

AN ORDINANCE OF THE CITY OF WILDWOOD, MISSOURI, AMENDING TITLE IV OF THE CODE OF ORDINANCES OF THE CITY OF WILDWOOD BY DELETING SECTION 415.090(C)(35)(A-B), SECTION 415.090(D)(1)(A-H), SECTION 415.110(C)(24A), SECTION 415.110(D)(1)(A-H), SECTION 415.120(C)(16)(A), SECTION 415.120(D)(1)(A-H), SECTION 415.130(17)(A), SECTION 415.130(17)(D)(1)(A-H), SECTION 415.140(16)(A), SECTION 415.140(16)(D)(1)(A-H), SECTION 415.150(17)(A), SECTION 415.150(17)(D)(1)(A-H), SECTION 415.160(17)(A), AND SECTION 415.160(17)(D)(1)(A-H), IN THEIR ENTIRETY, AND ENACTING, IN LIEU THEREOF, A NEW SECTION 415.630 FOR THE REGULATION SOLAR ENERGY SYSTEMS WITHIN THE CITY

WHEREAS, as technology and other factors have changed how Wildwood residents' power, heat, and manage their households, the City has had to keep pace with these advances and trends to ensure associated improvements do not become issues to the physical environment in terms of waste disposal practices, as well as other property owners nearby their placements, installations, or use; and

WHEREAS, one (1) such area of advancement has been the development of the solar energy systems and their implementation, as a resource for energy production for business and residential sites; and

WHEREAS, these solar energy systems, which a great number of them have been installed by Wildwood property owners, generally have been/are mounted on the rooftops of their dwellings and determined to create some impact, particularly in regards to certain considerations relating to property values; and

WHEREAS, these accessory structures have become more popular than ever and interest by Wildwood property owners in installing roof-mounted solar energy systems on their dwellings has increased substantially in recent years, which has resulted in questions being raised relative to the impacts of certain installations, specifically when they are placed in a manner so as to be visible from an abutting roadway; and

WHEREAS, these impacts relate to concerns about visibility, and aesthetics, as well as the management of tree removal in association with them and the proper disposal of the equipment, once the panels reach their respective end of lifetimes, which have been common themes at public hearings on certain installations, since the expanded regulations were originally adopted by the City Council in 2014 and updated in 2020; and

WHEREAS, with an influx of new proposals for solar energy systems, the Planning and Zoning Commission requested a review be undertaken to determine if the recently updated regulations have effectively addressed these impacts and allied concerns expressed by the public and its members of over the past few years, specifically relating to roof-mounted solar energy systems that are placed so as to be visible from an abutting roadway; and

WHEREAS, at its public hearings on November 7, 2022 and December 5, 2022, the Planning and Zoning Commission heard this request for a review of the current regulations of the Zoning Ordinance for solar energy systems; and

WHEREAS, with the completion of the public hearing, where testimony was provided to the members, which included comments from the general public, and information on other communities' approaches to managing these same types of accessory structures, changes were identified and discussed; and

WHEREAS, with this information, the Planning and Zoning Commission agreed to recommend establishing a new set of regulations relative to solar energy systems that would maintain much of the current protections and requirements for solar energy system installations, while addressing the on-going and new concerns, specifically relating to the support of integrated solar energy systems, in lieu of more typical roof-mounted types, when visible from the abutting roadway; the recycling of solar energy system components; the prohibition of ground-mounted types; and the procedures relative to the review and authorization of these types of accessory structures; and

WHEREAS, the Letter of Recommendation by the Planning and Zoning Commission was finalized and acted upon by its members on April 3, 2023, which allowed it then to be forwarded onto City Council; and

WHEREAS, the City Council held a public hearing on May 8, 2023 and heard an explanation on the recommended changes to the regulation of solar energy systems, given the extent of impact associated with their respective installations, which was based upon the recommendation of the Planning and Zoning Commission; and

WHEREAS, at the conclusion of the public hearing, the City Council authorized the preparation of legislation that would allow for these proposed changes to the residential zoning district designations of the City to be considered in bill form; and

WHEREAS, the authority for the City of Wildwood to promulgate changes to its land use laws, regulations, and requirements is set forth in Chapter 89 of Missouri Revised Statutes, its Charter, and local codes, so as undertaken to always protect the public's health, safety, and general welfare, and this action is consistent with such.

