

# **Bond Case Briefs**

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## **ZONING - MISSOURI**

### **Babb v. Missouri Public Service Com'n**

**Missouri Court of Appeals, Western District - November 26, 2013 - S.W.3d - 2013 WL 6170640**

Homeowners brought declaratory judgment action seeking review of denial of special use permit (SUP) for installation of a solar energy system on home. The Circuit Court granted summary judgment to homeowners. City appealed.

The Court of Appeals held that:

- City ordinance requiring SUP for residential solar energy systems and setting out requirements for installation of residential solar panels were merely regulatory, not prohibitive, and thus did not conflict with state statute; but
- Homeowners were not required to seek judicial review of city's denial of SUP under statute addressing procedure for review of boards of adjustment; and
- Homeowners were not required to seek review by Public Service Commission (PSC) before bringing declaratory judgment action.