

ORDINANCE NO. 0422-1

AN ORDINANCE OF THE CITY OF LINDSAY, TEXAS, AMENDING THE “ACCESSORY AND INCIDENTAL USES” TABLE IN SECTION 25.1 TO ADD SOLAR PANEL SYSTEMS; AMENDING SECTION 26.7 “ACCESSORY USES” BY ADDING A DEFINITION OF SOLAR PANEL SYSTEMS; AMENDING SECTION 27 “SPECIAL USES” BY ADDING A NEW SECTION FOR THE REGULATION OF SOLAR PANEL SYSTEMS; AMENDING SECTION 36 “VARIANCES” BY ADDING A NEW SECTION FOR GRANTING A VARIANCE TO THE LOCATION OF A SOLAR PANEL SYSTEM; PROVIDING A CUMULATIVE CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PUBLICATION CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Lindsay, Texas, is a Type A general-law municipality located in Cooke 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 Council previously adopted Ordinance No. 0510-2 as the City of Lindsay Zoning Ordinance (the “Zoning Ordinance:); and

WHEREAS, the City Council has determined that there is a need to amend the Zoning Ordinance to regulate the use of solar panel systems in the City; and

WHEREAS, the City Council of the City of Lindsay has determined that the amendments made in this ordinance are in the best interest of the health, safety and general welfare of the citizens of the City of Lindsay.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LINDSAY, TEXAS:

SECTION 1.

Section 25.1 “Accessory and Incidental Uses” of Section 25 “Use of Land and Buildings” of the Zoning Ordinance, is amended to add Solar Panel Systems as a type of use and to permit the Solar Panel Systems use as follows:

Accessory and Incidental Uses															
Type of Use	A	SF-E	SF-1	SF-2	TH	TF	MF	MH-1	MH-2	C-1	C-2	C-3	M-1	M-2	PD
Solar Panel Systems	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X

SECTION 2.

Section 26.7 “Accessory Uses” of the Zoning Ordinance is hereby amended by adding a new section 26.7.7 to read as follows:

“26.7.7 Solar panel systems - 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.”

SECTION 3.

Section 27 “Special Uses” of the Zoning Ordinance is amended by adding a new Section 27.11 to read as follows:

“27.11 Solar Panel Systems

- 27.11.1 Solar panel systems shall conform to the following requirements:
 - 27.11.1.2 Solar panel systems shall meet all applicable codes and ordinances and shall be installed only after issuance of a building permit.
 - 27.11.1.2 Roof-mounted solar panel systems shall comply with the following:
 - (a) Solar panel systems shall be permitted on the roof of a building.
 - (b) Solar panel systems shall have a top edge that is parallel to the roof ridge and shall conform to the slope of the roof.
 - (c) Solar panel systems may be located on any roof slope of an accessory building or structure, such as a patio cover or detached garage, subject to the regulations in Subsections 27.11.1.2(b) and 27.11.2.2(e).
 - (d) Solar panel systems mounted on flat roofs shall not exceed the maximum height permitted within the zoning district.
 - (e) Solar panel systems shall be positioned on the roof so as not to extend above or beyond the edge of any ridge, hip, valley, or eave. A minimum setback of 36 inches from all edges shall be maintained.
 - 27.11.1.3 Ground-mounted solar panel systems shall comply with the following:

- (a) A ground-mounted solar panel system is not permitted as the primary use of a property.
- (b) On residential property, ground-mounted solar panel systems shall comply with the maximum square footage and minimum setback requirements for residential accessory buildings and structures. On non-residential property, ground-mounted solar panel systems shall comply with the minimum setback requirements for non-residential buildings and structures and shall not be located within any required buffer yard or parking space.
- (c) Ground-mounted solar panel systems shall not be located between a property line abutting a street and the building.
- (d) Masonry and architectural requirements shall not apply to ground-mounted solar panel systems.
- (e) The maximum height of ground-mounted solar panel systems shall not exceed the height of the required opaque fence and in no case shall exceed ten (10) feet for horizontal fixed panels and twenty (20) feet for tracking panels.
- (f) Long lengths of conduit and wiring associated with the system's connection to the primary electrical panel shall be placed underground.

27.11.4 Supporting equipment for solar panel systems, including power conditioning equipment such as batteries for electricity storage and stand-by gasoline electric generators shall be located behind the residence and shall be screened by an opaque screening device, except that wall-mounted inverters may be located next to the electric meter.

27.11.5 Solar panel systems shall be installed in conformance with all applicable city codes and ordinances, including the 2015 International Fire Code and future amendment thereof.

27.11.6 On residential lots or tracts of two (2) acres or larger, roof- or ground-mounted solar panel systems may face a public street provided that the solar panel system is located at least three hundred (300) feet from any street right-of-way line. An opaque fence shall not be required to screen ground-mounted solar panel systems meeting this provision.

27.11.7 Solar panel systems 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 facade of the building. The eligibility of a solar panel system under this subsection shall be subject to the determination of the Building Official.

SECTION 4.

Section 36.4 "Variances" of the Zoning Ordinance is amended by adding a new Section 36.4.3.6 that reads as follows:

"36.4.3.6 To permit an alternate location for a roof-mounted or ground-mounted solar panel system from what is required by this ordinance upon a showing that to not allow the alternate location would cause an unreasonable hardship."

SECTION 5. CUMULATIVE

This Ordinance shall be cumulative of all provisions of ordinances of the City of Lindsay, Texas, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

SECTION 6. SEVERABILITY

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, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 7. PENALTY

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 guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than \$2,000.00.

SECTION 8. SAVINGS

All rights and remedies of the City of Lindsay are expressly saved as to any and all violations of the ordinances of the City of Lindsay related to solar panels within the City that have accrued at the time of the effective date of this Ordinance; and, as to such 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 9.
PUBLICATION**

The City Secretary is authorized and directed to cause publication of the descriptive caption and penalty clauses of this Ordinance as provided by law.

**SECTION 10.
EFFECTIVE DATE**

This Ordinance shall be in full force and effect after its passage and publication as required by law.

PASSED AND APPROVED ON THIS 10 day of May, 2022.

By:



Scott Neu, Mayor

ATTEST:



Monica Laux, City Secretary