

ORDINANCE NO. 2018-12

AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF HUDSON OAKS, TEXAS BY AMENDING THE GENERAL DEFINITIONS TO ADD A DEFINITION FOR SOLAR ENERGY SYSTEMS AND ADDING A NEW SECTION 32 REGULATING SOLAR ENERGY SYSTEMS; AMENDING SECTION B1.006 OF APPENDIX B "FEE SCHEDULE" TO ADD A PERMIT FEE FOR SOLAR ENERGY SYSTEMS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Hudson Oaks, Texas is a Type A general-law municipality located in Parker County, created in accordance with the provisions of Chapter 6 of the Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the City of Hudson Oaks, Texas, previously adopted its Comprehensive Zoning Ordinance, as codified as Exhibit A to Chapter 14 of the Hudson Oaks Code of Ordinances; and

WHEREAS, the City Council deems it necessary to add regulations for the use and installation of solar energy systems as described herein, and

WHEREAS, a public hearing was held by the Planning and Zoning Commission of the City on the 10th day of July, 2018, and a public hearing was held by the City Council on the 26th day of July, 2018 with respect to the proposed changes in the zoning regulations; and

WHEREAS, all requirements of law for publication and all procedure requirements have been complied with in accordance with Chapter 211 of the Local Government Code.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HUDSON OAKS, TEXAS.

SECTION 1.

Add the following under Section 48.1 General Definitions of Exhibit A to Chapter 14 of the Code of Ordinances, the Comprehensive Zoning Ordinance, as amended, Section 48.1 "General Definitions", is hereby amended to add the following definition for "Solar Energy Systems" to read as follows:

"Solar Energy Systems. A device or combination of devices or elements that rely on direct sunlight as an energy source including any substance or device that collects sunlight for the following uses: heating or cooling of a structure or building; heating or pumping of water; or, generating electricity."

SECTION 2.

That a new Section 32 "Solar Energy Systems" be added to Article 4 "Supplementary Regulations" of Exhibit A to Chapter 14 of the Code of Ordinances, the Comprehensive Zoning Ordinance of the City of Hudson Oaks, Texas, to read as follows:

ARTICLE 4 – SUPPLEMENTARY REGULATIONS

SECTION 32. SOLAR ENERGY SYSTEMS

32.1 SPECIFIC REGULATIONS FOR SOLAR ENERGY SYSTEMS

The purpose of this section is to establish standards for Solar Energy Systems to accommodate solar energy systems in appropriate locations while protecting the public health, safety and welfare, and to provide a permitting process to ensure compliance with the requirements and standards established in this Section.

32.2 RESIDENTIAL ZONING DISTRICT

A. Ground Mounted Systems

- a. Front Yard: No Solar Energy System shall be located forward of the front most building on the lot.
- b. Side Yard: No Solar Energy System shall be located less than ten (10) feet from any side property line.
- c. Rear Yard: No Solar Energy System shall be located less than fifteen (15) feet from the rear property line.
- d. Height: No Solar Energy System shall be installed greater than six feet above ground level.
- e. Length: No Solar Energy System shall be installed greater than 20 feet in length.

B. Roof Mounted Systems

- a. No Solar Energy System shall be installed at a height exceeding six (6) inches between the top of the solar panel and the roof. However, the Building Official shall have discretion to allow modifications to this rule when the Solar Energy System is not visible from right of way.

C. All Systems

- a. No Solar Energy System shall be constructed upon a lot until a primary structure has been built.
- b. A line of sight analysis will be required in addition to the applicable submittal requirements of the City of Hudson Oaks Zoning Ordinance.

32.3 NON-RESIDENTIAL ZONING DISTRICTS

A. Ground Mounted Systems

- a. Front Yard: No Solar Energy System shall be located forward of the front most building on the lot
 - b. Side Yard: No Solar Energy System shall be visible from any street frontage
 - c. Rear Yard: Solar Energy System installation must be screened from all right-of-way visibility.
- B. Roof Mounted Systems
- a. No Solar Energy System shall be installed at a height exceeding six (6) inches between the top of the solar panel and the roof.
 - b. Solar Energy System shall be installed not to directly face any public street regardless of screening.
 - c. The Solar Energy System shall be parallel to the roofline.
 - d. The Solar Energy System shall be located no closer than two feet from the edge of any roofline, ridge or valley, and shall cover no more than 80% of the roof surface area.
- C. All Systems
- a. No Solar Energy System shall be constructed upon a lot until a primary structure has been built.

