

MAYOR
Jim Pappas

CITY OF HUNTERS CREEK VILLAGE

CITY COUNCIL
Stuart Marks
Fidel Sapien
Linda Knox
Chip Cowell
Jay Carlton



CITY ADMINISTRATOR
Tom Fullen, MPA, CPM

Notice is hereby given of a Joint Public Hearing and meeting of the Hunters Creek Village City Council and Planning & Zoning Commission, to be held on **Tuesday, October 22, 2024 at 5:45 p.m.** in the City Hall at #1 Hunters Creek Place, for the purpose of considering the following agenda items. Councilmember(s), Planning & Zoning Commission members, and/or employees may attend this meeting via videoconference as allowed by Texas Government Code, however, there will be a quorum present at City Hall.

Anyone wishing to address the city council during the meeting must notify the City Administrator, Tom Fullen, before the meeting begins by: 1) filling out a speaker request form at the meeting; 2) emailing him at fullen@cityofhunterscreek.com; or 3) calling him at 713-465-2150.

- A. Call to order and the roll of elected and appointed officers will be taken for the City Council and the Planning & Zoning Commission.
- B. **PUBLIC COMMENTS** Citizens will be allowed three (3) minutes for public comments.
- C. **Planning & Zoning Commission item:** Discussion and possible action to make a preliminary report and approve and forward a final report and recommendation to City Council regarding proposed zoning text amendments to the Zoning Ordinance regulating solar energy devices.
- D. **JOINT PUBLIC HEARING** A Joint Public Hearing on a preliminary report and final report will be held before the Hunters Creek Village City Council and Planning & Zoning Commission for the purpose of receiving testimony for or against proposed amendments to the City's Zoning Chapter. The proposed amendments would accomplish the following:
 - Amending the definition of yard to include solar energy devices.
 - Add a new section to the Zoning Ordinance regarding rules and regulations of solar energy devices.

City of Hunters Creek Village, Texas, Planning and Zoning Commission
Preliminary Report on Zoning Text Amendment

The City of Hunters Creek Village, Texas, Planning and Zoning Commission considered the following Zoning Text Amendment on October 22, 2024:

- Amending the definition of yard to include solar energy devices.
- Add a new section to the Zoning Ordinance regarding rules and regulations of solar energy devices. See proposed Ordinance attached hereto.

At such meeting, the Planning & Zoning Commission considered this Preliminary Report with proposed Ordinance to amend the City of Hunters Creek Village Zoning Ordinance. The Planning & Zoning Commission and City Council held a Public Hearing on this Preliminary Report on October 22, 2024.

Chairman: _____
City of Hunters Creek Village, Texas, Planning & Zoning Commission
Dated: 10/22/2024

City of Hunters Creek Village, Texas, Planning and Zoning Commission
Final Report on Zoning Text Amendment

The City of Hunters Creek Village, Texas, Planning and Zoning Commission considered the following Zoning Text Amendment on October 22, 2024:

- Amending the definition of yard to include solar energy devices.
- Add a new section to the Zoning Ordinance regarding rules and regulations of solar energy devices. See proposed Ordinance attached hereto.

At such meeting, the Planning & Zoning Commission adopted this Final Report with proposed Ordinance to amend the City of Hunters Creek Village Zoning Ordinance and make such recommended ordinance changes to the City Council. The Planning & Zoning Commission and City Council held a Public Hearing on this Final Report on October 22, 2024.

Chairman: _____
City of Hunters Creek Village, Texas, Planning & Zoning Commission
Dated: 10/22/2024

**Notice of Joint Public Hearing and Meeting before the
City Council and Planning & Zoning Commission of the
City of Hunters Creek Village, Texas**

A Joint Public Hearing and meeting will be held before the Hunters Creek Village City Council and Planning & Zoning Commission on Tuesday, October 22, 2024, at 5:45 p.m. at City Hall, 1 Hunters Creek Place, Houston, TX 77024 for the purpose of receiving testimony for or against proposed amendments to the City's Zoning Chapter. The proposed amendments would accomplish the following:

- Amending the definition of yard to include solar energy devices.
- Add a new section to the Zoning Ordinance regarding rules and regulation of solar energy devices.

All persons may appear at such Public Hearing and meeting to provide comments regarding potential amendments to the City's Zoning Ordinance. A copy of the proposed ordinance is on file with the City at City Hall, 1 Hunters Creek Place, Houston, TX 77024.

