

BILL 2446

ORDINANCE 29092

“AN ORDINANCE OF THE CITY OF RAYMORE, MISSOURI AMENDING CHAPTERS 420 AND 485 OF THE UNIFIED DEVELOPMENT CODE OF THE RAYMORE CITY CODE.”

WHEREAS, the City Council of the City of Raymore, Missouri adopted the Unified Development Code as Ordinance 28117 on December 8, 2008; and

WHEREAS, the City Council of the City of Raymore, Missouri adopted the First amendment to the Unified Development Code as Ordinance 29025 on March 9, 2009 and the Second Amendment to the Unified Development Code as Ordinance 29073 on July 27, 2009; and

WHEREAS, the Planning and Zoning Commission held a public hearing on the proposed amendment on June 16, 2009, after notice of said hearing was published in a newspaper of general circulation in Raymore, Missouri, at least fifteen (15) days prior to said hearing; and

WHEREAS, the Planning and Zoning Commission heard public testimony at the public hearing and has submitted its recommendation of approval to the Governing Body of the City of Raymore, Missouri; and

WHEREAS, the Governing Body, City Council of Raymore, Missouri, held a public hearing on the proposed amendment on July 13, 2009, after notice of said hearing was published in a newspaper of general circulation in Raymore, Missouri, at least fifteen (15) days prior to said hearing; and

WHEREAS, the City Council of the City of Raymore, Missouri has determined the amendment proposed would be in the best interest of the health, safety and welfare of the citizens of Raymore.

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

Section 1. The following language shall be added as Section 420.070 of the Unified Development Code:

Section 420.070 Renewable Energy Systems

A. Building Permits

Systems shall be in compliance with the standards set by the International Building Code and International Residential Code. Building permits are required for all systems.

B. Conformance to Applicable Rules and Regulations

1. Systems shall be in compliance with any applicable federal regulations and Section 386.890 of the Revised Statutes of Missouri, which mandates compliance with all applicable safety, performance, interconnection, and reliability standards established by the National Electrical Code, the National Electrical Safety Code, the Institute of Electrical and Electronics Engineers, Underwriters Laboratories, and the Federal Energy Regulatory Commission.
2. No building permits shall be issued for a system until a copy of the utility company's approval for interconnection of a customer-owned generator has been provided. Off-grid systems shall be exempt from this requirement.

C. Conditional Use Permits

A request to install a system that is not in conformance with the standards of this section may be filed as a Conditional Use Permit in accordance with Section 470.030.

D. Standards of General Applicability

1. Systems shall not be used as signs or used to support signage. Exceptions include appropriate warning signage and reasonable identification of the manufacturer, installer, or operator.
2. Systems shall not be lighted or have affixed any lights, reflectors, flashers, or any other illumination except where required by federal regulations.
3. Systems shall be a neutral, non-reflective color designed to blend with the surrounding environment.

E. Exemptions

Except as specifically required elsewhere in this section, systems are exempt from the mechanical screening requirements of Section 430.120.

F. Abandonment

Any system that is out of service for a continuous period of 12 months will be considered abandoned. The owner of such system must remove it within 90 days of receipt of notice from the City notifying the owner of such abandonment. If such system is not removed within 90 days, the City may remove such system at the owner's expense.

G. Large Wind Energy Conversion Systems

Large wind energy conversion systems must be approved in accordance with the conditional use permit procedure in Section 470.030. Conditional Use Permit applications for large wind energy conversion systems shall be accompanied by the following technical studies demonstrating compliance with the following minimum standards:

1. A shadow flicker analysis demonstrating that the proposed system is sited to minimize impact on all occupied structures. The analysis shall identify the locations of shadow flicker that may be caused by the system and the expected duration of the shadow flicker over the course of a year. The analysis shall be conducted by a qualified engineer or other qualified professional approved by the Planning and Zoning Commission.
2. A noise study demonstrating that the system shall not produce noise in excess of 60 decibels or 10 decibels above ambient noise levels as measured from the property line under normal operating conditions. The study shall be conducted by an acoustical engineer or other qualified professional as approved by the Planning and Zoning Commission and shall be in compliance with IEC 61400-11 Acoustic Noise Measurement Techniques for Wind Turbines.
3. A study evaluating potential adverse impacts on avian or bat species and their critical habitats and potential mitigation

measures that could be taken to minimize any such impacts. The study shall be conducted by a qualified environmental professional as approved by the Planning and Zoning Commission.

