

TOWN OF ADDISON, TEXAS
ORDINANCE NO. 009-021

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING CHAPTER 18 ("BUILDINGS AND BUILDING REGULATIONS") OF THE CODE OF ORDINANCES BY ADDING A NEW ARTICLE XIII REGULATING SOLAR ENERGY SYSTEMS; FINDING THAT A PUBLIC PURPOSE EXISTS FOR REGULATING SOLAR ENERGY SYSTEMS; PROVIDING DEFINITIONS; PROVIDING FOR INSTALLATION, LOCATION AND COLOR REQUIREMENTS; PROVIDING FOR AN APPEAL WHERE CITY REGULATIONS PROHIBIT OR UNREASONABLY LIMIT THE INSTALLATION AND USE OF SOLAR ENERGY SYSTEMS; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Addison, Texas (the "City") recognizes and finds that the maintenance and integrity of neighborhood beauty is important to all citizens; and

WHEREAS, the City Council has further determined that the uncontrolled proliferation of solar energy systems is likely and that such proliferation will adversely affect the health, safety and general welfare of the City; and

WHEREAS, the City Council hereby finds that solar energy systems are less likely to blend in with their surroundings, thereby creating visual blight and potentially reducing the economic value of adjacent properties; and create safety concerns as a result of their size (e.g. such solar energy systems may be subject to a high amount of wind force as a result of the shape of the solar panel; therefore, both the solar energy system and the supporting structure must be constructed in a manner that will allow for great amounts of wind force); and

WHEREAS, such advancing technology coincides with the City's goals and objectives of reducing visual blight and protecting the health, safety and welfare of the citizens of the City.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS:

Section 1. Incorporation of Premises. The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

Section 2. Amendment. Chapter 18 ("Buildings and Building Regulations") of the Code of Ordinances of the Town of Addison, Texas, is hereby amended in the following particulars, and all other chapters, articles, sections, paragraphs, sentences, phrases and words of the said Code are not amended but are hereby ratified, verified, approved and affirmed:

A. A new Article XIII relating to the regulation of solar panels is hereby added to Chapter 18 to read as follows:

ARTICLE XIII. SOLAR ENERGY SYSTEMS

Sec. 18-726. Definitions.

The following words, terms, and phrases when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Solar energy system means a device or combination of devices or elements that rely on direct sunlight for the following uses; heating or cooling of a structure or building; heating or pumping of water; or, generating electricity.

Sec. 18-727.

Purpose. The City Council finds that the maintenance and integrity of neighborhood beauty is important to all citizens. The uncontrolled proliferation of solar energy systems is likely and such proliferation will adversely affect the health, safety and general welfare of the citizens of the City.

Sec. 18-728. Installation - Permit Required.

No person shall install, construct, or place solar energy systems on any property within the City without first obtaining a building permit from the City.

Sec. 18-729. Size, Location, etc.

- (a) Ground mounted solar energy systems shall:
1. Be installed, constructed or placed in the back 1/2 of residential lots and behind the front building line on commercial or multifamily lots.
 2. Be screened from view on all sides by a solid fence, wall or landscaping to a minimum height that shall be equal to the tallest point of the structure at its operating height; provided, however, that no fence or wall used as a screening device shall exceed the height permitted by the City's fence regulations, and to the extent that the maximum operating height of the system exceeds the permitted

maximum height of a fence or wall, landscaping shall be used as a screening device. Screening shall be of a material that is compatible with the building materials or landscaping, as appropriate, used in the area;

3. Conform to all adopted building, electrical, plumbing and mechanical codes;
4. Not be portable or moveable; and
5. Be of a forest green, black, brown or grey color or other neutral color designed to blend in with the surroundings.

(b) Roof mounted solar energy systems shall:

1. Not be installed greater than six (6) inches between the panel and the roof.
2. Conform to all adopted building, electrical, plumbing and mechanical codes.
3. Not be portable or moveable; and
4. Be a forest green, black, brown or grey color or other neutral color designed to blend in with the surroundings.

Sec. 18-730 Appeals.

Section 1. Any person aggrieved by the application of this Article XIII may appeal its effect to the Building/ Fire Code Board of Appeals created in Section 18-54 of this Code. Upon a clear and convincing showing by an appellant that the regulations set forth in this Article either prohibit or unreasonably limit the use of ground mounted or roof mounted solar energy systems, the Board of Appeals may grant an exception from the terms of this Article and authorize the issuance of a building permit so as to avoid unnecessary hardship and so that the spirit of this Article shall be observed and substantial justice done.

Section 2. Savings. This Ordinance shall be cumulative of all other ordinances of the City affecting zoning and solar energy systems and shall not repeal any of the provisions of those ordinances except in those instances where the provisions of those Ordinances are in direct conflict with the provisions of this Ordinance.


Section 3. Severability. The sections, paragraphs, sentences, phrases, clauses and words of this Ordinance are severable, and if any section, paragraph, sentence, phrase, clause or word in this Ordinance or application thereof to any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction,

such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council hereby declares that it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

Section 4. Penalty. It shall be unlawful for any person to violate any provision of this Ordinance, and any person violating or failing to comply with any provision hereof shall be fined, upon conviction, in an amount not more than Five Hundred Dollars (\$500.00), and a separate offense shall be deemed committed each day during or on which a violation occurs or continues.


Section 5. Effective date. This Ordinance shall become effective from and after its date of passage and publication as provided by law.

PASSED AND APPROVED by the City Council of the Town of Addison, Texas, this the 23rd day of June 2009



Mayor - Joe Chow

ATTEST:



City Secretary - Lea Dunn