ORDINANCE NO. 2024-_____

AN ORDINANCE OF THE CITY OF HUNTERS CREEK VILLAGE, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF HUNTERS CREEK VILLAGE, TEXAS, BY AMENDING CHAPTER 44, ZONING ORDINANCE, TO PROVIDE RULES AND REGULATIONS FOR SOLAR ENERGY DEVICES; PROVIDING A PENALTY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

* * * * *

WHEREAS, the City Council of the City of Hunters Creek Village, Texas (“City”) finds that it is in the best interest of the general welfare of the City to provide rules and regulation for solar energy devices; and

WHEREAS, such rules and regulations are authorized by Texas Local Government Code, Section 229.101.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HUNTERS CREEK VILLAGE, TEXAS:

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

SECTION 2. The Definition of the Yard in Subsection 44-2(b) of Section 44-2 of Article I of Chapter 44 is amended to read as follows:

**“Chapter 44 – ZONING
ARTICLE I. – IN GENERAL**

* * * * *

Sec. 44-2. Definitions.

* * * * *

(b)

* * * * *

Yard means an open space at grade between a building and the adjoining lot lines or street right-of-way line, unoccupied and unobstructed by any portion of a structure from the ground upward, except for signs in compliance with section 44-157(3), detached garages in compliance with section 44-161 (2)(a), accessory structures not attached to the dwelling in compliance with section 44-162, dish antennas in compliance with section 44-164, roof-mounted and ground-mounted solar energy devices in compliance with section 44-167, emergency electric generators in compliance with section 44-166 and

fences in compliance with section 44-163. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard, or the depth of a rear yard, the minimum horizontal distance between the lot line and the edge of the structure or main building shall be used. For the purpose of such measurement, the eave line of a roof may project a maximum of 30 inches into the required yards.”

SECTION 3. A new Section 44-167 of Division 2 of Article III of Chapter 44 is added to read as follows:

“Chapter 44 – ZONING

* * * *

ARTICLE III. – DISTRICT REGULATIONS

* * * *

DIVISION 2. – DISTRICT R SINGLE-FAMILY RESIDENTIAL DISTRICT

* * * *

Sec. 44-167. Solar Energy Devices.

- A. Definitions. For the purposes of this section, the following words and phrases shall have the meanings ascribed to them below:
 - (1) *Solar Energy Device* means a system or series of mechanisms designed primarily to provide heating or cooling or to produce electrical or mechanical power by collecting and transferring solar-generated energy. The term includes a mechanical or chemical device that has the ability to store solar-generated energy for use in heating or cooling or in the production of power. The term shall not include individually powered outdoor solar lights, such as garden lights, accent lights, security lights, or flood lights.
- B. All solar energy devices and the installation of solar energy devices shall comply with all provisions of the city's Code of Ordinances, including any provisions of this chapter of general application, building codes and tree regulations, and shall be installed only after issuance of a building permit.
- C. No solar energy device shall be located in an area on any lot other than (A) mounted on the roof of the dwelling or any accessory building permitted by this chapter (“roof-mounted solar energy device”) or (B) mounted on the ground in a fenced yard or patio (“ground-mounted solar energy device”).
- D. Roof-mounted solar energy devices shall:
 - (1) not extend higher than or beyond the roofline;
 - (2) have a top edge that is parallel to the roof ridge and shall conform to the slope of the roof; and
 - (3) be fabricated in such a manner that the frame, support brackets and all visible piping or wiring shall be in a silver, bronze, or black tone commonly available in the marketplace. Piping and wiring shall match the roof color.

E. Ground-mounted solar energy devices shall:

- (1) be mounted on the ground in a yard or patio that is surrounded on all sides by either (i) a fence in compliance with section 44-163 or (ii) the external wall of a dwelling or accessory building permitted by this chapter;
- (2) comply with the provisions of section 44-159, section 44-160, and section 44-162 generally applicable to accessory buildings; and
- (3) not be taller than the fence line.”

SECTION 4. PENALTY. Any person who violates or causes, allows, or permits any violation of any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be subject to a fine in the amount not to exceed two thousand dollars (\$2,000.00) for any violation hereof, with each day being a separate violation.

SECTION 5. SEVERABILITY. In the event any section, paragraph, subdivision, 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 any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Hunters Creek Village, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

SECTION 6. EFFECTIVE DATE. This Ordinance shall be in full force and effect on the date of its execution below and enforceable in municipal court when published as required by law.

PASSED, APPROVED, AND ADOPTED this ____ day of October 2024.

Jim Pappas, Mayor

ATTEST:

Tom Fullen, City Administrator
Acting City Secretary