This Bill was passed and approved this 13th day of November, 2023, by the Council of the City of Wildwood, Missouri, after having been read by title, or in full, two (2) times prior to its passage.

Section Eighteen. This Ordinance shall be in full force and effect from and after its final passage and approval.



Presiding Officer



James R. Bowlin, Mayor

ATTEST:

ATTEST:



City Clerk



City Clerk