

# Solar Access Law in the United States

## *Implementation of a Model Statute and Ordinance*

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Solar America Cities Meeting  
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# Solar Access Report

A review of traditional legal mechanisms as well as solar specific statutes and ordinances concluded that *most current law was ineffective due to the lack of enforcement provisions or the cost of enforcement (i.e., litigation)*



# Solar Access Report

- Elements of a comprehensive approach to protecting solar access were recommended.
- A model statute was developed based upon the best practices found in the United States.



# Solar Access Report

## *Key Elements of Statute:*

- Definitions: Solar energy device (how broad?)
- Solar Easements: Two options – traditional voluntary easement or mandatory permit system; how much detail to include in statute vs. referencing a “standard”



# Solar Access Report

## *Key Elements of Statute:*

- **Solar Rights:** Incorporates traditional language with agency enforcement rather than enforcement through litigation.
- **Local Ordinances:** Provides tools to advance solar – such as site planning and variances – and prohibits local ordinances from restricting use of solar.



# Solar Access Report

## *Implementation:*

- Denver
- Seattle
- Historic Preservation Policies
- Tree Preservation Ordinances



# Implementation

City of Denver

- The Mayor commissioned a white paper on recommendations for Denver's solar access laws for submission to the Denver Zoning Task Force
- Recommendations were consistent with the Solar Access Report
- Ask Hannah:
- [hannah.muller@ee.doe.gov](mailto:hannah.muller@ee.doe.gov)



# Implementation

## City of Seattle

- Mayor's initiative to re-canopy the City
- Concern about balancing the tree initiative with solar access
- Ask Meg:
- [Meg.Gluckman@Seattle.Gov](mailto:Meg.Gluckman@Seattle.Gov)



# Implementation Historic Preservation



# Historic Preservation

- Federal Law and Policy
- Implemented at State and Local Level
- Guidelines, not Requirements
- Enforcement through funding



# Historic Preservation

Secretary of the Interior's Standards for  
Rehabilitating Historic Buildings

## Recommended

Installing mechanical and service equipment on the roof, such as air conditioning, transformers, or solar collectors when required for the new use so that they are inconspicuous from the public right-of-way and do not damage or obscure character-defining features.



# Historic Preservation

## Grand Rapids Historic Preservation Commission

- If the installation of solar will adversely alter the roof line or physical character, consider other options of conserving energy.
- Applications to install solar systems will be evaluated on a case by case basis by the commission.



# Historic Preservation

Factors for considering solar installation:

- Historic character and architectural importance of the structure and surrounding environment
- The intended purpose of the installation
- Alternative means considered for conserving energy and reasons for their rejection
- Visibility of the system from adjacent streets and properties
- Compatibility of the design with the existing roof



# Historic Preservation

## City of Boulder Guidelines

Minimize the visual impact of solar collectors:

- The use of energy conserving materials is encouraged by should not compromise the historic integrity of the building.
- Solar collectors should not alter the existing profile of the roof or be highly visible; they should be mounted flush on rear facing roofs or ground mounted in an inconspicuous location.



# Implementation Tree Preservation

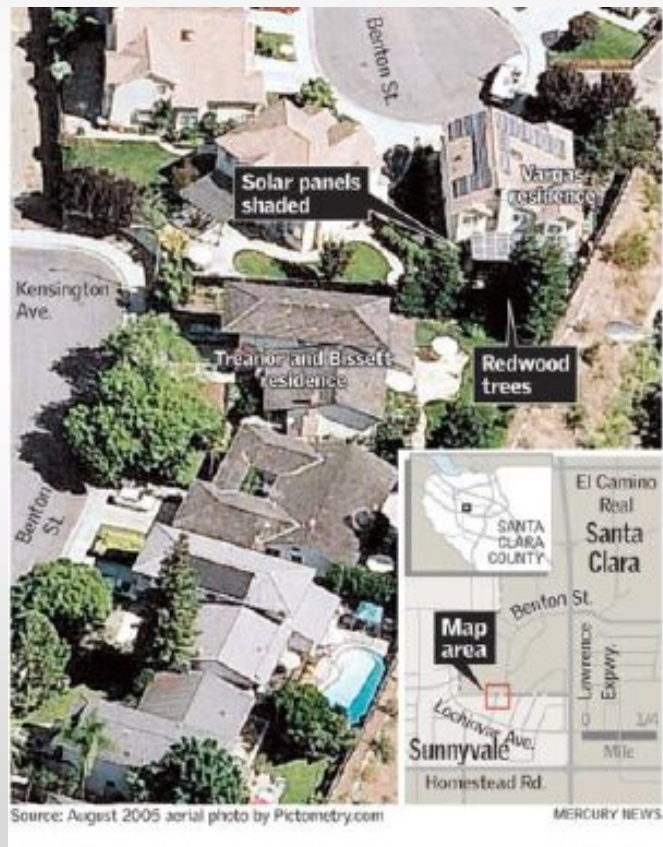


# Tree Preservation

- Local Issue
- Landscaping Plans as Energy and Water Conservation Measures
- Balancing Landscape Plan Benefits with Solar Rights and Easements



# Tree Preservation



# Tree Preservation

City of Gainesville Municipal Code

Sec. 30-254. Permits for tree removal.

(e) Permit approval criteria. Removal or relocation of regulated trees shall be approved by the city manager or designee upon a finding that the trees pose a safety hazard; have been weakened by disease, age, storm, fire or other injury; or prevent the reasonable development of the site, including the installation of solar energy equipment.



# Tree Preservation

## City of North Miami Municipal Code Landscape Ordinance

- 3) *Purpose.* The main purpose of this ordinance is to:
- d. Encourage energy conservation by maximizing the use of shading materials and solar energy where the latter does not conflict with the former.



# Tree Preservation

(10) *Protection of solar access.*

a. The proposed landscape plan by its approval shall not result in the shading of a solar collector.

b. In choosing the species of trees and other vegetation, and the placement planting of such vegetation, the effect on existing or future solar access of neighborhood properties must be considered.

[Appendix A, 29-8]



# Solar Access Report

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# Solar Access Report

*Thank you!*

Please provide feedback to:

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Download a copy of the report:

[www.solarabcs.org/solaraccess](http://www.solarabcs.org/solaraccess)