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

Section One. The City Council of the City of Wildwood hereby approves the modification to Title IV of the Code of Ordinances of the City of Wildwood by deleting Section 415.090(c)(35)(a-b), Section 415.090(d)(1)(a-h), Section 415.110(c)(24a), Section 415.110(d)(1)(a-h), Section 415.120(c)(16)(a), Section 415.120(d)(1)(a-h), Section 415.130(17)(a), Section 415.130(17)(d)(1)(a-h), Section 415.140(16)(a), Section 415.140(16)(d)(1)(a-h) Section 415.150(17)(a), Section 415.150(17)(d)(1)(a-h), Section 415.160(17)(a), and Section

415.160(17)(d)(1)(a-h), in their entirety, and enacting, in lieu thereof, a new Section 415.630 Solar Energy System Regulations, with such being consistent with the endorsement of the Planning and Zoning Commission, as is contained in its Letter of Recommendation dated April 3, 2023, which are reflected below in the new regulations of this Section:

Section 415.090. "NU" Non-Urban Residence District Regulations

C. ...

~~35a. Solar panels, all ground mounted types. All roof mounted types, if said installations are visible from an adjoining/adjacent street(s).~~ (Reserved)

~~35b. Solar farms.~~ (Reserved)

Section 415.090. "NU" Non-Urban Residence District Regulations.

D. ...

1. ...

~~a. Devices for the generation of energy, such as solar panels [roof mounted types on rear and/or side of dwellings and not visible from the adjoining/adjacent street(s) only], wind generators and similar devices.~~

~~(1) The support rack and framing that is to be installed be flush mounted on the roof of the dwelling, in association with the solar panel arrays, and match the color of the shingles or other roofing materials, as closely as possible.~~

~~(2) The capping of the solar panel arrays that are used in this support rack and framing be a dark color and/or match that of the roofing materials in use, as closely as possible.~~

~~(3) The verification of notification by the property owner to the applicable Homeowners Association representatives shall be provided to the City of Wildwood, with any application for the installation of a solar energy system panels. Absence of said verification shall negate any action on the application, with appeal of said to the Planning and Zoning Commission, all being in accordance with Chapter 150, City of Wildwood Code of Administrative Procedure.~~

~~(4) The removal of woodlands to accommodate access to the sun be minimized and comply with all City codes in this regard. Removal of any "Grand Tree," as defined in Chapter 440 of the City of Wildwood Municipal Code, Tree Preservation and Restoration Code, shall only be authorized by a permit issued by the Department of Planning and the restoration of its loss must occur on the same property, with such being consistent with the code referenced herein.~~

~~(5) The City shall not issue any permit for the installation of a solar energy system until the applicable fire district has provided comments and identified any action and/or requirements on its part.~~

~~(6) The installation of any solar energy system shall meet or exceed all building and other code discipline requirements, set forth therein, specific, and associated with, the installation for solar energy system.~~

~~(7) The landscaping of areas in conjunction with certain solar energy systems installations may be required by the City of Wildwood. Said landscaping design shall comply with Chapter 440, Tree Preservation and Restoration Code of the City of Wildwood Municipal Code.~~

~~(8) The property owner is responsible for any general maintenance of an installed solar energy system and shall also provide the City of Wildwood notification in the form of a written communication, if it is abandoned, becomes inoperable, or removed from the property. (Reserved)~~

Section 415.110. "R-1" One Acre Residence District Regulations.

C. ...

~~24a. Solar panels, all ground-mounted types. All roof-mounted types, if said installations are visible from an adjoining/adjacent street(s). (Reserved)~~

Section 415.110. "R-1" One Acre Residence District Regulations.

