

**ORDINANCE NO. 2015-557-A**

**AN ORDINANCE OF THE CITY OF CEDAR HILL, TEXAS, AMENDING THE TEXT OF THE COMPREHENSIVE ZONING ORDINANCE, NO. 2001-64, AS AMENDED; PROVIDING DEFINITIONS; PROVIDING FOR A CHANGE IN ARTICLE IV-ENTITLED "USE CHART" BY ADDING SOLAR PANEL SYSTEMS (ACCESSORY USE) AND SOLAR PANEL SYSTEMS (PRIMARY USE) AS AUTHORIZED LAND USES; PROVIDING USE REGULATIONS; PROVIDING A SAVINGS CLAUSE, A SEVERABILITY CLAUSE, AND AN EFFECTIVE DATE.**

**WHEREAS**, the United States Environmental Protection Agency has designated the ten-county area of Collin, Dallas, Denton, Ellis, Johnson, Kaufman, Parker, Rockwall, Tarrant, and Wise Counties as a moderate nonattainment area under the 2008 8-hour ozone National Ambient Air Quality Standards, and is expected to propose a more stringent 8-hour ozone standard by December 2014 that may require additional significant emissions reductions; and,

**WHEREAS**, emissions inventories from the Texas Commission on Environmental Quality indicate that in 2018, approximately five percent of ozone-forming nitrogen oxides emissions in the Dallas-Fort Worth (DFW) ozone nonattainment area are expected to be attributable to Electric Utility Point sources; and,

**WHEREAS**, increases in the amount of electricity generated by low-emitting, renewable energy sources, such as solar energy, have the potential to help reduce emissions that lead to ozone formation, improve the reliability of the Texas electrical grid, and facilitate more sound local energy reliability in cases of natural disaster or preparedness planning; and,

**WHEREAS**, the City Council adopted Ordinance No. 2001-64 establishing comprehensive zoning regulations for the City of Cedar Hill and adopting an official zoning map on March 27, 2001, effective April 5, 2001; and

**WHEREAS**, Ordinance No. 2001-64 as amended, contains a section Article IV-entitled "Use Chart" which specifies the land uses that are authorized in each zoning district; and

**WHEREAS**, after a study, the Cedar Hill Planning and Zoning Commission determined that Solar Panel Systems heretofore was not listed as an authorized land use and should be added as an authorized land use, subject to certain conditions; and

**WHEREAS**, the City of Cedar Hill caused a notice of the public hearings, regarding a change to this portion of the Ordinance, to be published in *The Focus Daily News* newspaper on April 5, 2015; and

**WHEREAS**, the Cedar Hill Planning and Zoning Commission held a public hearing regarding the adoption of this Ordinance on April 21, 2015; and

**WHEREAS**, following a public hearing, the Cedar Hill Planning and Zoning Commission rendered and forwarded its recommendation regarding this Ordinance to the City Council; and

**WHEREAS**, the City Council held a public hearing and accepted comments from the public regarding this Ordinance on May 12, 2015.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CEDAR HILL, TEXAS, THAT:**

### **SECTION 1 - DEFINITIONS**

Section 5.8, entitled "DEFINITIONS," of the Comprehensive Zoning Ordinance is hereby amended by inserting the following definitions.

*Solar panel system* - A combination of equipment and/or controls, accessories, interconnecting means and terminal elements for the collection, storage and distribution of solar energy. Solar panel systems do not include individually powered outdoor solar lights, such as garden lights, accent lights, security lights, or flood lights.

*Solar Panel System (Accessory Use)* - A solar panel system that primarily produces electrical energy for use on site, though excess energy may be stored or put back into the power grid.

*Solar Panel System (Primary Use)* - A solar panel system that primarily produces electrical power to be put back into the power grid.

*Solar panel systems - roof mounted* - A solar panel system affixed to a principal or accessory building.

*Solar panel systems - ground mounted* - A solar panel system with a supporting framework that is placed on, or anchored in, the ground and that is independent of any building or other structure.

### **SECTION 2 - USE CHART**

Section 4.1.2, entitled "USE CHART," of the Comprehensive Zoning Ordinance is hereby amended by adding "Solar Panel System (Accessory Use)" as a permitted use within all zoning districts, and Solar Panel System (Primary Use) as a permitted use in within all zoning districts with a conditional use permit, as shown below:

Authorized Uses	Residential Districts										Nonresidential Districts								Parking Group	Supplemental Regulations
<i>RESIDENTIAL</i>	RR	SF-E	SF-22	SF-15	SF-10	SF-8.5	SF-7	TH	MF	NS	LR	OT	CC	C	IP	I	Section 5.1.6	Section		
Solar Panel System (Accessory Use) *	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		4.1.10		
Solar Panel System (Primary Use) *	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C		4.1.10		
<p>P - Designates use permitted in District indicated. E - Designates nonconforming uses which may be replaced if destroyed.</p> <p>- Designates use prohibited in District indicated. NA - Means "not applicable", no parking requirement.</p> <p>C - Designates use may be approved as Conditional Use Permit.</p> <p>* - See Section 5.8 for definitions</p>																				

### **SECTION 3 - USE REGULATIONS**

Article 4, entitled "USE REGULATIONS," of the Comprehensive Zoning Ordinance is hereby amended by adding to the end thereof a new section numbered 4.1.10 to read as follows:

#### **4.1.10. Solar Panel Systems**

*General Purpose and Description* - The purpose of these regulations is to accommodate solar panel systems in appropriate locations while protecting the public's health, safety and welfare, and to provide a permitting process for solar panel systems to ensure compliance with the provisions of the requirements and standards established herein.

- a) *Solar Panel System (Accessory Use)* - Solar panel systems that are allowed as an accessory use as set forth in Section 4.1.2. (Use Chart) may be roof mounted, or ground mounted solar panel systems provided the ground mounted system conforms to the setbacks and height standards for accessory buildings set forth within this Zoning Ordinance (Ord. 2001-64) as amended.
- b) *Solar Panel System (Primary Use)* - Solar panel systems that are allowed as the primary use, as set forth in Section 4.1.2. (Use Chart), shall conform to the zoning district standards for which the system is located.
- c) No solar panel system shall be erected, constructed, modified, or installed without first receiving a building permit from the building official. Modification shall include any changes to the solar panel system that materially alters the size, type or location of the system. Like-kind replacements shall not be construed to be a modification.

### **SECTION 4 – SAVINGS CLAUSE**

This ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances for the City of Cedar Hill, Texas, as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event, conflicting provisions of such ordinances and Code are hereby superseded.

#### SECTION 5- SEVERABILITY

The terms and provisions of this ordinance shall be deemed severable and if the validity of any section, subsection, sentence, clause, or phrase of this ordinance should be declared invalid, the same shall not affect the validity of any other section, subsection, sentence, clause, or phrase of this Ordinance.

#### SECTION 6 - EFFECTIVE DATE

Because of the nature of the interests sought to be protected and of the safeguards sought to be provided by this Ordinance, and in the interest of the health, safety, and welfare of the citizens of Cedar Hill, Texas, this Ordinance shall take effect immediately after its passage, approval, and publication as required by law. The City Secretary is hereby authorized and directed to cause publication of the descriptive caption hereof as an alternative method of publication provided by law.

PASSED AND APPROVED by the City Council, the City of Cedar Hill, on this the 12 day of May, 2015.

  
Rob Franke, Mayor

ATTEST:

  
Belinda Berg, City Secretary

APPROVED AS TO FORM:

  
Ron G. MacFarlane, Jr., City Attorney