



LANDMARK COMMISSION

Wednesday, September 27, 2023 – 5:15 PM

109 North Kaufman Street, Mount Vernon, Texas 75457

Our mission: to provide effective and fiscally responsible municipal services in a manner which promotes our high standard of community life.

Vision Statement Mount Vernon is a caring community committed to excellence and quality of life, aspiring to be the community of choice for ourselves, our children, and future generations – beautiful, clean, vibrant, and safe. We will strive to preserve our heritage, our friendly hometown atmosphere, and celebrate the diversity of all our citizens.

AGENDA

Call to Order and announce a quorum is present

Consent Agenda

1. Minutes 8/23/23

Public Comments

New Business

2. Consider and act upon request made by Grace Presley to allow bronze aluminum windows as replacement.
3. Consider and act upon amending Historic Preservation Guidelines and adopting solar panel installation policy.

Board Comments and Suggestions

Training:

<https://www.texasattorneygeneral.gov/open-government/governmental-bodies/pia-and-oma-training-resources/open-meetings-act-training>

Appoint committee to meet with staff and review all of the historic preservation ordinance to make recommendations back to the board for updating the ordinance.

Adjournment

/s/ Lillie Bush-Reves
Lillie Bush-Reves - Chairman

ATTEST

/s/ Kathy Lovier
Kathy Lovier - City Secretary
Posted September 22, 2023 @ 5pm

CITY OF MOUNT VERNON

CERTIFICATE OF APPROPRIATENESS

APPLICATION

APPLICANT OR REPRESENTATIVE MUST BE PRESENT TO BE CONSIDERED FOR APPROVAL.

"No person shall carry out any construction, reconstruction, alteration, restoration, rehabilitation, or relocation of any historical landmark or any property within a historic district, nor shall any person make any material change in the lighting fixtures, signs, sidewalks, fences, steps, paving, or other exterior elements visible from a public right-of-way which affect the appearance and cohesiveness of any historical landmark or any property within a historic district. No such action shall be commenced without first obtaining a certificate of appropriateness for proposed new construction to ensure compatibility with the existing historic resources of the district (Ordinance 2009-03, Section 7, pg 7)."

APPLICATION REQUIREMENTS

Prior to the commencement of any work requiring a certificate of appropriateness the owner shall file an application for such certificate with the Landmark Commission. The application shall contain:

- Name of applicant (owner) Presley Rentals
- Address 200 Cottonbelt
- Telephone Numbers 903-365-2545
- Detailed description of proposed work (please use back side of the application if more space is needed)
Replacement Windows / Etching on Plexiglass
bronze Aluminum

- o Location and photograph of the property and adjacent properties (historical photographs may be required by the Landmark Commission and should be submitted in advance of such request as a matter of courtesy)

- o Elevation drawings of the proposed changes, if available (please attach to application if available)
- o Samples of materials to be used
- o If the proposal includes signs or lettering, a scale drawing showing type of lettering to be used, all dimensions and colors, a description of materials to be used, method of illumination (if any), and a plan showing the sign's location on the property
- o Any other information which the Landmark Commission may deem necessary in order to visualize the proposed work

Time Line of Application/Procedures of approval, denial and appeal

Before any building permit shall be approved in historical districts required by Ordinance 2009-03, the Landmark Commission shall review the application at a regularly scheduled meeting within thirty (30) days from the date the application is received, at which time an opportunity will be provided for the applicant to be heard.

The Commission shall approve, deny, or approve with modifications to the permit within thirty (30) days after the review meeting.

In the event the Commission does not act within thirty (30) days of the receipt of the application, a building permit may be granted.

An applicant for a certificate of appropriateness dissatisfied with the action of the Landmark Commission relating to the issuance or denial of a certificate of appropriateness shall have the right to appeal to the City Council within thirty (30) days after receipt of notification of such action.

REQUIREMENTS FOR APPROVAL OF CERTIFICATE OF APPROPRIATENESS

1. Every reasonable effort shall be made to adapt the property in a manner which requires minimal alteration of the building, structure, object, or site and its environment.
2. The distinguishing original qualities or character of a building, structure, object, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
3. All buildings, structures, objects, and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.
4. Changes which may have taken time place in the course of time are evidence of the history and development of a building, structure, object, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
5. Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, or site shall be kept when possible.
6. Deteriated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should reflect the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historical, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures
7. The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken
8. Every reasonable effort shall be made to protect and preserve archeological resources affected by, or adjacent to, any project
9. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural, or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood, or environment
10. Whenever possible, new additions or alterations to buildings, structures, objects, or sites shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the building, structure, object, or site would be unimpaired.