32.4 APPLICATION AND DESIGN REQUIREMENTS

An application for a building permit for installation of a solar panel system shall be reviewed and approved by the Building Official, and must include all information requested on the application including, but not limited to:

- A. All Solar Energy Systems plans must be designed by a licensed and registered engineer.
- B. A letter from the professional engineer stating the roof will support the structural load of the system if it is a roof mounted system.
- C. Scaled elevation drawings showing the location and height of the solar panel system.
- D. Size of System (kW).
- E. Framing plans if roof mounted.
- F. Method of sealing / flashing for roof penetrations.
- G. Connection details to building or ground mount.
- H. Structural calculations or load diagram designed by a professional engineer.
- I. Data cut sheets for battery storage (including type of battery).
- J. Site Plan showing existing site easements, property lines, building setback lines, location of existing structures and proposed location.
- K. Side view detail of the Solar PV system mount.
- L. Electrical plans. In addition to the construction documents, include a three line diagram, or a line diagram approved by the Building Official designed by a professional electrician licensed by the Texas Department of Licensing and Regulation (TDLR). AC and/or DC circuit arc fault protection as required by the National Electric Code (NEC). Location of combiner box, disconnect switch, size of source circuit over current protection, service panel bus rating & main

circuit breaker/fuse ampere rating. Circuit diagram, equipment grounding and bonding conductors and grounding electrode conductor if applicable.

- M. Make, model and quantity of module, inverter and tracking system to be installed standards by the Nationally Recognized Testing Laboratory as appropriate.
- N. If the solar panel system is to be interconnected with the distribution system of the electric utility provider, written authorization that the public utility company has been informed of the owner's intent to install a customer-owned solar panel system and that such connection has been approved.
- O. The solar photovoltaic (PV) system shall comply with the current NEC code as adopted by the City with an electrical diagram submitted for review to meet code compliance.
- P. The solar panel must be installed by qualified or certified installers in accordance with the National Fire Protection Association National Electrical Code (NFPA 70) as adopted by the State of Texas, applicable ordinances, and subject to plan review and approval.
- Q. A licensed electrician shall install the solar panel electrical system and must be registered with the City.
- R. PV systems shall comply with NEC Installation and Use section. Listed and labeled equipment shall be installed and used in accordance with any instructions included in the listing and labeling.
- S. Upon completion of the Solar Panel System installation, a letter that the system has been installed in compliance with the adopted Electrical, Residential, and Building Codes of the City shall be delivered to the Building Official.
- T. All plans shall be submitted electronically to the permit department along with a permit application.

32.5 NUISANCE ABATEMENT, MAINTENANCE AND DECOMMISSIONING

- A. Glare. A solar panel shall be designed and located to avoid glare or reflection onto adjacent properties and adjacent roadways and shall not interfere with traffic or create a safety hazard. If necessary, screening, capable of providing year-round screening, shall be provided to protect roadways or adjacent properties from glare.
- B. Enforcement. A Solar Panel System, or any component thereof, that creates glare or reflection onto adjacent properties or roadways is determined to constitute a nuisance. If a solar panel system or any component thereof is deemed to constitute a nuisance or a safety hazard, the Building Official has the authority to require the owner to remove, redesign or screen the solar panels to the extent necessary to eliminate the glare onto adjacent property or roadway.
- C. Maintenance. The owner of the property with a solar panel system shall maintain the system so that it does not create a safety issue for surrounding property owners.
- D. Removal with disuse. Any solar panel system that has been inactive for a continuous 12-month period shall be removed.

SECTION 3.

Section B1.006 "Fees for individual project" of Appendix to the Hudson Oaks Code of Ordinances, the Fee Schedule, is hereby amended to add a new subsection (t) "Solar Energy System Permit" to read as follows:

Sec. B1.006 Fees for individual projects

...

"(t) Solar energy system permit: Section B1.003 and B1.004 based on valuation of solar energy system, plus permit application fee of \$50.00."

SECTION 4.

This ordinance shall be cumulative of all provisions of the zoning ordinance and of the Code of Ordinances of the City of Hudson Oaks, 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 the conflicting provisions of such ordinances and such Code are hereby repealed.

SECTION 5.

It is hereby declared to be the intention of the city council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 6.

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00) for all violations involving zoning, fire safety, or public health and sanitation, including dumping or refuse, and shall be fined Five Hundred Dollars (\$500.00) for all other violations of this ordinance. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 7.

All rights and remedies of the City of Hudson Oaks are expressly saved as to any and all violations of the provisions of the zoning ordinance of the City of Hudson Oaks, Texas, as amended, or any other ordinances relating to Solar Energy Systems which have accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 8.

The city secretary of the City of Hudson Oaks is hereby directed to publish the caption, penalty clause, publication clause and effective date clause of this ordinance one time in the official newspaper of the City, as authorized by Section 52.011 of the Local Government Code.

SECTION 9.

This ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

PASSED AND APPROVED ON THIS 26TH DAY OF JULY, 2018.





MAYOR

ATTEST:



CITY SECRETARY