

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MELISSA, TEXAS, AMENDING MELISSA’S CODE OF ORDINANCES, ORDINANCE NO. 92-04, AS AMENDED, CHAPTER 12 (PLANNING AND ZONING), ARTICLE 12.300 (ZONING ORDINANCE ADOPTED), SECTION 20 (SCHEDULE OF USES AND PARKING REQUIREMENTS) AND SECTION 23 (SPECIAL AND ADDITIONAL REGULATIONS) TO REMOVE CERTAIN OF THE RECENTLY ADOPTED REGULATIONS ON SOLAR PANEL SYSTEMS FROM SECTION 23 (SPECIAL AND ADDITIONAL REGULATIONS) OF THE ZONING ORDINANCE AND PLACING THE SAME REGULATIONS IN SECTION 20 (SCHEDULE OF USES AND PARKING REQUIREMENTS) OF THE ZONING ORDINANCE; PROVIDING A PENALTY CLAUSE, SAVINGS/REPEALING CLAUSE, SEVERABILITY CLAUSE AND AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.**

WHEREAS, the City Council of the City of Melissa, Texas (“City Council”) recently adopted regulations on solar panel systems in Chapter 12 (Planning and Zoning), Article 12.300 (Zoning Ordinance Adopted) (“Zoning Ordinance”), Section 20 (Schedule of Uses and Parking Requirements) and Section 23 (Special and Additional Regulations) of Melissa’s Code of Ordinances, Ordinance No. 92-04, as amended (“Code of Ordinances”); and

WHEREAS, the City Council has investigated and determined that it is necessary and advisable to reorganize certain of the adopted regulations by removing them from Section 23 (Special and Additional Regulations) of the Zoning Ordinance and placing them into Section 20 (Schedule of Uses and Parking Requirements) of the Zoning Ordinance without changing the substantive regulations; and

WHEREAS, the City Council finds that it would be advantageous, beneficial and in the best interest of the citizens of the City of Melissa, Texas (“Melissa”) to amend Section 20 (Schedule of Uses and Parking Requirements) and Section 23 (Special and Additional Regulations) of the Zoning Ordinance, as set forth below; and

WHEREAS, the City Council has further investigated and determined that this Ordinance contains textual amendments to the Zoning Ordinance that do not change zoning district boundaries, and therefore, written notice to individual property owners is not legally required; and

WHEREAS, the City Council has further investigated and determined that all legal notices required for amending the Zoning Ordinance have been given in the manner and form set forth by law, public hearings have been held on the proposed amendments and all other requirements of notice have been fulfilled; and

WHEREAS, the City Council has further investigated and determined that in order to promote the public health and welfare of Melissa and its citizens, it is in the best interest of Melissa and its citizens to amend the Code of Ordinances as set forth below.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MELISSA, TEXAS:**

SECTION 1: Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2: Amendment to the Code of Ordinances, Chapter 12 (Planning and Zoning), Article 12.300 (Zoning Ordinance Adopted), Section 20 (Schedule of Uses and Parking Requirements) and Section 23 (Special and Additional Regulations). The Code of Ordinances, Chapter 12 (Planning and Zoning), Article 12.300 (Zoning Ordinance Adopted), Section 20 (Schedule of Uses and Parking Requirements) and Section 23 (Special and Additional Regulations) are hereby amended as follows<sup>1</sup>:

**“ARTICLE 12.300 ZONING ORDINANCE ADOPTED**

...

20.3 *Conditional Development Standards:* ...

...

(p) *Solar Panel Systems:*

(1) *Design Requirements.*

(a) Roof-mounted solar panel systems shall comply with the following:

(i) Roof-mounted solar panel systems shall be installed parallel to the roofline and shall not exceed the height of the roof ridgeline on a pitched roof.