Date complete application was received



RESIDENTIAL BUILDING PERMIT APPLICATION

ALL WORK MUST HAVE A FINAL INSPECTION

ANY WORK DONE IN HISTORIC DISTRICT MUST BE APPROVED BY LANDMARK COMMISSION

In some cases, it will require up to ten (10) days for plan review before a permit can be issued.

Is this project in Historical District Yes No Landmark permission attached Yes No

If in Historic District, has Certificate of Appropriateness been completed Yes No

FOR OFFICE USE ONLY

PERMIT FEE: \$ _____ PERMIT # _____

DATE: _____ ENTERED BY: _____

WATER TAP FEE: : \$ _____ SEWER TAP FEE: : \$ _____

ADDRESS / LOCATION: 200 Cottonbelt _____ Mount Vernon, Texas

GENERAL CONTRACTOR: Prology Rentals _____

PROPERTY OWNER: Grace Pressley _____

DESCRIPTION OF WORK: Carpentry Repair / Paint / Windows / Siding _____

IS THIS PROJECT: NEW CONSTRUCTION REMODEL/ADDITION DEMOLITION

WILL YOU BE REQUIRING ANY OF THE FOLLOWING TYPES OF WORK THAT REQUIRE PERMITS?

ELECTRIC \$ _____ PLUMBING \$ _____ DEVELOPMENT PERMIT \$ _____

GAS \$ _____ MECHANICAL \$ _____ NFPA 13R FIRE SPRINKLER SYSTEM \$ _____

EXISTING SQ. FOOTAGE UNDER ROOF : _____

LEGAL DESCRIPTION: LOT _____ BLOCK _____ SUBDIVISION _____ UNIT _____
-OR- TRACT _____ SECTION _____ SURVEY _____ ABSTRACT _____

FOUNDATION TYPE: PIER/BEAM SLAB _____ OTHER _____

ROOFING MATERIALS: COMP WOOD TILE BUILT UP _____ OTHER _____

ROOF DESIGN: TRUSS CONVENTIONAL _____ OTHER _____

RETAINING WALL: HEIGHT: _____ CONCRETE: _____ KEYSTONE: _____ OTHER _____

Affirmation: I certify that expansive or collapsible soil conditions do not exist for this building site or that I will install a roof gutter system that complies with IRC 2015. By signing this application you are verifying all information is correct.