H. Small Wind Energy Conversion Systems

Small wind energy conversion systems shall be a permitted accessory use in all districts subject to compliance with the following requirements:

1. One small wind energy conversion system shall be permitted per lot.
2. The following size and height standards apply to small wind energy conversion systems in all districts:

Lot Size	Maximum Rotor Diameter	Maximum Height
≤ 1 acre	6 feet	50 feet or maximum height allowed by zoning, whichever is greater
1 – 10 acres	12 feet	80 feet
≥ 10 acres	20 feet	100 feet

3. The height of a system shall be defined as the distance between the base of the tower and the highest point of the wind energy conversion system. For a horizontal axis wind turbine, the highest point shall be the highest vertical point of the swept rotor arc.
4. Systems shall maintain a minimum setback from all lot lines in accordance with the following:

Rotor Diameter	Minimum Setback
≤ 6 feet	Equal to that required for the principal structure
6 – 12 feet	1.1 times the height of the system
≥ 12 feet	1.5 times the height of the system

5. The minimum distance between the ground and any rotor shall be 15 feet.
6. On properties under 10 acres, commercial properties, and properties zoned PR, systems must be on a monopole tower or roof-mounted. Lattice, guyed, or tilt-up towers are only

permitted on lots over 10 acres in agricultural, residential or industrial zoning districts.

7. The first twelve feet of the tower shall be unclimbable by design or the tower shall be enclosed by a six foot high, unclimbable fence with a self-locking gate. This provision does not apply to roof-mounted systems.
8. Guy cables must be visibly marked from the anchor points to a height of six feet from the ground. Guy cables must be located at least 30 feet from the nearest property line.
9. Systems must be equipped with both manual and automatic overspeed controls to prevent uncontrolled rotation, overspeeding and excessive pressure on the tower structure, rotor blades and turbine components.
10. Systems shall not emit noise that exceeds 55 decibels or 10 decibels above ambient noise levels as measured from the property line under normal operating conditions.
11. Meteorological towers shall be permitted under the same standards and permit requirements as small wind energy conversion systems. Meteorological towers and small wind energy conversion systems may be considered under a single conditional or special use permit application.

I. Solar Energy Systems

Solar energy systems shall be a permitted accessory use in all districts subject to compliance with the following requirements:

1. Roof-mounted systems located on front building roofs shall not project more than 24 inches perpendicular to the point on the roof where it is mounted.
2. Roof-mounted systems shall not project above the ridge of a gabled or gambrel roof.
3. Roof-mounted systems shall not project more than four feet above the deck or parapet of a flat or mansard roof. All mounting hardware shall be screened from view according to Section 430.120A.

4. Ground-mounted systems shall not be located in any required yard.
5. Ground-mounted systems on lots under 1 acre shall not be higher than 8 feet.
6. Solar collectors designed as part of an accessory structure such as an awning or canopy shall conform to the standards for that structure.
7. Appurtenant components must be located within an enclosed structure or screened according to Section 430.120.

Section 2. The following definitions shall be added to Section 485.010 of the Unified Development Code in their proper alphabetical positions:

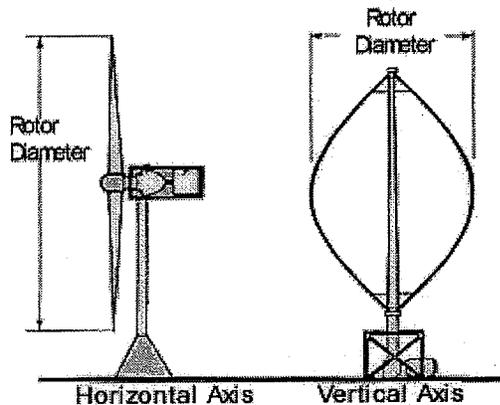
Section 485.010 General Definitions

Meteorological Tower: A temporary facility consisting of a tower and related wind-measuring devices and equipment used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location. Also called an anemometer or met tower.

