BILL NO. _____ **ORDINANCE NO. _____**

AN ORDINANCE AMENDING TITLE IV SECTION 405 ZONING REGULATIONS TO ALLOW AND REGULATE RENEWABLE ENERGY SYSTEMS.

WHEREAS, energy conservation and the use of renewable energy are the two most critical components of any rational energy policy, and each component can offer the opportunity to make major strides towards two critical goals: reduction of environmentally harmful emissions and attaining greater energy independence; and

WHEREAS, the City of Weldon Spring has already taken steps to promote energy conservation with the adoption of the City's Comprehensive Plan which encourages sustainable/"green" development standards including an increased use of renewable energy resources within the City; and

WHEREAS, the Mayor and Board of Aldermen find and believe that the regulations, standards and procedures hereinafter provided strike a reasonable and appropriate balance between available consumer-level renewable energy technology and health, safety and welfare of the community; and

WHEREAS, ***December 2, 2013***, the City of Weldon Spring held a public hearing before the Planning and Zoning Commission with published notice as required for an amendment to the City's regulations pursuant to Chapter 89 RSMo and the Commission's recommendations and reports have been forwarded to the Board of Alderman; and

WHEREAS, the Board of Aldermen desires to amend Section 405 to authorize and regulate the use of renewable energy systems within all zoning districts as defined herein.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF WELDON SPRING, MISSOURI, AS FOLLOWS:

Section 1: Title IV Land Use Code of the Code of Ordinances of the City of Weldon Spring, Missouri, is hereby amended by adding a new Chapter including Section 430.10 through 430.280, to read as follows:

ARTICLE I. RENEWABLE ENERGY SYSTEMS

SECTION 430.010. PURPOSE AND INTENT

The purpose of this Section is to provide standards for the installation and use of Renewable Energy Systems as accessory uses within the City of Weldon Spring. This Section seeks to protect properties from incompatible uses in the interest of property values, public health and the welfare of the community while promoting the use of alternative energy sources, where

appropriate. This Section provides a process to facilitate the use of these systems in a manner that minimizes adverse impacts and promotes the health, safety and welfare of the community.

SECTION 430.020. ACCESSORY USE

Renewable energy systems shall be considered as an accessory use subject to the provisions of this Section.

1. Solar: Roof-mounted solar energy and ground-mounted solar energy systems shall be considered an accessory structure and use in all zoning districts and shall require a Conditional Use Permit pursuant to Section 405, Article IX of the City's Zoning Regulations.

2. Wind: Building-mounted wind energy systems are permitted in all non-residential zoning districts subject to the approval of a Conditional Use Permit pursuant to Article IX of Title IV Land Use; and those which use a freestanding tower shall be considered an accessory structure and are permitted in the "HTO" High-Technology Office District and "PC" Planned Commercial District subject to the approval of a Conditional Use Permit pursuant to the procedures and requirements of Section 405, Article IX of the City's Zoning Regulations.

SECTION 430.030. REQUIREMENTS

The requirements set forth in this Section shall govern the construction and/or installation of all Renewable Energy Systems:

1. Solar Energy Systems, General

    a. Solar Energy Collectors shall be located in the least visible location from perspectives outside the property lines where panels would be reasonably, though not necessarily optimally, functional.

    b. Solar Energy Collectors shall be documented by the manufacturer as being non-reflective pursuant to recognized engineering standards showing reflectivity of less than 30 percent or shall be placed such that concentrated sunlight or glare shall not be directed onto nearby properties or streets.

    c. Solar energy equipment must comply with all setback and lot coverage requirements for the zoning district in which the property is located.

    d. Building-integrated Solar Energy Systems shall be allowed regardless of visibility, provided the building-integrated system meets all required setback, height and land use requirements for the district in which the building is located and is approved by the Architectural Review Board.

2. Solar Energy Systems, Residential

a. *Ground-mounted Solar Energy Systems:*

i. Ground-mounted Solar Energy Systems shall only be located in the side or rear yard of a property.

ii. Ground-mounted Solar Energy Systems and supporting structures may not exceed a total height of fifteen (15) feet as measured from the average grade at the base of the supporting structure to the highest edge of the system.

iii. Ground-mounted Solar Energy Systems must be substantially screened from public view (including adjacent properties and public rights-of-way) by fencing, walls, plantings, or other architectural feature or any combination thereof; provided, however, that the screening shall not be required to be so dense, so tall, or so located as to render the equipment essentially non-functional.

iv. A letter from the trustees where the solar energy system is proposed shall be submitted with any renewable energy system application located in a residential area demonstrating the trustees have reviewed the request.

b. *Building-mounted Solar Energy Systems:*

i. Building-mounted Solar Energy Collectors installed in residential zoning districts shall be: (a) installed parallel to the plane of the roof (flush mounted); or (b) made part of the roof design (capping or framing compatible with the color of the roof or structure); or (c) designed consistent with the definition of *"building- integrated system"*.

ii. When located on a sloped roof, Solar Energy Collectors shall 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 roof fronting a street shall be considered a front facing roof.

iii. Building-mounted solar energy systems shall be placed no more than eight (8) inches higher than the roof surface and shall not project vertically above the peak of a sloped roof to which it is attached.

iv. 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.

v. When located on a sloped roof, Solar Energy Collectors shall be setback at least two (2) feet from any outside edge, ridge, or valley of the roof.

vi. Solar Energy Collectors installed on a flat roof must be screened by the use of a parapet or other architectural feature to screen the view from the street or from ground level on adjoining properties.

vii. All exterior electrical or plumbing lines must be painted in a color scheme that matches as closely as possible the color of the structure and the materials adjacent to the lines when visible from the street.

viii. A letter from the trustees where the solar energy system is proposed shall be submitted with any renewable energy system application located in a residential area demonstrating the trustees have reviewed the request.