SIGNATURE: [Signature] _____ DATE: 8/31/23 _____

PHONE NUMBER: _____ FAX NUMBER: _____

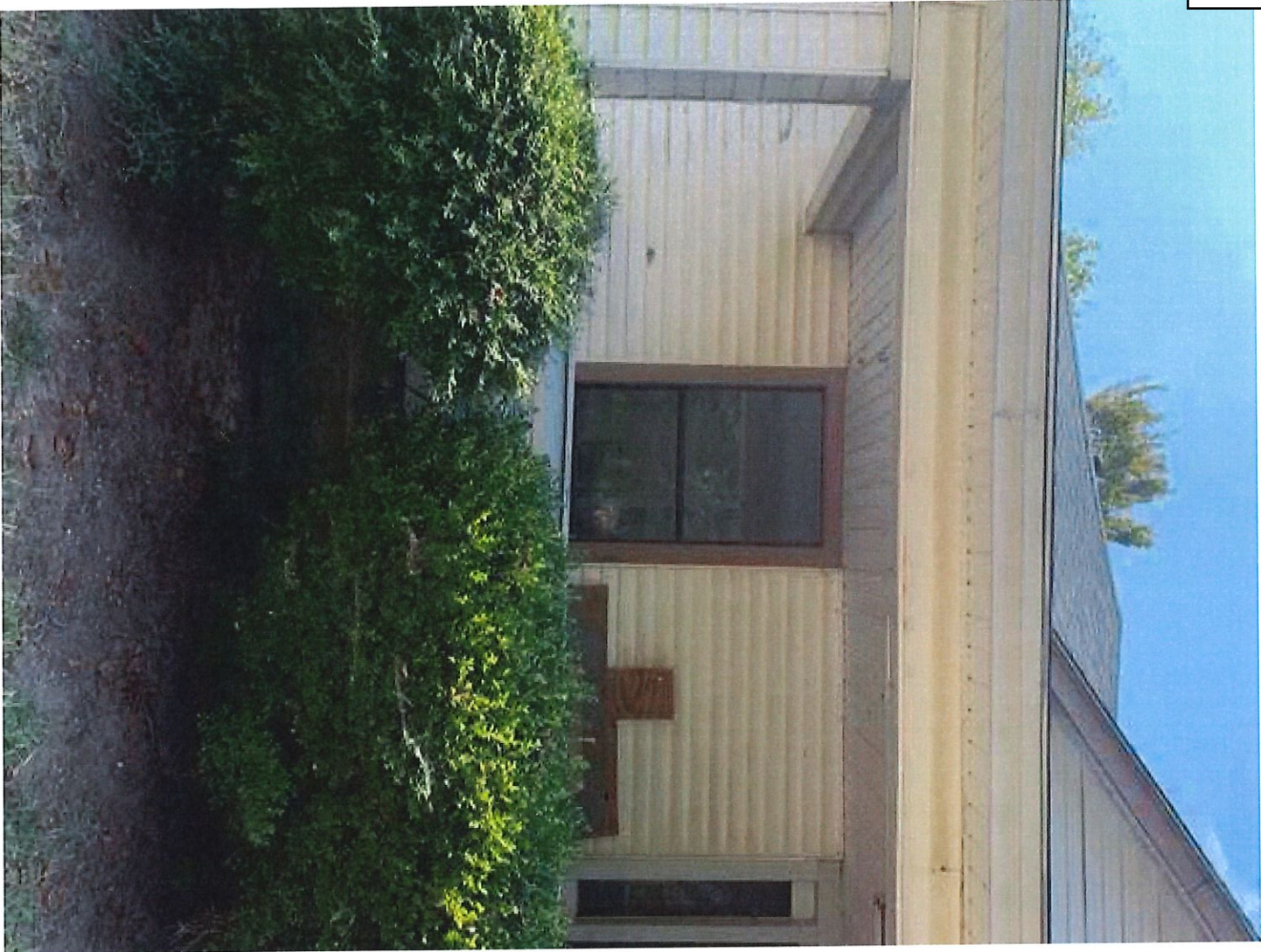
EMAIL: _____

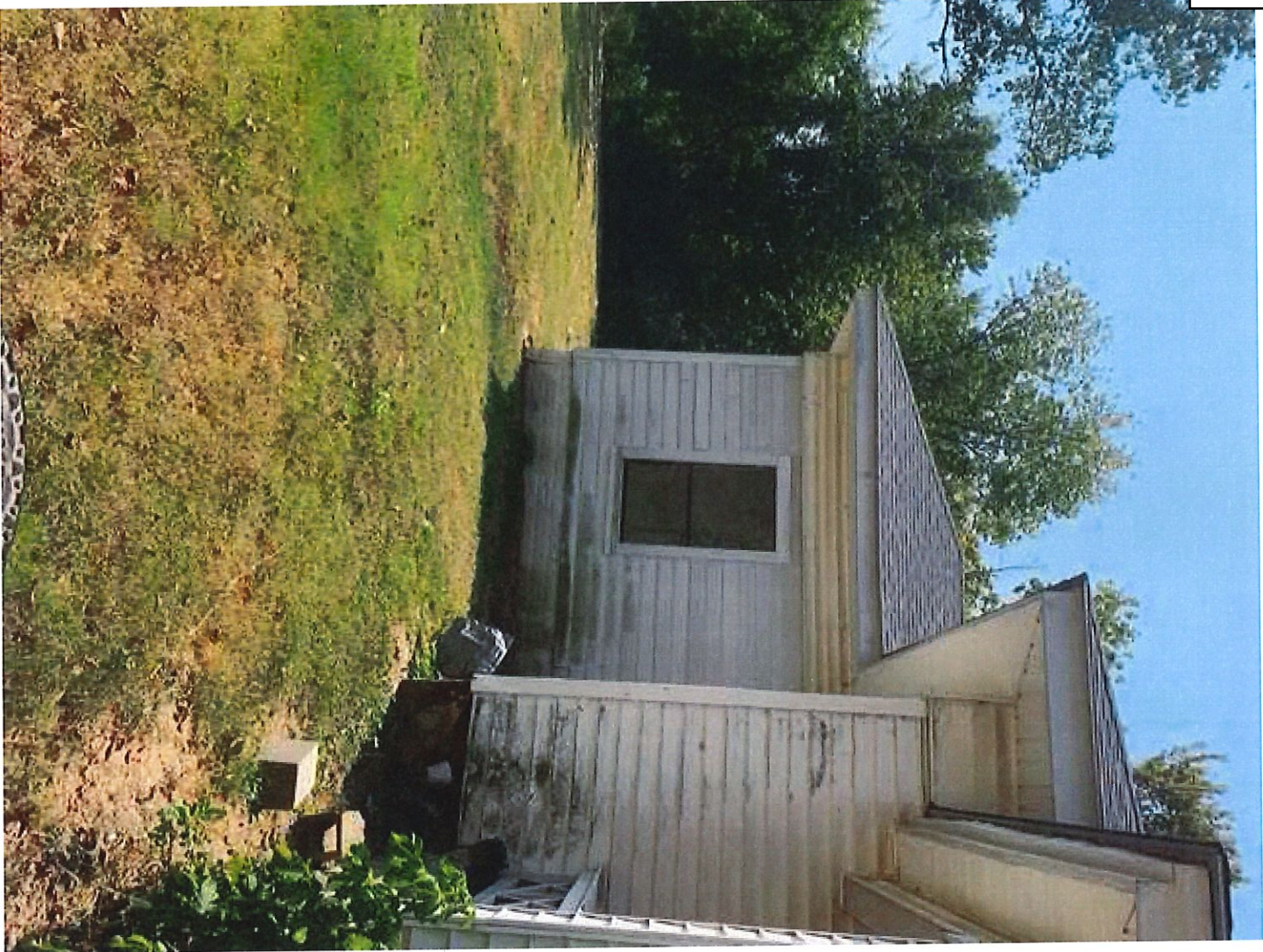
City of Mount Vernon

109 N. Kaufman * P.O. Box 597 * Mount Vernon, TX 75457 * 903 537 2252 * FAX 903 537 2634

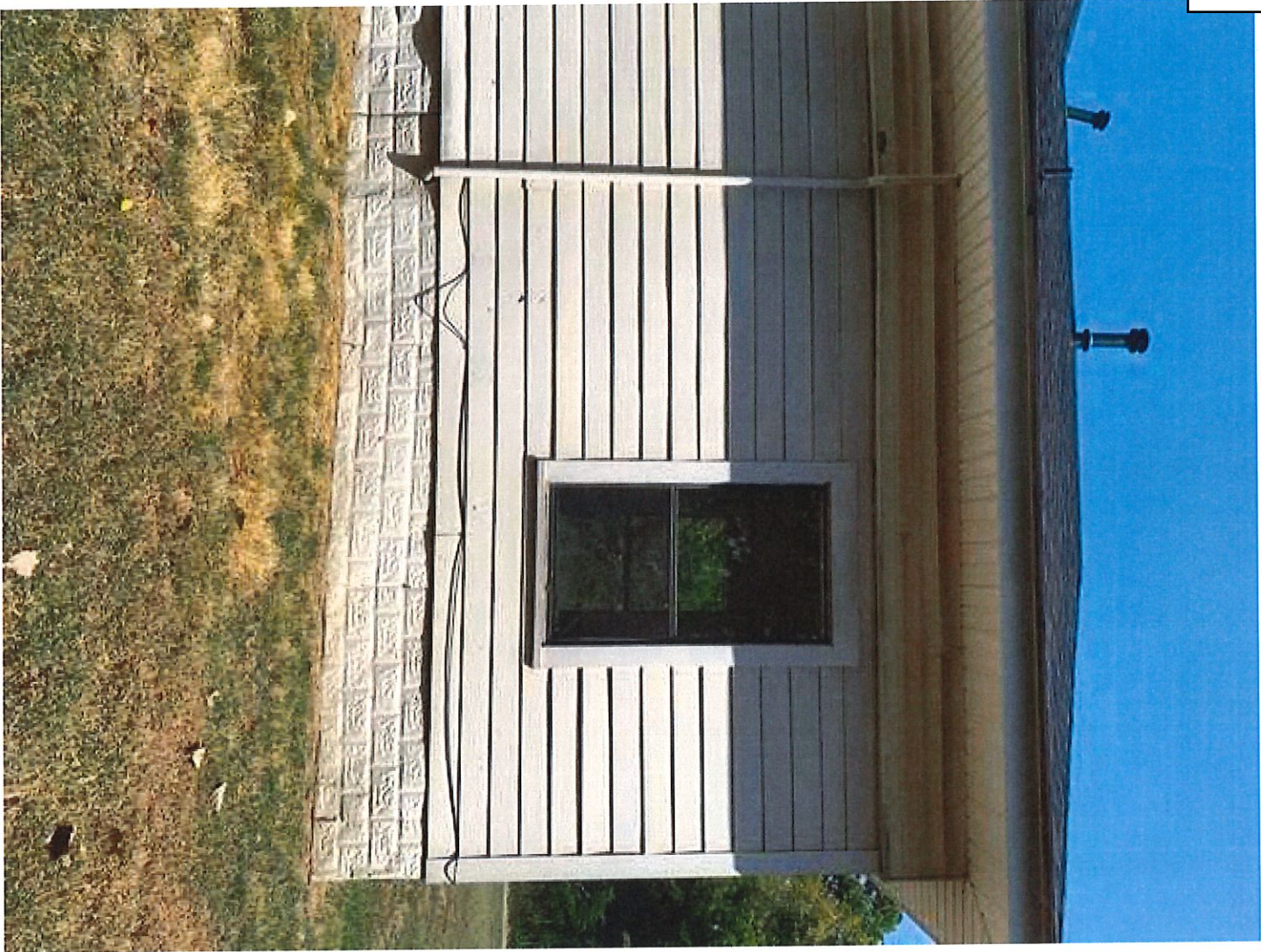
www.comvtx.com



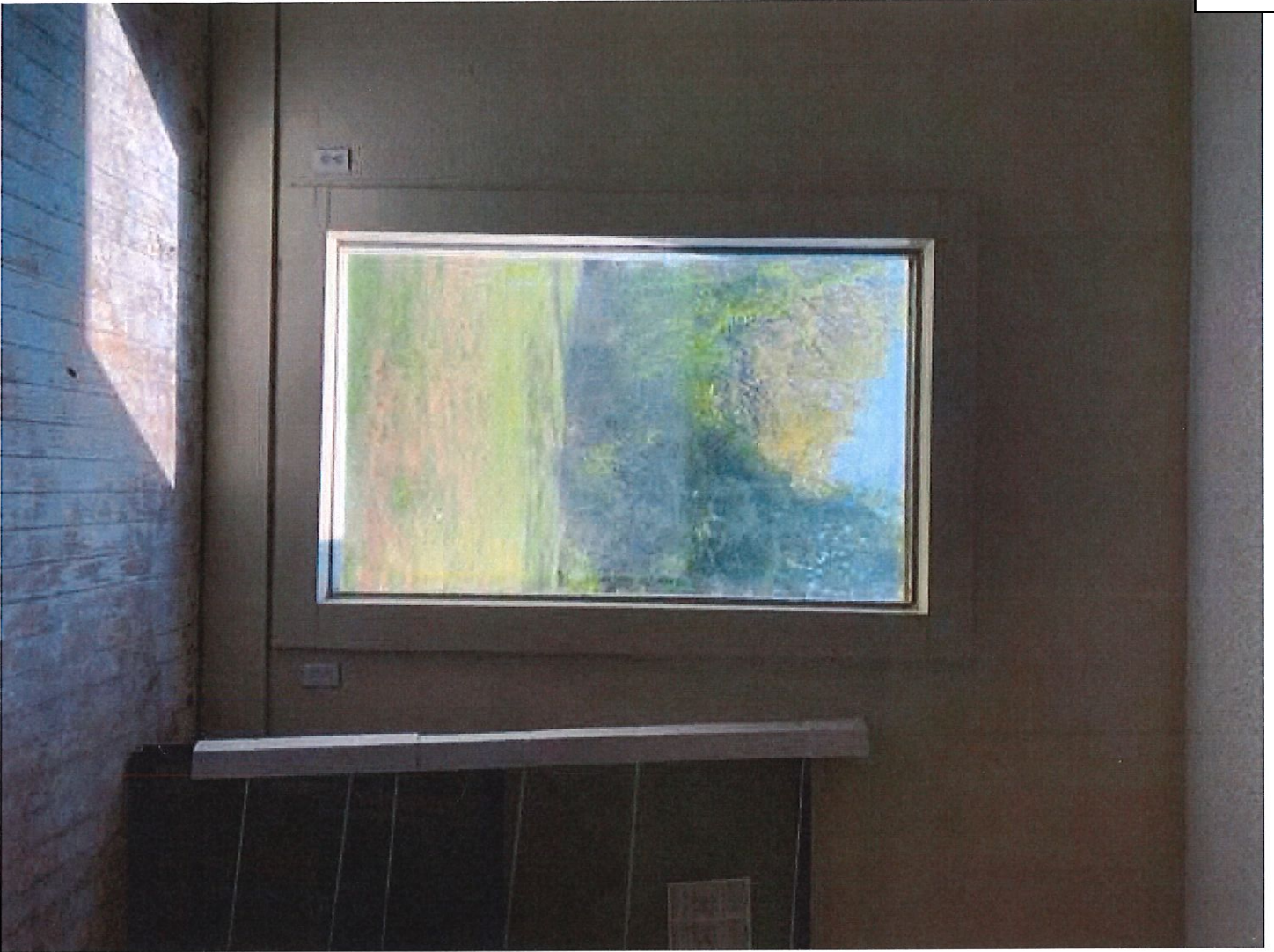












Section 202.010(b) of the Texas Property Code states that “a property owners’ association may not include or enforce a provision in a dedicatory instrument that prohibits or restricts a property owner from installing a solar energy device.”

Section 202.010(d) outlines certain exceptions to this rule where an Association may prohibit an owner from installing such a device. They include:

1. 1) A court rules the device threatens public health or safety;
2. 2) A court rules the device violates the law;
3. 3) The device is located on property owned by the Association;
4. 4) The device is located on common property with another member;
5. 5) If the installation voids warranties;
6. 6) If the device was installed without prior approval of the Association