D. ...

~~1. Devices for the generation of energy, such as solar panels [roof-mounted types on rear and/or side of dwellings and not visible from the adjoining/adjacent street(s) only], wind generators and similar devices.~~

~~a. The support rack and framing that is to be installed be flush mounted on the roof of the dwelling, in association with the solar panel arrays, and match the color of the shingles or other roofing materials, as closely as possible.~~

~~b. The capping of the solar panel arrays that are used in this support rack and framing be a dark color and/or match that of the roofing materials in use, as closely as possible.~~

~~c. The verification of notification by the property owner to the applicable Homeowners Association representatives shall be provided to the City of Wildwood, with any application for the installation of a solar energy system panels. Absence of said verification shall negate any action on the application, with appeal of said to the Planning and Zoning Commission, all being in~~

~~accordance with Chapter 150 City of Wildwood Code of Administrative Procedure.~~

~~d. The removal of woodlands to accommodate access to the sun be minimized and comply with all City codes in this regard. Removal of any "Grand Tree," as defined in Chapter 440 of the City of Wildwood Municipal Code, Tree Preservation and Restoration Code, shall only be authorized by a permit issued by the Department of Planning and the restoration of its loss must occur on same property, with such being consistent with the code referenced herein.~~

~~e. The City shall not issue any permit for the installation of a solar energy system until the applicable fire district has provided comments and identified any action and/or requirements on its part.~~

~~f. The installation of any solar energy system shall meet or exceed all building and other code discipline requirements, set forth therein, specific, and associated with, the installation for solar energy system.~~

~~g. The landscaping of areas in conjunction with certain solar energy systems installations may be required by the City of Wildwood. Said landscaping design shall comply with Chapter 440, Tree Preservation and Restoration Code of the City of Wildwood Municipal Code.~~

~~h. The property owner is responsible for any general maintenance of an installed solar energy system and shall also provide the City of Wildwood notification in the form of a written communication, if it is abandoned, becomes inoperable, or removed from the property. (Reserved)~~

Section 415.120. "R-1A" Residence District Regulations.

C. ...

~~16a. Solar panels, all ground-mounted types. All roof-mounted types, if said installations are visible from an adjoining/adjacent street(s). (Reserved)~~

Section 415.120. "R-1A" Residence District Regulations.

D. ...

~~1. Devices for the generation of energy, such as solar panels [roof-mounted types on rear and/or side of dwellings and not visible from the adjoining/adjacent street(s) only], wind generators and similar devices.~~

~~a. The support rack and framing that is to be installed be flush mounted on the roof of the dwelling, in association with the solar panel arrays, and match the color of the shingles or other roofing materials, as closely as possible.~~

~~b. The capping of the solar panel arrays that are used in this support rack and framing be a dark color and/or match that of the roofing materials in use, as closely as possible.~~

~~c. The verification of notification by the property owner to the applicable Homeowners Association representatives shall be provided to the City of Wildwood, with any application for the installation of a solar energy system panels. Absence of said verification shall negate any action on the application, with appeal of said to the Planning and Zoning Commission, all being in accordance with Chapter 150 City of Wildwood Code of Administrative Procedure.~~

~~d. The removal of woodlands to accommodate access to the sun be minimized and comply with all City codes in this regard. Removal of any "Grand Tree," as defined in Chapter 440 of the City of Wildwood Municipal Code, Tree Preservation and Restoration Code, shall only be authorized by a permit issued by the Department of Planning and the restoration of its loss must occur on same property, with such being consistent with the code referenced herein.~~

~~e. The City shall not issue any permit for the installation of a solar energy system until the applicable fire district has provided comments and identified any action and/or requirements on its part.~~

~~f. The installation of any solar energy system shall meet or exceed all building and other code discipline requirements, set forth therein, specific, and associated with, the installation for solar energy system.~~

~~g. The landscaping of areas in conjunction with certain solar energy systems installations may be required by the City of Wildwood. Said landscaping design shall comply with Chapter 440, Tree Preservation and Restoration Code of the City of Wildwood Municipal Code.~~

~~h. The property owner is responsible for any general maintenance of an installed solar energy system and shall also provide the City of Wildwood notification in the form of a written communication, if it is abandoned, becomes inoperable, or removed from the property. (Reserved)~~

Section 415.130. "R-2" Residence District Regulations.

