ORDINANCE NO. 2023-777

AN ORDINANCE OF THE CITY OF CEDAR HILL, TEXAS, AMENDING CHAPTER 23 ENTITLED "ZONING", OF THE CODE OF ORDINANCES OF THE CITY OF CEDAR HILL, TEXAS; PROVIDING AMENDED REGULATIONS PERTAINING TO CERTAIN INDUSTRIAL, STORAGE, WAREHOUSE, AND DISTRIBUTION USES, ASSOCIATED PARKING REQUIREMENTS, AND CERTAIN DEFINITIONS; PROVIDING A PENALTY; 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 (the "Zoning Ordinance") which incorporated the standards of Ordinance No. 85-777 and Ordinance No. 85-778; and

WHEREAS, Section 2.3.2 of Chapter 23 authorizes the city to initiate an amendment to the text of a portion of the Zoning Ordinance; and

WHEREAS, such action was initiated on November 14, 2022; and

WHEREAS, on January 1, 2023 and March 19, 2023, due notice of public hearings before the Planning and Zoning Commission and City Council was published in the City's official newspaper, which included the date, time, and location for the public hearings, to consider and hear public comment on the proposed amendment; and

WHEREAS, on January 17, 2023 and April 4, 2023, the City's Planning and Zoning Commission held public hearings regarding this matter; and

WHEREAS, following the public hearings, the Planning and Zoning Commission considered the request and rendered its recommendation which was conveyed to the City Council; and

WHEREAS, on January 24, 2023, February 28, 2023, April 11, 2023, and April 25, 2023, the City Council held public hearings and accepted comments from the public regarding the requested amendment; and

WHEREAS, the Growth Framework for "Industrial Centers" in the 2022 Comprehensive Plan of the City of Cedar Hill, Texas states: "Preferred industrial uses are low-impact manufacturing and production. Future regulations should incorporate enhanced design features with more stringent land use allowances on property that has frontage along Highway 67 and Future Loop 9"; and

WHEREAS, according to the Institute of Transportation Engineers (ITE), distribution centers and fulfillment centers generate more heavy truck traffic than traditional warehouses; and

WHEREAS, heavy vehicles impact local roadways and the environment; and

WHEREAS, the City Council desires to ensure that negative impacts are mitigated to an extent that is feasibly and legally possible; and

WHEREAS, the minimum parking requirements for manufacturing and warehouse uses are amongst the most restrictive in the region; and

WHEREAS, according to the Environmental Protection Agency, parking lots contribute to heat islands found in urban areas; and

WHEREAS, industrial buildings incorporate automated equipment that requires fewer employees than when the existing parking requirements were established in 2001; and

WHEREAS, the City Council of the City of Cedar Hill, Texas, finds and determines that it is in the best interest of the citizens of Cedar Hill, Texas, to amend Chapter 23 of the Code of Ordinances of the City of Cedar Hill, Texas, to amend regulations pertaining to industrial, storage, warehouse, and distribution uses and associated parking requirements.

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

SECTION 1. AMENDMENT TO CHAPTER 23, ARTICLE 4, DIVISION 4.1, SUBSECTION 4.1.2, OF THE CODE OF ORDINANCES OF THE CITY OF CEDAR HILL, TEXAS

Chapter 23, Article 4, Division 4.1, Subsection 4.1.2, Use Charts is hereby amended to delete the following uses under the Commercial and Wholesale Trade category: "Warehouse/Storage (Inside)" and "Warehouse/Storage (Outside)".

SECTION 2. AMENDMENT TO CHAPTER 23, ARTICLE 4, DIVISION 4.1, SUBSECTION 4.1.2, OF THE CODE OF ORDINANCES OF THE CITY OF CEDAR HILL, TEXAS

Chapter 23, Article 4, Division 4.1, Subsection 4.1.2, Use Charts is hereby amended to add the following land uses under the Manufacturing Industrial and Construction category, in alphabetical order, to be permitted in the zoning districts accordingly:

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	Section 5.1.6	Section
MANUFACTURING INDUSTRIAL AND CONSTRUCTION																		
Distribution Center															C	C	41	4.1.15
Fulfillment Center															C	C	41	4.1.15
Warehouse														C	P	P	41	

SECTION 3. AMENDMENT TO CHAPTER 23, ARTICLE 4, DIVISION 4.1, SUBSECTION 4.1.2, OF THE CODE OF ORDINANCES OF THE CITY OF CEDAR HILL, TEXAS

Chapter 23, Article 4, Division 4.1, Subsection 4.1.2, Use Charts is hereby amended to require a Conditional Use Permit in the Commercial District for the "light manufacturing" use under the Manufacturing Industrial and Construction category.

