



**P&Z MEETING DATE:** October 7, 2021

**DATE:** September 30, 2021

**TO:** Planning & Zoning Commission

**FROM:** Molly J. Coryell, Planner

**SUBJECT:** Hold A Public Hearing To Consider **An Ordinance Amending The Text of Various Articles Of The Zoning Ordinance (CZO)** To Amend Article XXVII. Performance Standards To Remove The Requirements In Subsection N.1 For Solar Energy Systems; To Amend Article XXXII. Board of Adjustment (Board) To Remove Subsection E.3.b.iii.k Regarding Variance Requirements For Solar Panels; And To Amend Article XXXII. Subsection E.3.c.iv To Add A Provision Regarding What May Be Considered By The Board Related To Unnecessary Hardship; And To Amend The Appendix To Remove Figure 4.2. **Case No PLZT 2021-133 CZO Text Amendments.** Case Coordinator: Molly J. Coryell.

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**BACKGROUND:**

This is a city-initiated request to amend various articles of the Carrollton Comprehensive Zoning Ordinance (CZO). Staff routinely proposes updates to codes and ordinances as appropriate. This request is to amend Article XXVII. *Performance Standards*, Article XXXII. *Board of Adjustment*, and the *Appendix*.

The proposed CZO amendments remove requirements for Solar Energy Systems and variance requirements for solar panels and any reference to those requirements from Articles XXVII., XXXII., and the Appendix. There is a proposed addition to Article XXII. to amend the terms and conditions for granting a variance to relieve for financial reason only except as specified in the Local Government Code.

**FINANCIAL IMPLICATIONS:**

There are no financial implications on the current and future operating budgets regarding this request.

**STAFF RECOMMENDATION/ACTION DESIRED:**

Staff recommends **APPROVAL** of the proposed amendments to the subject articles of the Carrollton Comprehensive Zoning Ordinance.

**ATTACHMENTS:**

Results Sheet

Technical Comments

## RESULTS SHEET

**Date:** 10/07/21

**Case No./Name:** PLZT 2021-133 CZO Text Amendments

### A. STIPULATIONS AND RECOMMENDATIONS

Staff recommends **APPROVAL** of amendments to the Comprehensive Zoning Ordinance. The following shows proposed changes staff is recommending; new text is shown underlined and removed text is ~~struck through~~:

#### 1. ARTICLE XXVII.N.1 Performance Standards

##### **SECTION N. RENEWABLE ENERGY SYSTEMS (~~SOLAR ENERGY~~, WIND TURBINES AND RAINWATER HARVESTING)** (*Ord. No. 3576, 09/17/13*); (*Ord. No. 3653, 12/09/14*); (*Ord. No. 3891, 12/11/18*)

~~1. SOLAR ENERGY: Both building-mounted and ground-mounted solar energy systems shall be allowed in accordance with the following requirements:~~

~~a. Location:~~

~~i. Solar energy systems shall be located on the roof of a dwelling unit or principal building, detached garage, dwelling or similarly constructed building; or~~

~~ii. Solar energy systems shall be ground-mounted.~~

~~b. Height: Ground-mounted solar energy systems shall not exceed 15 feet in height. Roof-mounted solar energy systems are subject to the maximum height limits of the zoning district in which they are located. On pitched roofs, solar energy systems shall be mounted flush with the existing slope of the roof system. On flat roofs, solar energy systems shall be subject to the roof top screening requirements in Section M.~~

~~c. Setback and screening: Ground-mounted solar energy systems shall meet all applicable building setback and screening provisions for dwelling units or main structures of the zoning district.~~

~~d. Roof-mounted \_\_\_\_\_ panels/modules:  
(Ord. No. 3943, 01/14/2020)~~

~~i. Panel/modules shall not be located on an architectural elevation that faces a street.~~

~~ii. For lots adjacent to arterial streets as designated by the adopted Transportation Plan, such panels/modules shall not be located on an architectural elevation that faces said street unless otherwise authorized with a Special Exception granted under Article XXXII, Section E.3.b.3.K. See Exhibit 4.2 in Appendix A.~~

~~ii. Panels shall meet the Fire Code as adopted by the City of Carrollton.~~

~~e. All solar energy systems shall be in compliance with the International Green Construction Code (IGCC) or the ICC 700 National Green Building Standard.~~

2. **ARTICLE XXXII.E.3.b.iii.k BOARD OF ADJUSTMENT**

SECTION E. JURISDICTION OF BOARD OF ADJUSTMENT

~~k) The Board may authorize the placement of solar panels on roofs of homes that are adjacent to arterial thoroughfares, as designated by the adopted Transportation Plan and which are not in accordance with the provisions of Article VII, Section K.8.4.A. The Board may approve such location where it finds the following to be applicable. (Ord. No. 3576, 09/17/13)~~