7. 7) The placement of the device constitutes a condition that substantially interferes with the use and enjoyment of land by causing unreasonable discomfort or annoyance to persons of ordinary sensibilities.

The Association may not deny an owner’s right to install panels simply because they are found to be unsightly.

The Solar Panels must be located on one of the following areas:

1. 1) The owner’s roof;
2. 2) Another structure allowed by the Association under the Dedicatory Instruments; or
3. 3) The Fenced yard or patio of the owner below the owner’s fence line;

If the owner chooses to mount his panels upon the roof, then the association is allowed to designate the area on which they must be mounted. If the owner can show that an alternate mounting location on the roof increases the estimated annual energy production by 10% or more. This estimation must be done by a publicly available modeling tool provided by the National Renewable Energy Laboratory. The installation must also conform to the slope of the roof, be of a certain color, and have a top edge parallel to the roof line.

An owner may justifies changing the location of his panels citing that his alternative location increases the output by 10% or more. PVWatts is a publicly available modeling tool provided by the National Renewable Energy Laboratory.

If the Association attempts to deny the owner’s right to install the solar panels by stating that “the placement of the device constitutes a condition that substantially interferes with the use and enjoyment of land by causing unreasonable discomfort or annoyance to persons of ordinary sensibilities,” then the owner may rebut this by obtaining the written approval of all property owners of adjoining property. Texas law has defined “adjoining” as “touching or contiguous, as distinguished from lying near or

adjacent.” As such, the owner will not be required to go to all of his neighbors in an attempt to obtain the approvals.

As such, the owner may rebut a denial by obtaining the approval of his closest neighbors.

Please note that the above **does not require the owner to first obtain the approval of adjoining property owners prior to installation or approval.** The owner is allowed to seek the written approval in an attempt to rebut the Association’s denial due to “unreasonable discomfort or annoyance to persons of ordinary sensibilities.”

Below are example issues that an owner might have in his request:

1. 1) The request is not very detailed. For such a large scale project I would expect to see more than a one page sheet with a short description.
2. 2) The request did not include the projected commencement and completion dates as required under Article IV of the Declaration.
3. 3) The request states that panels will be installed on the “south side and west side (towards the backside of the house)” yet the attached picture shows panels on both the south, east and west of the house. I would seek clarification regarding this matter.
4. 4) The request states that frame is “Black/White” when when only “Silver, Bronze or Black” tones are allowed under the law.

Should the owner comply with all requirements for ACC submission and under the law, then the Association may *not* legally preclude him from installing solar panels on his property.

There is not requirement that the Association assist the owner in any way in his attempt to install solar panels.

Pursuant to Article IV of the Declaration, should the owner’s request be denied, the Association is only required to provide written notice of the denial. **The Association may, but is not required to tell the owner why the request has been denied.**

Should you wish for the owner to not have solar panels, your best bet it to simply deny his modified request for the reasons I stated above, but *not explain why.* Leave it up to the owner to correct his own mistakes.