C. ...

~~17a. Solar panels, all ground-mounted types. All roof-mounted types, if said installations are visible from an adjoining/adjacent street(s). (Reserved)~~

Section 415.130. "R-2" Residence District Regulations.

D. ...

~~1. Devices for the generation of energy, such as solar panels [roof-mounted types on rear and/or side of dwellings and not visible from the adjoining/adjacent street(s) only], wind generators and similar devices.~~

~~a. The support rack and framing that is to be installed be flush mounted on the roof of the dwelling, in association with the solar panel arrays, and match the color of the shingles or other roofing materials, as closely as possible.~~

~~b. The capping of the solar panel arrays that are used in this support rack and framing be a dark color and/or match that of the roofing materials in use, as closely as possible.~~

~~c. The verification of notification by the property owner to the applicable Homeowners Association representatives shall be provided to the City of Wildwood, with any application for the installation of a solar energy system panels. Absence of said verification shall negate any action on the application, with appeal of said to the Planning and Zoning Commission, all being in accordance with Chapter 150 City of Wildwood Code of Administrative Procedure.~~

~~d. The removal of woodlands to accommodate access to the sun be minimized and comply with all City codes in this regard. Removal of any "Grand Tree," as defined in Chapter 440 of the City of Wildwood Municipal Code, Tree Preservation and Restoration Code, shall only be authorized by a permit issued by the Department of Planning and the restoration of its loss must occur on same property, with such being consistent with the code referenced herein.~~

~~e. The City shall not issue any permit for the installation of a solar energy system until the applicable fire district has provided comments and identified any action and/or requirements on its part.~~

~~f. The installation of any solar energy system shall meet or exceed all building and other code discipline requirements, set forth therein, specific, and associated with, the installation for solar energy system.~~

~~g. The landscaping of areas in conjunction with certain solar energy systems installations may be required by the City of Wildwood. Said landscaping design shall comply with Chapter 440, Tree Preservation and Restoration Code of the City of Wildwood Municipal Code.~~

~~h. The property owner is responsible for any general maintenance of an installed solar energy system and shall also provide the City of Wildwood notification in the form of a written communication, if it is abandoned, becomes inoperable, or removed from the property. (Reserved)~~

Section 415.140. "R-3" Residence District Regulations

C. ...

~~16a. Solar panels, all ground-mounted types. All roof-mounted types, if said installations are visible from an adjoining/adjacent street(s). (Reserved)~~

Section 415.140. "R-3" Residence District Regulations

D. ...

~~1. Devices for the generation of energy, such as solar panels [roof-mounted types on rear and/or side of dwellings and not visible from the adjoining/adjacent street(s) only], wind generators and similar devices.~~

~~a. The support rack and framing that is to be installed be flush-mounted on the roof of the dwelling, in association with the solar panel arrays, and match the color of the shingles or other roofing materials, as closely as possible.~~

~~b. The capping of the solar panel arrays that are used in this support rack and framing be a dark color and/or match that of the roofing materials in use, as closely as possible.~~

~~c. The verification of notification by the property owner to the applicable Homeowners Association representatives shall be provided to the City of Wildwood, with any application for the installation of a solar energy system panels. Absence of said verification shall negate any action on the application, with appeal of said to the Planning and Zoning Commission, all being in accordance with Chapter 150 City of Wildwood Code of Administrative Procedure.~~

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~~e. The City shall not issue any permit for the installation of a solar energy system until the applicable fire district has provided comments and identified any action and/or requirements on its part.~~

~~f. The installation of any solar energy system shall meet or exceed all building and other code discipline requirements, set forth therein, specific, and associated with, the installation for solar energy system.~~

~~g. The landscaping of areas in conjunction with certain solar energy systems installations may be required by the City of Wildwood. Said landscaping design~~

shall comply with Chapter 440, Tree Preservation and Restoration Code of the City of Wildwood Municipal Code.