3. Solar Energy Systems, Non-residential

a. Ground-mounted Solar Energy Systems

i. Ground-mounted Solar Energy Systems shall only be located in the side or rear yard of a property.

ii. Ground-mounted Solar Energy Systems and supporting structures shall not exceed the accessory structure height limitations in the zoning district in which the property is located. In commercial districts with no such requirement, a maximum height of 20-feet is hereby established. Height shall be measured from average grade at the base of the supporting structure to the highest edge of the system.

iii. Ground-mounted Solar Energy Systems must be substantially screened from public view (including adjacent properties and public rights-of-way) by fencing, walls, plantings or other architectural feature or any combination thereof; provided, however, that screening shall not be required to be so dense, so tall or so located as to render the equipment essentially non-functional.

b. Building-mounted Solar Energy Systems

i. Building-mounted Solar Energy Systems installed in non-residential zoning districts shall be installed (a) parallel to the plane of the roof (flush mounted); or (b) made part of the roof design (capping or framing compatible with the color of the roof or structure) or (c) designed consistent with the definition of "building integrated system".

ii. When located on a sloped roof, Solar Energy Collectors shall 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 roof fronting a street shall be considered a front facing roof.

iii. Building-mounted solar energy systems shall be placed no more than eight (8) inches higher than the roof surface and shall not project vertically above the peak of a sloped roof to which it is attached.

iv. When located on a sloped roof, Solar Energy Collectors shall be setback at least two (2) feet from any outside edge, ridge, or valley of the roof.

v. All exterior electrical or plumbing lines must be painted in a color scheme that matches as closely as possible the color of the structure and the materials adjacent to the lines when visible from the street.

4. Wind Energy System, General

a. Wind Energy Systems are permitted in any nonresidential zoning district or parcel not being used for any parcel nonresidential t that Building-integrated or Roof-mounted Wind Energy Systems are permitted for schools, universities, parks and other institutional uses located within a residential zoning district on a property containing at least five (5) acres subject to the requirements of this Section.

b. Ground-mounted Wind Energy Systems affixed to a monopole tower are permitted only in the "HTO" High-Technology Office District and "PC" Planned Commercial District subject to the approval of a Conditional Use Permit pursuant to the procedures and requirements of Section 405, Article IX of the City's Zoning Regulations and the Site Plan Review procedures pursuant to Section 405, Article VII of the City's Zoning Regulations.

c. Noise shall not exceed St. Charles County noise ordinance standards as applicable to the building type. The applicant shall provide noise rating information at time of application.

d. Wind Energy System shall not be located in the front yard of property in any zoning district or affixed to the side of a structure facing the frontage.

e. No more than one (1) Ground-mounted Wind Energy Systems may be installed on any commercially-zoned property. Building-integrated or Roof-mounted Wind Energy Systems shall not be subject to these limitations.

f. Wind Energy Systems shall be painted a neutral color so as to blend into the surroundings and shall not be bright, reflective or metallic. Illumination of Wind Energy Systems shall be prohibited, except as may be required by any state or Federal agency of competent jurisdiction. No commercial signage or attention-getting device shall be permitted, except regulatory signage required by any local, state or Federal agency of competent jurisdiction.

5. Wind Energy System, Non-residential

a. *Height:* Ground-mounted Wind Energy Systems and their supporting structures are limited to a combined maximum height of 100-feet (tower mounted). Roof-mounted Wind Energy Systems shall not exceed a height of ten (10) feet above the peak roof height, except as modified through a City's Planned Commercial or Overlay District procedures.

b. *Setbacks:* Wind Energy Systems must meet the principal use and accessory structure setback requirements of the district in which they are located if mounted directly on a roof or other elevated surface of a structure. If the Wind Energy System is attached to a free-standing tower the setback from all property lines shall be a minimum distance equal to the height of the tower or fifteen (15) feet, whichever is more restrictive. The setback shall be measured from the furthest outward extension of all moving parts.

SECTION 430.040. PROCEDURE FOR REVIEW

All applications for a Renewable Energy System shall require review and approval by the Architectural Review Board. Ground-mounted Solar Energy Systems and Wind Energy Systems shall require the issuance of a Conditional Use Permit pursuant to the City's Zoning Regulations Section 405, Article IX. Ground mounted Wind Energy Systems shall be subject to Site Plan Review pursuant to Section 40, Article VII.

