

ORDINANCE NUMBER 2021-22

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF SPRING VALLEY VILLAGE, TEXAS TO AMEND SUBSECTION 02.19, SOLAR PANELS, OF SECTION 5, BUILDING AND USE RESTRICTIONS IN DWELLING DISTRICT “A”; OF EXHIBIT A, ZONING REGULATIONS, OF CHAPTER 12, PLANNING AND ZONING, TO ALTER THE REGULATIONS OF BOTH ROOF MOUNTED AND GROUND MOUNTED SOLAR PANELS TO COMPLY WITH THE PROVISIONS OF SENATE BILL 398 REGARDING MUNICIPAL REGULATION SOLAR PANELS; PROVIDING FOR INCORPORATION OF PREAMBLE; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 PER DAY WITH EACH DAY CONSTITUTING A NEW VIOLATION; AND PROVIDING A REPEALER CLAUSE, A SAVINGS CLAUSE, A SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE.

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WHEREAS, the City of Spring Valley Village, Texas (the “City”) adopted regulations related to the location and installation of solar panels within the City on November 14, 2017; and

WHEREAS, Senate Bill 398, enacted by the Texas Legislature on May 31, 2021 and signed into law by the Governor on June 14, 2021, restricts municipal regulation of solar panels; 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 Planning & 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 Planning & Zoning Commission that such amendments be approved.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SPRING VALLEY 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. Subsection 02.19, Solar Panels, of Section 5, Building and Use Restrictions in Dwelling District “A” of Exhibit A, Zoning Regulations, of Chapter 12, Planning and Zoning, is hereby amended by deleting the language struck through below

and adding the language underscored below, Subsection 05.02.19, Solar Panels, to read as follows:

“05:02.19 - Solar Panels:

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

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

.01 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.

.03 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.

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

.01 Solar panels shall be permitted on the roof of a building provided that the panels do not extend higher than or beyond the roofline ~~are not visible from any front or side adjacent street;~~

.02 Solar panels shall have a top edge that is parallel to the roof ridge and shall conform to the slope of the roof;

.03 Solar panels shall be permitted on the roof slope of an accessory building or structure, subject to the regulations in subsections .05.02 and ~~.05.04 below;~~ and

.04 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

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

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

.01 Solar panels shall not constitute the primary use of the property;

.02 Solar panels shall comply with the maximum square footage and minimum setback requirements for residential accessory buildings and structures;

~~.03 Solar panels shall not be located between a property line abutting a street and a structure within a fenced yard or patio; and~~

~~.04 Solar panels shall be screened from view of the street or adjacent properties by an opaque screening in fence. Such fencing shall comply with the city's fencing regulations not be taller than the fence line;~~

~~.05 The maximum height of solar panels shall not exceed six (6) feet in height; and~~

~~.06 To the extent possible, all conduit and wiring associated with the system's connection to the primary electrical panel shall be placed underground.~~

.06 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. The eligibility of any solar panel under this section shall be within the discretion of the building official.

.07 Exceptions. The city council, upon application, may approve a location for roof-mounted or ground-mounted solar panels not permitted by this section. Prior to granting such approval, the city council shall conduct a public hearing regarding the alternate location. Written notice of the public hearing shall be mailed to property owners of real property, as they appear on the most recent tax roll of the city, situated within two hundred (200) feet of the exterior boundary of the property on which the solar panel is requested at least ten (10) days prior to the date of the hearing. Notice of the public hearing shall also be published in the city's official newspaper at least ten (10) days prior to the date of the hearing.

Section 3. All provisions of the ordinances of the City of Spring Valley Village, Texas, codified or uncodified, in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the ordinances of the City of Spring Valley Village, Texas, codified or uncodified, not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

Section 4. 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 5. 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 Spring Valley 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.

Section 6. The repeal of any ordinance or part of ordinances affected by the enactment of this ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying, or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions of any ordinances at the time of passage of this ordinance.

Section 7. This Ordinance shall become effective immediately upon its passage.

DULY PASSED, APPROVED AND ORDAINED, on this the 14th day of December, 2021.



Marcus Vajdos, Mayor
City of Spring Valley Village, Texas

ATTEST:

Roxanne Benitez, City Secretary
City of Spring Valley Village, Texas