

# DRAFT

## ORDINANCE NO. 23-XXX

**AN ORDINANCE OF THE CITY OF BUNKER HILL VILLAGE, TEXAS AMENDING APPENDIX “A” OF ITS CODE OF ORDINANCES, THE SAME BEING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY, TO ADD A NEW SECTION 7.16, SOLAR PANELS, OF ARTICLE VII, SUPPLEMENTARY DISTRICT REGULATIONS, TO ADD REGULATIONS FOR BOTH ROOF MOUNTED AND GROUND MOUNTED SOLAR PANELS AND ACCESSORY EQUIPMENT; PROVIDING FOR SEVERABILITY; AND PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 PER DAY WITH EACH DAY CONSTITUTING A NEW VIOLATION**

\* \* \* \* \*

**WHEREAS**, the City Council of the City of Bunker Hill Village, Texas desires to regulate the installation and location of solar panels and related equipment as set forth in this Ordinance; and

**WHEREAS**, the City Council of the City finds that the regulations contained herein are in the best interest of the health, safety and welfare of the public; and

**WHEREAS**, the Zoning Commission of the City, following notice and hearing as required by law, has recommended that the City Council adopt the amendments to the zoning regulations contained herein as shown in the final report of said Commission; and

**WHEREAS**, the City Council, following notice and hearing as required by law, concurs with the recommendation of the Zoning Commission that such amendments be approved; now, therefore:

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BUNKER HILL VILLAGE, TEXAS, THAT:**

**Section 1.** The facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct.

**Section 2.** Appendix “A” of the City’s Code of Ordinances, the same being its zoning regulations is hereby amended by adding a new Section 7.16, Solar Panels, to Article VII, Supplementary District Regulations, to read as follows:

**“Section 7.16 - Solar Panels.**

A. Solar panels are permitted structures subject to the regulations set forth herein.

B. Definitions. For the purposes of this section, the following words and phrases shall have the meanings ascribed to them below:

(1) Solar Panel shall mean a structure containing one (1) or more receptive cells, the purpose of which is to convert solar energy into usable electrical energy by way of a solar energy system. The term shall not include individually powered outdoor solar lights, such as garden lights, accent lights, security lights, or flood lights.

C. All solar panels and the installation of solar panels shall comply with all provisions of the city's Code of Ordinances, including building codes and tree regulations, and shall be installed only after issuance of a building permit.

D. Roof-mounted solar panels shall conform to the following requirements:

(1) Solar panels shall be permitted on the roof of a building provided that the panels do not extend higher than or beyond the roofline;

(2) Solar panels shall have a top edge that is parallel to the roof ridge and shall conform to the slope of the roof;

(3) Solar panels shall be permitted on the roof slope of an accessory building or structure, subject to the regulations contained herein;

(4) The frame, support panels and all visible piping or wiring shall be in a silver, bronze, or black tone commonly available in the marketplace; and

(5) Solar panels on flat roofs shall not exceed the maximum height permitted in the applicable zoning district.

E. Ground-mounted solar panels shall conform to the following requirements:

(1) Solar panels shall not constitute the primary use of the property;

(2) Solar panels shall comply with the maximum square footage and minimum setback requirements for residential accessory buildings and structures;

(3) Solar panels shall be located within a fenced yard or patio; and

(4) Solar panels shall not be taller than the fence line.

F. Solar panels incorporated into building materials such as roof shingles or tiles, windows, siding, or other architectural features integral to a building's design and are reasonably indistinguishable from traditional building materials may be installed on any roof or façade of the building.

G. Any equipment associated with the installation or operation of solar panels may not be located within the required front yard of a lot.

H. Any equipment associated with the installation or operation of solar panels shall not be visible from any public or private street.

**Section 3.** Any person, corporation or entity who or which shall intentionally, knowingly, recklessly, or with criminal negligence violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$2,000.00. Each day in which any violation shall occur, or each occurrence of any violation, shall constitute a separate offense.

**Section 4.** In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Bunker Hill Village, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

**PASSED, APPROVED AND ORDAINED**, this the      day of      2023.

\_\_\_\_\_  
Robert P. Lord, Mayor

ATTEST:

\_\_\_\_\_  
Gerardo Barrera, Acting City Secretary