Should the owner correct his mistakes, submit a detailed modified request, then your only legal basis for denial will be by stating that “the placement of the device constitutes a condition that substantially interferes with the use and enjoyment of land by causing unreasonable discomfort or annoyance to persons of ordinary sensibilities” and he could easily rebut this statement.

I have worked with a number of Associations who have found themselves in your same position. Some have taken a hard line stance while others have capitulated.

However, **the Texas Legislature was quite clear** in their passage of TPC 202.010(b), **Associations must allow owners to have solar panels.**

No, HOAs cannot deny the installation of solar panels in Texas. However, they are allowed to place restrictions on the solar energy systems you choose to install. If your homeowner’s association (HOA) is trying to come down hard on you, look into the Texas Solar Rights Act. This legislation protects your right to install a solar energy system and highlights the provisions your HOA might be allowed to place on your solar installation.

Here’s a glance at a few reasons why a Texas HOA might deny a solar panel installation:

- If the solar panel installation is found to be illegal or violates public health and safety
- If the solar panel installation is on common property that is owned or maintained by the association
- If solar panels extend above the roofline, are not parallel to the roofline, or do not conform to the slope of the roof
- If ground-mounted solar energy devices are installed taller than the fence around them
- If the solar energy device is installed in a way that voids its warranties
- If any frames, wiring or piping are not silver, bronze or black
- If solar panels are installed without the HOA’s approval



It’s best to toe the line when it comes to your solar panel installation. Say “Howdy!” to one of our Solar Energy Specialists today for some help on the reins of your installation.

Texas Solar Rights



The Texas Solar Rights Act, specifically House Bill 362, prevents HOAs from denying solar panel installations outright. This means if your HOA is telling you, “No!” to solar, they better have a good reason. This legislation might protect your right to install solar panels on your home, but HOAs still get to determine where and how solar panels are installed. Moreover, you, as the homeowner, still have to follow the procedures specific to your HOA to request the addition of solar panels, as you would any other home improvement.

So, can HOA prevent solar panels in Texas?

No, an HOA cannot prevent solar panels in [Texas](#). However, there are some rules to follow. You should talk to your HOA to find what guidelines you'd have to follow for your solar panel installation and their process for requesting this type of home improvement.

We understand that dealing with an HOA when you want to install solar panels can be daunting. Luckily, we're here to lend a hand. At ADT Solar, we tackle the time-consuming and often confusing process of getting HOA approval. ADT Solar is a top-notch solar company in Texas, prepared to take care of all the pain points you might face with your solar installation. Our trusted installers are knowledgeable enough to follow HOA guidelines, as well as electric codes. We submit all of the required permits on your behalf and make sure your solar installation is a smooth and easy process.

Whether you're ready to take the next step, or just want a free consultation to know where you stand, contact us today!

FREE SOLAR ESTIMATE

Key Takeaways

- Texas solar access laws balance homeowner rights and community aesthetics.
- The "Right to Install Solar Energy Devices Act" protects Texan homeowners' right to install solar panels.
- HOA can impose reasonable restrictions on solar installations but can't outright deny them.
- Advocacy and neighbor support can sway HOA approval for solar initiatives.
- Legal guidance can help navigate HOA's covenants, conditions, and restrictions.
- Dealing with HOA objections requires understanding, patience, and effective communication.
- Transitioning to solar energy within an HOA community is achievable with the right approach.

As a resident of Texas, you might want to agree that HOA rules are there in general for the benefit of maintaining property values and creating a sense of community. But really, we all know how these rules can be annoying sometimes.

So, how about when you want to switch to solar? Are these rules friendly? Are they something that might even discourage you from switching to solar in the first place? These are questions that we will be providing answers to in this article. As a resident of Texas, you should know these things before embarking on a solar journey.

Understanding HOA and Solar Access Laws in Texas

Let's get to business. You probably understand what Homeowners Associations (HOAs) are and if not, then here is it; they are basically organizations that make and enforce rules for properties within their jurisdiction. So what rules do they have in store for Texas residents when it comes to solar panel installation?

Well, here is a quick crash course in solar access laws in Texas. The "**Right to Install Solar Energy Devices Act**" is your key to understanding the interplay between HOAs and solar panels in Texas.

