

ORDINANCE NO. 2011-442

AN ORDINANCE OF THE CITY OF CEDAR HILL, TEXAS AMENDING THE TEXT OF THE COMPREHENSIVE ZONING ORDINANCE NO. 2001-64, AS AMENDED; PROVIDING FOR A CHANGE IN ARTICLE IV- ENTITLED "USE CHART" BY ADDING WIND POWER GENERATORS (PERSONAL) AS AN AUTHORIZED LAND USE, PLACING CERTAIN CONDITIONS ON WIND POWER GENERATORS (PERSONAL), ADDING ASSOCIATED DEFINITIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE, AND PROVIDING FOR PUBLICATION.

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

WHEREAS, after study, the Planning and Zoning Commission has determined that certain land uses that heretofore were not listed should be added subject to certain conditions; and

WHEREAS, the City of Cedar Hill caused to be published the required notice of public hearing regarding a change to this portion of the Ordinance in *The Focus Daily News* newspaper on May 18, 2011; and

WHEREAS, the City's Planning and Zoning Commission held a public hearing regarding the adoption of this Ordinance on June 7, 2011; and

WHEREAS, following its public hearing, the Planning and Zoning Commission 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 June 28, 2011;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CEDAR

SECTION 1 - DEFINITIONS

Section 5.8 entitled DEFINITIONS of the Comprehensive Zoning Code Ord. No. 2001-64 is hereby amended by the insertion of the following definitions in alphabetical order.

Wind-Powered Generator (Personal) : A wind energy conversion system consisting of any combination of the following: blades, wind turbine, supporting structure, and associated control or conversion electronics, which, in combination with each other, converts wind energy into electrical energy, has a rated capacity of not more than 25 kW and which is intended to primarily reduce on-site consumption of utility power.

SECTION 2 - USE CHART

Section 4.1.2 entitled USE CHART of the Comprehensive Zoning Code Ord # 2001-64 is hereby amended by adding Wind Power Generators totaling 25 kW or less (Personal Use) as a Permitted Use within all zoning districts, with no parking group, and having a Supplemental Regulation of 4.1.8 and Wind Power Generators total more than 25 kW (Personal Use) as a Permitted Use within the MF District and all non-residential zoning districts, with no parking group, and having a Supplemental Regulation of 4.1.8 as shown below:

Authorized Uses	Residential Districts										Nonresidential Districts							Parking Group	Supplemental Regulations
	RR	SF-E	SF-22	SF-15	SF-10	SF-8.5	SF-7	TH	MF	NS	LR	OT	CC	C	IP	I			
MANUFACTURING INDUSTRIAL AND CONSTRUCTION																	Section 5.1.6	Section	
Wind-Powered Generators totaling 25 kW or less (Personal Use)*	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		4.1.8	
Wind-Powered Generators totaling more than 25 kW (Personal Use)*									C	C	C	C	C	C	C	C		<u>4.1.8</u>	
P - Designates use permitted in District indicated. - Designates use prohibited in District indicated. C - Designates use may be approved as Conditional Use Permit requirement. * - See Section – for definition																	E – Designates nonconforming uses which may be replaced if destroyed. NA - Means “not applicabl”, no parking requirement		

SECTION 3 - USE REGULATIONS

Article 4. Entitled USE REGULATIONS of the Comprehensive Zoning Code Ord. No. 2001-64 is hereby amended by adding to the end thereof a new section numbered 4.1.8 to read as follows:

4.1.8 Wind-Powered Generators (Personal)

Wind-Powered Generators for personal use, as defined by this zoning ordinance, are permitted only as an accessory use to a main structure as authorized by the Use Table herein. All personal Wind-Powered Generators shall be subject to the following:

- A. **Minimum Set-back** - No portion of a Wind-Powered Generator shall be located closer to a property line than the distance equal to the overall height of system; additionally, in no event shall any portion of a Wind-Powered Generator extend into the minimum required yard for the main structure as specified for the zoning district the system is located.
- B. **Maximum Height** - No portion of a Wind-Powered Generator, including blades, shall extend above the ground, at the system base, more than the maximum height specified for the zoning district in which it is located. However, the overall height of a Wind-Powered Generator may be increased above the maximum height specified for the zoning district in which the facility is located provided that the Wind-Powered Generator is set back from all property lines a minimum distance that is equal to three times the height of the system; however, in no instance shall any portion of the Wind-Powered Generator extend more than 110-feet above the ground.
- C. **Clear Zone** - A minimum of 15-feet clearance shall be maintained around any Wind-Powered Generator.
- D. **Number Allowed Per Site** - Multiple Wind-Powered Generator systems may be located on a single parcel of land provided their sum total rated output are 25kW or less.
- E. **Mono-Pole Construction Required** - All free standing Wind-Powered Generator systems shall be of monopole construction.

- F. **System Access** – Ladders or other climbing apparatuses are prohibited within 12-feet of the ground.
- G. **Wiring Requirements** – All electrical wiring shall be contained within the support structure or buried underground.
- H. **Braking Systems Require** - All Wind-Powered Generator systems shall be equipped within an automatic braking system and a manual braking system.
- I. **Noise & Vibration** – Wind-Powered Generators shall adhere to the Performance Standards specified in Section 5.5.3 of the Cedar Hill Zoning Code.
- J. **Manufacturer’s Specification** – All Wind-Powered Generators shall be installed in accordance with all City Codes and regulations and shall be installed and maintained in accordance with manufacture specification;
- K. **Nonfunctioning or Hazardous Systems** – All Wind-Powered Generators shall be maintained in good working order. Nonfunctioning or systems that pose a safety hazard shall be removed at owner’s expense. Systems that do not provided at least 50% of the manufacturer’s specified power rated for any given wind condition shall be deemed nonfunctioning. The owner shall, at the request of the City, provided access to the site for inspection and shall provide documentation showing the systems operational characteristics and that the system is safe and functioning.
- L. **Permit Required** – No Wind-Powered Generator shall be erected, constructed, or installed without a permit first being issued by the City of Cedar Hill.
- M. **Compliance with Current City Adopted Building Code** - Building permit applications for Wind-Powered Generators shall be accompanied by a site plan showing the location of the system in relation to property lines, easements, structures, trees and other obstructions, as well as standard drawings of the wind turbine structure, including the tower, base, and footings. Construction plans for the foundation and supporting structure shall be prepared, signed, and sealed by a professional engineer licensed by the State of Texas.

- N. **Compliance with Current City Adopted Electric Code** - Building permit applications for Wind-Powered Generators shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the current National Electrical Code as adopted.
- O. **Owner's Responsibility** - the owner shall be responsible for securing the site and maintaining the facility in a safe manner.

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 28th day of June, 2011.



Rob Franke, Mayor
City of Cedar Hill, Texas

ATTEST:



Lyn Hill
City Secretary

Approved as to Form:



Ron MacFarlane
City Attorney