Renewable Energy System: Equipment or a device that converts energy from a renewable resource such as wind or the sun into electrical or thermal energy to reduce or supplant the consumption of utility power.

Rotor: A component of a small wind energy conversion system consisting of the blades and the hub.

Rotor Diameter: The cross sectional dimension of the circle swept by the rotating blades of a wind energy conversion system.



Solar Collector: Any apparatus or equipment designed for the purpose of collecting and transforming solar energy into thermal or electrical energy. Solar collectors may include solar photovoltaic panels or solar thermal systems such as solar water heaters.

Solar Energy System: An assemblage of equipment designed to absorb, collect, transform, or otherwise use the sun's energy as a source of heat or electricity. This equipment may include a solar collector, mounting apparatus, inverter, and other appurtenant components.

Wind Energy Conversion System, Large: An assemblage of equipment designed for the purpose of converting wind energy into power. Large wind energy conversion systems may be designed to serve one or more properties and may have an electrical generating capacity of greater than 100 kilowatts. This equipment may include a horizontal or vertical axis wind turbine, tower, foundation, vane and associated control or conversion electronics.

Wind Energy Conversion System, Small: An assemblage of equipment designed for the purpose of converting wind energy into power. Small wind energy conversion systems shall be used primarily for the reduction of on-site utility power and shall have an electrical generating capacity of not more than 100 kilowatts. This equipment may include a horizontal or vertical axis wind turbine, tower, foundation, vane and associated control or conversion electronics.

Section 3. Section 485.020 (J) (2) of the Unified Development Code is hereby repealed in its entirety and replaced with the following:

Section 485.020 Measurements and Exceptions

J. Building Height

2. Exceptions to Maximum Height Requirements

Certain structures and features may exceed the maximum permitted height requirements stipulated elsewhere in this chapter. The following are exempt from the height requirements of this chapter.

- a. Architectural projections such as spires, belfries, parapet walls, cupolas, domes, flues and chimneys.
- b. Structures such as elevator penthouses, gas tanks, grain elevators, radio and television reception towers and aerials, roof-mounted mechanical equipment, cooling towers, fire towers, and smoke stacks.
- c. Structures related to utility services such as water towers, electric power and communication transmission lines, traffic signals and light poles.
- d. Radio transmission and reception antenna in residential districts may exceed the maximum permitted height, provided the height does not exceed three times its distance from the nearest property line.
- e. **Renewable energy systems in conformance with Section 420.070.**

Section 4. This ordinance shall be known as the Third Amendment to the Unified Development Code.

Section 5. Effective Date. The effective date of approval of this Ordinance shall be coincidental with the Mayor's signature and attestation by the City Clerk.

Section 6. Severability. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

DULY READ THE FIRST TIME THIS 24TH DAY OF AUGUST 2009.

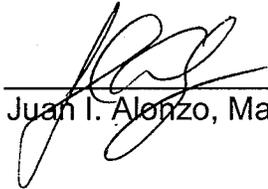
BE IT REMEMBERED THAT THE ABOVE ORDINANCE WAS APPROVED AND ADOPTED THIS 14TH DAY OF SEPTEMBER 2009 BY THE FOLLOWING VOTE:

Councilmember Adams	Aye
Councilmember Cox	Aye
Councilmember Hubach	Aye
Councilmember Kellogg	Aye
Councilmember Kerckhoff	Aye
Councilmember Lewis	Aye
Councilmember Medsker	Aye
Councilmember Seimears	Aye

ATTEST:


Jean Woerner, City Clerk

APPROVE:



Juan I. Alonzo, Mayor

9/16/09
Date of Signature