(ii) Supporting equipment for solar panel systems, including power conditioning equipment such as batteries for electricity storage and stand-by gasoline electric generators shall be located behind the building and shall be screened by an opaque

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<sup>1</sup> Deletions are evidenced by ~~striketrough~~.

screening device, except that wall-mounted inverters may be located next to the electric meter. Long lengths of conduit and wiring associated with the system's connection to the primary electrical panel shall be screened by an opaque screening device as well.

(iii) On a flat roof, a solar panel system shall be screened in accordance with Article 3.1400(9) of the City of Melissa's Code of Ordinances, as it exists or may be amended.

(b) Ground-mounted solar panel systems shall comply with the following:

(i) A ground-mounted solar panel system is not permitted as the primary use of a property.

(ii) Ground-mounted solar panel systems shall be fully screened from public view and shall comply with all setback requirements for the applicable zoning district. Ground-mounted solar panel systems shall not exceed the height of any fence located on the same lot.

(iii) Ground-mounted solar panel systems will be factored into the Maximum Lot Coverage percentage requirements found in Section 21 of the Zoning Ordinance.

(2) *Nuisance Abatement and Maintenance.*

(a) *Glare.* A solar panel shall be designed and located to avoid glare or reflection onto adjacent properties and adjacent roadways in a manner that disturbs persons of ordinary sensibilities and shall not interfere with traffic or create a safety hazard.

(b) *Enforcement.* A solar panel system, or any component thereof, that creates glare or reflection onto adjacent properties or roadways is determined to constitute a nuisance. If a solar panel system or any component thereof is deemed to constitute a nuisance or a safety hazard, the procedures to abate the nuisance shall be the same as those provided in

Sections 6.103-6.104 of the Melissa Code of Ordinances (relating to unlawful conditions on real property), as they exist or may be amended, except that the person to whom a notice of violation is issued shall have thirty (30) days after receipt of the notice of violation in which to comply.

- (c) *Maintenance.* The owner or occupant of the property with a solar panel system shall maintain the system so that it does not create a safety issue for surrounding property owners.

(3) *Solar Panel Permits.*

- (a) It shall be unlawful for any person to construct or install, or have constructed or installed, any type of solar panel or solar panel system, without first having secured a building permit from the City.

- (b) *Application.* Any person must supply the following information (in addition to all requested information on the City-required building permit application) when applying for a solar panel permit:

- (i) If the solar panel system is to be interconnected with the distribution system of the electric utility provider, written authorization that the utility company has been informed of the owner's intent to install a customer-owned solar panel and that such connection has been approved.

- (ii) A letter from a professional engineer stating the roof will support the structural load of the system.

(4) *Additional installation requirements.*

- (a) Any solar panel construction or installation shall comply with the City's adopted National Electrical Code (NEC), as amended, and all applicable International Construction Codes, as amended and as adopted by the City, with an electrical diagram submitted for review to verify code compliance.

- (b) A licensed electrician shall install the solar panel electrical system.
- (c) Solar panel construction or installation shall comply with NEC regulations regarding installation and use. Listed and labeled equipment shall be installed and used in accordance with any instructions included in the listing and labeling.

...

~~23.14 Solar Panels:~~

~~(a) Design Requirements:~~

~~(1) Roof-mounted solar panel systems shall comply with the following:~~

~~(i) Roof-mounted solar panel systems shall be installed parallel to the roofline and shall not exceed the height of the roof ridgeline on a pitched roof.~~

~~(ii) Supporting equipment for solar panel systems, including power conditioning equipment such as batteries for electricity storage and stand-by gasoline electric generators shall be located behind the building and shall be screened by an opaque screening device, except that wall-mounted inverters may be located next to the electric meter. Long lengths of conduit and wiring associated with the system's connection to the primary electrical panel shall be screened by an opaque screening device as well.~~

~~(iii) On a flat roof, a solar panel system shall be screened in accordance with Article 3.1400(9) of the City of Melissa's Code of Ordinances, as it exists or may be amended.~~

~~(2) Ground-mounted solar panel systems shall comply with the following:~~

~~(i) A ground-mounted solar panel system is not permitted as the primary use of a property.~~