Ready for the cliff notes version? Here it goes:

1. The Act protects your right to install solar devices, but with a caveat. Your HOA can deny your solar dreams if they find the installation detrimental to the health, safety, or welfare of the community.
2. Your HOA can't prevent you from installing solar panels, but they can impose reasonable restrictions on their size, place, and manner of installation.
3. What about aesthetics, you ask? Well, if your HOA thinks that your solar panels are an eyesore, they can ask you to modify the installation – but only if it doesn't significantly increase your installation cost or decrease your expected energy savings.

In essence, Texas solar access laws are all about balance. They protect both your right to go solar and your community's right to maintain its aesthetic appeal and safety.

Intrigued? Well, there is still more to know about solar installations in Texas HOAs. Hang tight.

Item 3.

Navigating the HOA Rules for Solar Installations

Often, Texas HOAs might frown upon solar panel installations, citing aesthetic concerns or neighborhood uniformity. You might think, "Can they really deny my green energy aspirations?" Well, here's the kicker...

Despite the initial roadblocks, under Texas law, your rights as a homeowner pack a punch. The "Right to Install Solar Energy Devices Act" is your shield, protecting your solar dreams from being eclipsed by HOA rules. So, if you are ever questioned, remember - you've got the law on your side.

You might be pondering on how to determine if your HOA rules allow solar installations. Dive into your HOA's covenants, conditions, and restrictions (CC&Rs). Look for any solar-related clauses. If you hit a snag, consider seeking legal counsel.

And remember, the road to renewable energy may be winding, but the destination is worth the journey. Don't let a few HOA roadblocks dim your solar ambitions. Get a [quick quote](#) from us today to kickstart your switch.

Also Read: [Solar Incentives In Texas 2023](#)

Steps to Installing Solar Panels in Texas HOA Communities

So, let's go over the much-needed steps you need to take if you want to switch to solar within the confines of an HOA community in Texas.

Step 1: Understand Your Solar Access Laws

You've got rights, and it's crucial to understand them. Texas solar access laws are designed to protect homeowners like you who want to tap into the power of the sun. They aren't just fancy words on paper... they're your solar shield!

Step 2: Learn More About Your HOA

Your HOA's rules aren't there to make your life difficult—they're part of your community agreement. So, go on a treasure hunt for solar installation provisions in your HOA's bylaws. It's like finding the key to a treasure chest... a solar-powered treasure chest, that is!

Step 3: Make Your Case for Solar Access

Time to put your persuasion skills to the test! Building a convincing case for solar installation isn't just about facts—it's about showing how it benefits everyone. Having a professional solar installation assessment in your arsenal can't hurt either.

Step 4: Get Your Pro-Solar Neighbors on Board

Remember, there's strength in numbers! Rallying your neighbors to support your solar initiative can be the tipping point for your HOA's approval. Solar block parties, anyone?

Step 5: Meet with Your HOA Board

Nervous about the big meeting? Preparation is your secret weapon. Know your facts, anticipate questions, and present your case with confidence. Remember, you're not just doing this for you; you're doing it for your community and the planet!

Step 6: Overcome Solar Access Objections

If your HOA objects to your solar installation, don't lose heart. It's crucial to understand why the objections have been raised and how you can address them. Here's a look at some common reasons an HOA, especially in Texas, might object to your solar panel installation:

- The setup is deemed illegal or poses a risk to public health and safety.
- The panels are set to be placed on common property maintained by the association.
- The panels extend above the roofline, aren't parallel to it, or don't match the roof's slope.
- Ground-mounted solar equipment is taller than the fence enclosing it.
- The installation method could void the warranties of the solar device.
- The frames, wires, or pipes aren't in shades of silver, bronze, or black.
- The panels are installed without the HOA's approval.

Keep these points in mind and be prepared to explain why your installation doesn't pose these issues or how you plan to resolve them. Always remember that communication is key when dealing with your HOA. With patience and perseverance, you can overcome these objections and make your way to a more sustainable and energy-efficient future!"

Going solar in an HOA community might seem like a daunting task, but with these steps, you'll be soaking up the Texas sun in no time.

Wrapping Up

In conclusion, we've walked you through the critical steps of installing solar panels in Texas HOA communities, highlighting the importance of understanding your solar access laws and HOA rules, and how to build a compelling case for solar access.

Don't let HOA restrictions dim your solar aspirations. Instead, use them as a stepping-stone towards a greener future. Interested in going solar but don't know where to start? We invite you to reach out to our team. Let us [guide you](#) through the maze of solar installation options and help you make an informed decision that suits your unique circumstances.