~~h. The property owner is responsible for any general maintenance of an installed solar energy system and shall also provide the City of Wildwood notification in the form of a written communication, if it is abandoned, becomes inoperable, or removed from the property. (Reserved)~~

Section 415.150 "R-4" Residence District Regulations

C. ...

~~17a. Solar panels, all ground-mounted types. All roof-mounted types, if said installations are visible from an adjoining/adjacent street(s). (Reserved)~~

Section 415.150 "R-4" Residence District Regulations

D. ...

~~1. Devices for the generation of energy, such as solar panels [roof mounted types on rear and/or side of dwellings and not visible from the adjoining/adjacent street(s) only], wind generators and similar devices.~~

~~a. The support rack and framing that is to be installed be flush mounted on the roof of the dwelling, in association with the solar panel arrays, and match the color of the shingles or other roofing materials, as closely as possible.~~

~~b. The capping of the solar panel arrays that are used in this support rack and framing be a dark color and/or match that of the roofing materials in use, as closely as possible.~~

~~c. The verification of notification by the property owner to the applicable Homeowners Association representatives shall be provided to the City of Wildwood, with any application for the installation of a solar energy system panels. Absence of said verification shall negate any action on the application, with appeal of said to the Planning and Zoning Commission, all being in accordance with Chapter 150 City of Wildwood Code of Administrative Procedure.~~

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~~e. The City shall not issue any permit for the installation of a solar energy system until the applicable fire district has provided comments and identified any action and/or requirements on its part.~~

~~f. The installation of any solar energy system shall meet or exceed all building and other code discipline requirements, set forth therein, specific, and associated with, the installation for solar energy system.~~

~~g. The landscaping of areas in conjunction with certain solar energy systems installations may be required by the City of Wildwood. Said landscaping design shall comply with Chapter 440, Tree Preservation and Restoration Code of the City of Wildwood Municipal Code.~~

~~h. The property owner is responsible for any general maintenance of an installed solar energy system and shall also provide the City of Wildwood notification in the form of a written communication, if it is abandoned, becomes inoperable, or removed from the property. (Reserved)~~

Section 415.160 “R-6A” Residence District Regulations

C. ...

~~16a. Solar panels, all ground-mounted types. All roof-mounted types, if said installations are visible from an adjoining/adjacent street(s). (Reserved)~~

Section 415.160 “R-6A” Residence District Regulations

D. ...

~~1. Devices for the generation of energy, such as solar panels [roof-mounted types on rear and/or side of dwellings and not visible from the adjoining/adjacent street(s) only], wind generators and similar devices.~~

~~a. The support rack and framing that is to be installed be flush-mounted on the roof of the dwelling, in association with the solar panel arrays, and match the color of the shingles or other roofing materials, as closely as possible.~~

~~b. The capping of the solar panel arrays that are used in this support rack and framing be a dark color and/or match that of the roofing materials in use, as closely as possible.~~

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~~e. The City shall not issue any permit for the installation of a solar energy system until the applicable fire district has provided comments and identified any action and/or requirements on its part.~~

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~~h. The property owner is responsible for any general maintenance of an installed solar energy system and shall also provide the City of Wildwood notification in the form of a written communication, if it is abandoned, becomes inoperable, or removed from the property. (Reserved)~~

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 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 associated 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 either a principal or an accessory structure on a lot.

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

1. A permit application, to be submitted to the Department of Planning (“Department”) is required for the installation, modification, removal, and disposal of any solar energy system 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, Chapter 500 of the Municipal 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, Chapter 500 of the Municipal 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, all publicly traveled rights-of-way, and all existing trees, noting if any trees are planned to be removed.
- 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, or that the property .
- 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 of a situation requiring emergency removal of a solar energy system, the property owner may proceed without first obtaining a permit for removal. 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.

2. Upon receipt of the application, the Department will review the sufficiency of the application materials. If the application materials are insufficient, the Department may request additional information it deems necessary. 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 this Section. Upon finding the requirements of this Section are met, the Department shall issue the applicable permit.

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 the City of Wildwood Municipal 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 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 be allowed regardless of solar collector location associated with such system, provided the building integrated solar energy system meets all required setback, height, and land use requirements, and remains 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. With each application associated with a building integrated solar energy system, the Director of Planning must find and determine any such proposed solar energy system qualified as a building integrated solar energy system. Should the Director of Planning have any doubt as to whether a building integrated solar energy system serves an architectural function that is seamlessly integrated into the building design, the Director of Planning may refer the question to the City's Architectural Review Board.