- (ii) ~~Ground-mounted solar panel systems shall be fully screened from public view and shall comply with all setback requirements for the applicable zoning district. Ground-mounted solar panel systems shall not exceed the height of any fence located on the same lot.~~
- (iii) ~~Ground-mounted solar panel systems will be factored into the Maximum Lot Coverage percentage requirements found in Section 21 of the Zoning Ordinance.~~

~~(b) *Nuisance Abatement and Maintenance.*~~

- (1) ~~*Glare.* A solar panel shall be designed and located to avoid glare or reflection onto adjacent properties and adjacent roadways in a manner that disturbs persons of ordinary sensibilities and shall not interfere with traffic or create a safety hazard.~~
- (2) ~~*Enforcement.* A solar panel system, or any component thereof, that creates glare or reflection onto adjacent properties or roadways is determined to constitute a nuisance. If a solar panel system or any component thereof is deemed to constitute a nuisance or a safety hazard, the procedures to abate the nuisance shall be the same as those provided in Sections 6.103-6.104 of the Melissa Code of Ordinances (relating to unlawful conditions on real property), as they exist or may be amended, except that the person to whom a notice of violation is issued shall have thirty (30) days after receipt of the notice of violation in which to comply.~~
- (3) ~~*Maintenance.* The owner or occupant of the property with a solar panel system shall maintain the system so that it does not create a safety issue for surrounding property owners.~~

~~(c) *Solar Panel Permits.*~~

- (1) ~~It shall be unlawful for any person to construct or install, or have constructed or installed, any type of solar panel or solar panel system, without first having secured a building permit from the City.~~
- (2) ~~*Application.* Any person must supply the following information (in addition to all requested information on the~~

~~City required building permit application) when applying for a solar panel permit:~~

~~(A) If the solar panel system is to be interconnected with the distribution system of the electric utility provider, written authorization that the utility company has been informed of the owner's intent to install a customer-owned solar panel and that such connection has been approved.~~

~~(B) A letter from a professional engineer stating the roof will support the structural load of the system.~~

~~(d) Additional installation requirements:~~

~~(1) Any solar panel construction or installation shall comply with the City's adopted National Electrical Code (NEC), as amended, and all applicable International Construction Codes, as amended and as adopted by the City, with an electrical diagram submitted for review to verify code compliance.~~

~~(2) A licensed electrician shall install the solar panel electrical system.~~

~~(3) Solar panel construction or installation shall comply with NEC regulations regarding installation and use. Listed and labeled equipment shall be installed and used in accordance with any instructions included in the listing and labeling.~~

...”

**SECTION 3: Penalty.** Any person, firm, corporation or entity violating any provision of this Ordinance or the Zoning Ordinance, as they exist or may be amended, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined in an amount not exceeding TWO THOUSAND AND NO/100 DOLLARS (\$2,000.00). A violation of any provision of this Ordinance shall constitute a separate violation for each calendar day in which it occurs. The penal provisions imposed under this Ordinance shall not preclude Melissa from filing suit to enjoin the violation. Melissa retains all legal rights and remedies available to it under local, state and federal law.

**SECTION 4: Savings/Repealing.** The Code of Ordinances and the Zoning Ordinance shall remain in full force and effect, save and except as amended by this or any other Ordinance. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict, but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any

violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

**SECTION 5: Severability.** Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional and/or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, regardless of whether any one or more sections, subsections, sentences, clauses or phrases is declared unconstitutional and/or invalid.

**SECTION 6: Effective Date.** This Ordinance shall be effective immediately upon its passage and publication as required by the City Charter and by law.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MELISSA, TEXAS,** on this \_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Reed Greer, Mayor

**ATTESTED TO AND CORRECTLY  
RECORDED:**

\_\_\_\_\_  
Linda Bannister, City Secretary

Dates of Publication: \_\_\_\_\_, *Anna-Melissa Tribune*