~~1. Panels/modules may be located on an alternate area of the roof if the alternate location increases the estimated annual energy production of the device, as determined by using a publicly available modeling tool provided by the National Renewable Energy Laboratory, by more than 10 percent above the energy production of the device in the most efficient non-alternate location. Complete modeling data and results shall be submitted with the application for the building permit.~~

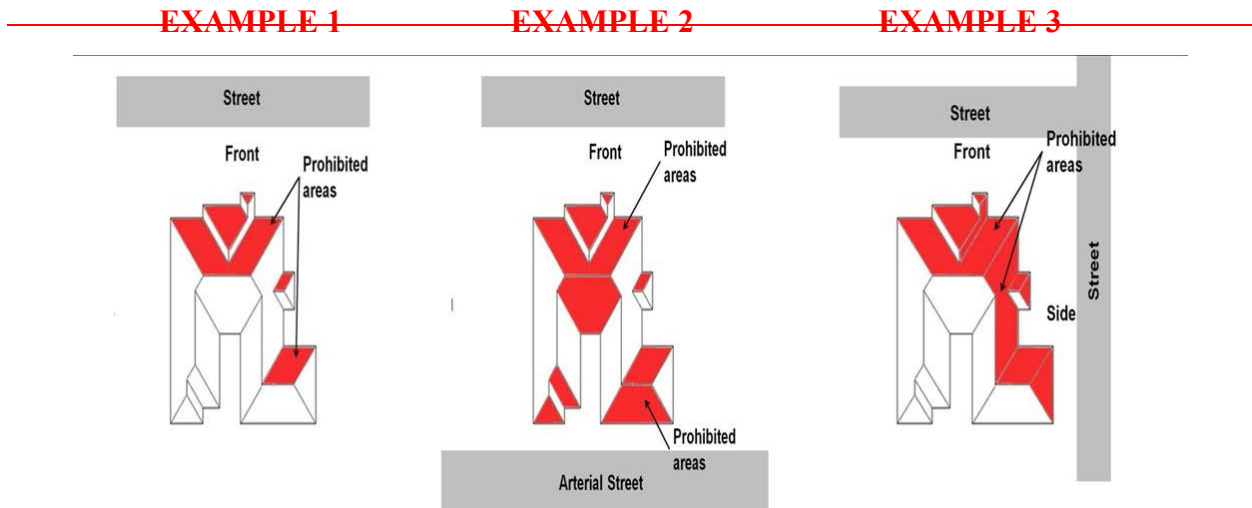
3. **ARTICLE XXXII.E.3.c.iv BOARD OF ADJUSTMENT**

SECTION B. TERMS AND DEFINITIONS.

iv. A variation from the standards established by this ordinance shall not be granted to relieve a self-created or personal hardship, nor for financial reason only, except under Local Government Code Sec. 211.009 (b-1), as amended, nor shall such modification be granted to permit any person a privilege in developing a parcel of land not permitted by this ordinance to other parcels of land in the district. (Ord. No. 1844, 11/03/92)

4. **APPENDIX A, ILLUSTRATIONS, PART 4 - SCREENING**

~~FIGURE 4.2  
SOLAR PANELS~~



**B. P&Z ACTION** from P&Z meeting: 10/07/21:  
Result: /Vote

**C. CC PUBLIC HEARING / ORDINANCE ACTION** from CC meeting: 11/02/21:  
Result: /Vote:

**SUMMARY OF TEXT CHANGES IN THE COMPREHENSIVE ZONING  
ORDINANCE**

**1. ARTICLE XXVII.N.1 PERFORMANCE STANDARDS**

State Bill 398 was passed on June 14, 2021 and became effective as of September 1, 2021. This bill amended the Local Government Code to state that a municipality may not prohibit or restrict the installation of a solar energy device by a residential or small commercial customer. We have removed any restrictions to solar panels from Article XXVII. to reflect the newly enacted state law.

**2. ARTICLE XXXII.E.3.b.iii.k BOARD OF ADJUSTMENT**

The Board of Adjustment previously had the ability to grant variances from the solar energy requirements in Article XXVII., the proposed text amendments would remove any reference to that jurisdiction to reflect changes related to State Bill 398.

**3. ARTICLE XXXII.E.3.c.iv BOARD OF ADJUSTMENT**

House Bill 1475 was passed on June 7, 2021 and became effective as of September 1, 2021. This bill amended the Local Government Code to allow a Board within a municipality to consider financial relief from zoning compliance if the financial cost of compliance is greater than 50 percent of the appraised value of structure as shown on the most recent certified appraisal roll. Staff is proposing to amend this section of Article XXXII. to reflect the changes made by this House Bill.

**4. APPENDIX**

Figure 4.2 illustrates prohibited areas for solar panels on roofs based on our previous requirements. Removing this illustration will reflect the changes created by State Bill 398.

**CONCLUSION**

As staff routinely proposes updates to codes and ordinances as appropriate, this amendment to various articles in the CZO is appropriate.