E. Building Mounted Solar Energy Systems.

1. Building Mounted Solar Energy Systems shall be:

- a. Installed on the plane of the roof (flush-mounted); or
- b. 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 such that the visibility of such solar energy system is reduced. Such a manner of installation is separate and distinct from a building integrated solar energy system and does not qualify as such.

2. Solar energy collectors shall be located in the least visible location from perspectives outside the property lines where such collectors would be reasonably, though not necessarily optimally, functional.

3. When located on a sloped roof, solar energy collectors shall be positioned in a symmetrical fashion and centered on the plane of the roof on which they are

located, shall not project vertically above the peak of the sloped roof, and shall only be located on a rear- or side-facing roof, as viewed from a fronting street. In cases of corner lots or lots with more than one (1) street frontage, the side of the roof fronting a street shall be considered a front-facing roof.

a. *Exception.* Solar energy collectors may be mounted on the front facing portion of a roof only if the solar energy collectors are completely and totally screened from public view at all times throughout the year, as determined by the view present when standing in the closest publicly traversable right-of-way, including, but not limited to, public or private streets, sidewalks, and trails. As used in this Section, the solar energy collectors may be considered “screened” based on:

- i. The location of the building on the lot;
- ii. The orientation of the building on the lot;
- iii. The height of the building;
- iv. The elevation of the roof of the building compared to the elevation of the adjacent traversable right-of-way; or
- v. The location of trees on the lot in relation to the building.

(1) Any such tree(s) shall be designated by the applicant as a “screening tree” on the site plan submitted as part of the application. Removal of a “screening tree,” is prohibited without a permit issued by the Department. The applicant must submit a detailed plan describing how the solar energy collectors will be screened upon the removal of the screening tree. If a screening tree is otherwise damaged such that it no longer provides the required screening, the property owner must submit to the Department, within thirty (30) days of the damage, a plan describing how the solar energy collectors will be screened in order to remain compliant with these regulations.

vi. Any artificial screening methods must complement the architecture of the building. Any artificial screening employed must be maintained and kept in good repair.

b. The applicant bears the burden of proving to the Director of Planning, by clear and convincing evidence, that solar energy collectors proposed to be installed on the front facing portion of a roof are completely and totally screened from public view at all times throughout the year, consistent with the requirements of this Section.

4. 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.

5. Electrical lines must be painted in a color scheme that matches as closely as possible to the color of the structure and the materials adjacent to the lines.

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 Two. Title IV of the Code of Ordinances of the City of Wildwood, amended hereby, along with the City of Wildwood Zoning Map, are all adopted pursuant to the authority granted to the City Council by the Constitution of the State of Missouri through the Charter of the City of Wildwood granting the City all such powers that the General Assembly of the State of Missouri has authority to confer upon any City, including such authority relating to the regulation of housing, construction, sanitary sewers, grading and rights-of-way acceptance and management, among its other police powers, independently of any authority separately granted by state statute. Additionally the provisions of Title IV of the Code of Ordinances of the City of Wildwood, or portions thereof, are further adopted pursuant to the authority granted by Chapter 89 of the Missouri Revised Statutes relating to zoning and Subdivision regulations, Missouri Revised Statutes Section 82.190 relating to control of streets and public spaces, all such other powers as are granted to regulate the public health, welfare, and safety.

Section Three. The portions of this Ordinance and attachments hereto shall be severable. In the event that any portion of this Ordinance is found by a court of competent jurisdiction to be invalid, the remaining portions of this Ordinance are valid, unless the court finds the valid portions of this Ordinance are so essential and inseparably connected with and dependent upon the void portion that it cannot be presumed that the City Council would have enacted the valid portions without the invalid ones, or unless the court finds that the valid portions standing alone are incomplete and are incapable of being executed in accordance with the legislative intent. Nothing herein shall limit the enforceability of any amended provision for violations or activities occurring prior to its amendment.

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

This Bill was passed and approved this ____ day of _____, 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.

Presiding Officer

James R. Bowlin, Mayor

ATTEST:

ATTEST:

City Clerk

City Clerk