SECTION 430.050. BUILDING PERMITS REQUIRED

Unless otherwise exempted by the Building Official, a building permit issued by the City of Weldon Spring is required prior to the installation of any renewable energy system. The owner of a Renewable Energy System shall ensure that it is installed and maintained in compliance with applicable building, fire and safety codes adopted by the City and any other state or Federal agency of competent jurisdiction. All wiring associated with a Renewable Energy System shall be underground or contained within a raceway that complements the building materials of the principal structure.

SECTION 430.060. ABANDONMENT

Any Renewable Energy Systems that are noticeably in disrepair for a period exceeding six (6) months without repair or restoration procedures substantially underway shall be removed from the property and the structure and/or site restored.

SECTION 430.070. ALTERNATIVE COMPLIANCE

In unusual circumstances arising from the unique location or character of the proposed site and/or surrounding land uses or structures, if site-specific alternative standards would provide results that are equal to or superior to those which would be provided by the standards in this Section, the Planning Commission or Architectural Review Board, as appropriate depending on the type of development and application then pending, may approve an applicant's request for alternative standards if in the body's judgment the purpose of these regulations will be satisfied and the alternative standards will have no adverse impact on any other property or unreasonably disturb the peaceful occupancy of adjoining or nearby property.

1. Procedure. An application for alternative compliance standards shall be prepared and submitted in accordance with the submittal requirements as set forth by the City of

Weldon Spring. The proposed alternative standards shall clearly identify and discuss the modifications and alternatives proposed and the ways in which the plan will better accomplish the intent of these design standards than would an approach which complies with these design standards.

2. Review criteria. To approve an alternative approach, the Planning Commission or Architectural Review Board must find that the proposed alternative approach accomplishes the intent of these standards equally well or better than would an approach which complies with these standards and the alternative standards will have no adverse impact on any other property or unreasonably disturb the peaceful occupancy of adjoining or nearby property.

SECTION 430.080. DEFINITIONS

For the purposes of this Chapter, certain words and phrases are defined as follows:

BUILDING-INTEGRATED RENEWABLE ENERGY SYSTEM: A Renewable Energy System that is 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, photovoltaic or hot water solar systems contained within roofing materials, windows, skylights and awnings.

BUILDING-MOUNTED SOLAR ENERGY SYSTEM: A Solar Energy System affixed to either a principal or accessory structure on a lot.

RENEWABLE ENERGY SYSTEMS: Equipment and appurtenances used in the production of energy through the conversion of sun and wind energy which includes solar energy and wind energy systems.

BUILDING-INTEGRATED RENEWABLE ENERGY SYSTEM: A Renewable Energy System that is 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, photovoltaic or hot water solar systems contained within roofing materials, windows, skylights and awnings.

BUILDING-MOUNTED SOLAR ENERGY SYSTEM: A Solar Energy System affixed to either a principal or accessory structure on a lot.

GROUND-MOUNTED SOLAR ENERGY SYSTEM: A Solar Energy System that is not attached to another structure and is affixed to the ground.

GROUND-MOUNTED WIND ENERGY SYSTEM: A Wind Energy System that is not attached to another structure and is affixed to the ground with a monopole tower.

ROOF-MOUNTED WIND ENERGY SYSTEM: A Wind Energy System affixed to the roof of a principal or accessory structure on a lot.

SOLAR ENERGY COLLECTOR: The component of a Solar Energy System containing the flat plate or tube or other devices that absorb energy from the sun when exposed to sunlight.

SOLAR ENERGY EQUIPMENT: The Solar Energy Collectors, electronics, disconnects, valves, and other appurtenances associated with a Solar Energy System.

SOLAR ENERGY SYSTEM: A building or ground-mounted photovoltaic, hot air, or hot water collector device or other type of energy system which relies upon solar radiation as the source for the generation of electricity or transfer of stored heat.

WIND ENERGY SYSTEM: A wind energy conversion system consisting of a wind turbine, freestanding or attached to a structure, and associated control or conversion electronics; provided, however, that Wind Energy Systems in the City shall be limited to those which have a rated capacity of ten (10) kilowatts or less and are used for on-site consumption.

WIND TURBINE: The blades and associated components mounted on top of a tower whose purpose is to convert kinetic energy of the wind into rotational energy used to generate electricity.

Section 2: It is hereby declared to be the intention of the Board of Aldermen that the sections, paragraphs, sentences, clauses, phrases and words of this ordinance are severable, and if any section, paragraph, sentence, clause, phrase or word(s) of this ordinance shall be declared unconstitutional or otherwise invalid, such unconstitutionality or invalidity shall not affect any of the remaining sections, paragraphs, sentences, clauses, phrases and words or this ordinance since the same would have been enacted by the Board of Aldermen without the incorporation in this ordinance of any such unconstitutional or invalid portion of the ordinance.

Section 3: Except as specifically amended herein, Chapter 405 shall remain in full force and effect.

Section 4: This Ordinance shall be in full force and effect both from and after its passage by the Board of Aldermen.

This Bill was passed and approved this _____ day of _____, 2013, by the Board of Aldermen of the City of Weldon Spring, Missouri after having been read by title or in full two times prior to passage.

_____
Mayor

Attest:

_____
City Clerk