

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF WILDWOOD, MISSOURI AUTHORIZING CERTAIN CHANGES TO CHAPTER 415 OF THE CITY'S MUNICIPAL CODE (ZONING ORDINANCE), SPECIFICALLY CHAPTER 415.090 THROUGH CHAPTER 415.160 (INCLUSIVE), WHICH WILL ADDRESS THE PERMITTING OF GROUND AND ROOF-MOUNTED SOLAR PANEL ARRAYS RELATIVE TO THEIR RESPECTIVE LEVELS OF IMPACT ON SURROUNDING PROPERTIES, ALL BEING CONSISTENT WITH THE PLANNING AND ZONING COMMISSION'S LETTER OF RECOMMENDATION ON THIS MATTER DATED JULY 21, 2014. (Ward – All)

WHEREAS, as technology and other factors change how Wildwood residents live, the City must also keep pace with advances and trends to ensure associated improvements do not become issues to the physical environment, as well as other property owners nearby their placement, installation, or use; and

WHEREAS, one (1) such area of advancement has been the development of the solar panel technology and its implementation in form, as a resource for energy production for business and residential sites; and

WHEREAS, these solar panel arrays generally are mounted on the rooftops of buildings and dwellings and create little, if any, impact, while the ground-mounted types do create a list of potential problems, including visual intrusions and stormwater runoff; and

WHEREAS, regardless of mounting type, these accessory structures have become more popular and their cost and application have become lesser and more common, which has created a limited number of issues for the City, due to impacts attributed to them; and

WHEREAS, in one (1) instance, an approved and authorized set of ground-mounted solar panel arrays were not installed, per plan, causing the substantial removal of established woodlands in a protected setback area of the lot, while exposing neighbors to a radically different view of the common boundary line than had not previously existed; and

WHEREAS, a neighbor held the opinion the regulations of the City governing these types of accessory structures were not sufficient to protect surrounding property owners and requested the Planning and Zoning Commission considered possible changes to the Zoning Ordinance to better address their impacts, both anticipated and unanticipated; and

WHEREAS, at its meeting on March 19, 2014, the Planning and Zoning Commission heard this request for a review of the current regulations of the Zoning Ordinance for solar panel arrays and agreed they needed further study and set a public hearing date for such consideration; and

WHEREAS, with the Planning and Zoning Commission's decision, a public hearing was held, where testimony was provided to the members, along with comments from the general public, and information on other communities' approaches to managing these accessory structures were identified and discussed; and

WHEREAS, with this information, the Planning and Zoning Commission agreed more regulation was needed and adopted requirements that would categorize all ground-mounted types of these structures as "conditional uses," while roof-mounted types would be either an "accessory" structure, if not visible from an adjoining/adjacent roadway, but, if so, a "conditional use" as well; and

WHEREAS, the *Letter of Recommendation* by the Planning and Zoning Commission was finalized and voted upon for forwarding to the City Council on July 21, 2014, which was received by it on July 28, 2014 for a public hearing; and

WHEREAS, the City Council held a public hearing, as noted above, on July 28, 2014 and heard an explanation on the need for greater regulation of solar panel arrays, 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, allowing for these proposed changes to the residential zoning district designations of the City to be considered in bill form; and

WHEREAS, the City Council noted that solar panel arrays have a greater impact on surrounding properties than most of the other allowable accessory structures authorized in the residential zoning district designations of Wildwood and must be considered, in some instances, on a case-by-case basis to ensure impacts on the subject site and surrounding properties are minimized to the greatest extent possible; 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 hereby approves the modifications to Chapter 415.090 NU Non-Urban Residence District Regulations and Chapters 415.110 through 160, inclusive of the R-1 One Acre Residence District, the R-1A 22,000 square foot Residence District, the R-2 15,000 square foot Residence District, the R-3 10,000 square foot Residence District, the R-4 7,500 square foot Residence District, and the R-6A 4,000 square foot Residence District Regulations of the City of Wildwood Zoning Ordinance, that are consistent with the recommendation of the Planning and Zoning Commission contained in its *Letter of Recommendation* dated July 21, 2014, which are indicated below by the following annotated additions:

SECTION 415.090: "NU" NON-URBAN RESIDENCE DISTRICT REGULATIONS

A. *Scope Of Provisions.* This Section contains the district regulations of the "NU" Non-Urban Residence District. These regulations are supplemented and qualified by additional general regulations appearing elsewhere in this Chapter, which are incorporated as part of this Section by reference. The "NU" Non-Urban Residence District of the City of Wildwood encompasses areas within which rough natural topography, geological conditions or location in relation to urbanized areas creates practical difficulties in providing and maintaining public roads and public or private utility services and facilities. The "NU" Non-Urban Residence District, therefore, shall promote the protection and existence of a large-lot rural development pattern.

B. *Permitted Land Uses And Developments.* The following land uses and developments are permitted in this district:

1. Churches.

2. Commercial vegetable and flower gardening, as well as plant nurseries and greenhouses, but not including any structure or building used as a retail or wholesale sales room.
3. Dairy farming.
4. Dwelling, single-family.
5. Reserved.
6. Farming, including the cultivation and sale of any plant crops and domestic animals.
7. Forests, wildlife reservations, as well as conservation projects.
8. Reserved.
9. Home occupations.
10. Hunting and fishing as well as propagation of wildlife of any kind.
11. Libraries, public or private not-for-profit.
12. Mausoleums or crematoriums in an existing cemetery, any other provision of the law notwithstanding, but no such structure shall be situated closer than one hundred (100) feet to any cemetery property line.
13. Parks, parkways and playgrounds, public or private not-for-profit.
14. Schools, public or private kindergarten, elementary, secondary and collegiate.
15. Water Features determined not to be high hazard or located in the main channel of a named watershed located in the City of Wildwood. Notwithstanding the foregoing, permitting of these features shall be governed by the regulations, requirements, and standards of the Chapter 425 Grading Code of the City of Wildwood Municipal Code and be reviewed and acted upon by the Department of Public Works. These Water Features, herein permitted by right, shall require a Conditional Use Permit (CUP), under the regulations set forth in Chapter 415.500 Conditional Use Permit Procedures (CUP) of the City of Wildwood Zoning Ordinance, if the source of any of its water for developing or maintaining normal pool elevation is determined to be from a groundwater source.

C. *Conditional Land Use And Development Permits Issued By The Commission.* The following land uses and developments may be permitted under conditions and requirements specified in [Section 415.500](#) "Conditional Use Permits", except the specified home occupations described below which must adhere to simplified process defined in Subsections (H) and (I) of this Section:

1. Administrative offices and educational facilities.
2. Reserved.
3. Bed and breakfast establishments.
4. Blacksmiths.
5. Cemeteries, including mortuaries operated in conjunction with the cemetery.