SECTION 4. AMENDMENT TO CHAPTER 23, ARTICLE 4, DIVISION 4.1, SUBSECTION 4.1.2, OF THE CODE OF ORDINANCES OF THE CITY OF CEDAR HILL, TEXAS

Chapter 23, Article 4, Division 4.1, Subsection 4.1.2, Use Charts is hereby amended to amend the parking group requirements to group number 42 for the following land uses: Electronic Manufacturing; Heavy Assembly; Laboratory Equipment Manufacturing; Light Assembly; Light Manufacturing; Milk Depot, Dairy, Ice-Cream Plant; Plastic Product Manufacturing; Rubber Product Manufacturing; Sign Manufacturing; and Stone/Clay/Glass Manufacturing.

SECTION 5. AMENDMENT TO CHAPTER 23, ARTICLE 4, DIVISION 4.1, OF THE CODE OF ORDINANCES OF THE CITY OF CEDAR HILL, TEXAS

Chapter 23, Article 4, Division 4.1 is hereby amended to add Subsection 4.1.15 after Subsection 4.1.14 to read as follows:

4.1.15 Distribution Centers and Fulfillment Centers

All distribution centers and fulfillment centers shall comply with the following:

(a) Submit a Traffic Impact Analysis (TIA) with the Conditional Use Permit application that identifies the AM/PM and daily peak hour trip Generations, analysis of queueing at all site driveways, and traffic operation impacts with mitigation measures as a result of development-related impacts based upon criteria identified in the Institute of Transportation Engineers (ITE) Manual. The TIA shall incorporate each of the following elements.

(1) A trip generation analysis and traffic operations impacts shall not result in a Level of Service E or worse on the street network without identifying mitigation measures.

(2) A queueing analysis must demonstrate that the queueing of trucks remains on private property with no impact to public right-of-way.

(3) A signal warrants analysis may be required for unsignalized intersections impacted by development.

(4) Deceleration lanes and/or right turn lanes will be required per the Texas Department of Transportation's standards based upon roadway speed limits and right-turning vehicle counts per hour.

(b) Delineate the loading docks on the site plan and on the building elevations submitted with the Conditional Use Permit application.

(c) No idling of facility-related vehicles on rights-of-way, in fire lanes, or any other means of access that would impede the unobstructed flow of traffic or other vehicles from maneuvering.

(d) Prior to the issuance of a Certificate of Occupancy, the building occupant shall provide verification to the City Engineer that the assumptions and calculations in the approved TIA are consistent with the proposed traffic generation.

SECTION 6. AMENDMENT TO CHAPTER 23, ARTICLE 5, DIVISION 5.1, SUBSECTION 5.1.6, OF THE CODE OF ORDINANCES OF THE CITY OF CEDAR HILL, TEXAS

Chapter 23, Article 5, Division 5.1, Subsection 5.1.6, Schedule of Parking Space Requirements is hereby amended to add the following in sequential order:

Group	Minimum Number of Off-Street Parking Spaces Required
41	0.2 per 1,000 sq. ft. of floor area + 1 per 300 sq. ft. of floor area utilized as office space
42	The lesser of 1 per employee or 1 per 1,000 sq. ft. of gross floor area

SECTION 7. AMENDMENT TO CHAPTER 23, ARTICLE 5, DIVISION 5.8, OF THE CODE OF ORDINANCES OF THE CITY OF CEDAR HILL, TEXAS

Chapter 23, Article 5, Division 5.8 is hereby amended to insert the terms and associated definitions in alphabetical order to read as follows:

FULFILLMENT CENTER – A facility where inbound product inventory is processed and orders are filled, packaged, and shipped to customers. Buildings are outfitted with fulfillment-related internal infrastructure including pallet racking, pick and pack sortation systems, multi-level mezzanines and robotic picking areas. Generally, daily truckload traffic is higher than a warehouse.

WAREHOUSE – A building used primarily for the wholesale storage of goods and materials in longer time periods and with fewer daily trips for delivery trucks than a distribution center and a fulfillment center as described in the Institute of Transportation Engineers Trip Generation Manual.

SECTION 8. AMENDMENT TO CHAPTER 23, ARTICLE 5, DIVISION 5.8, OF THE CODE OF ORDINANCES OF THE CITY OF CEDAR HILL, TEXAS

Chapter 23, Article 5, Division 5.8 is hereby amended to revise the definition for "distribution center" to read:

DISTRIBUTION CENTER – A facility that serves as a way station in the supply chain for the storage and redistribution of products that have been shifted from one transport mode to the same or a different transport mode, and often to go on to fulfillment centers and retail outlets. Storage of the products is on a short-term basis and leaves as soon as it arrives since they already have another destination. Generally, daily truckload traffic for delivery trucks is higher than a warehouse. Buildings typically incorporate numerous docks to accommodate multiple trucks simultaneously.

SECTION 9. AMENDMENT TO CHAPTER 23, ARTICLE 5, DIVISION 5.8, OF THE CODE OF ORDINANCES OF THE CITY OF CEDAR HILL, TEXAS

Chapter 23, Article 5, Division 5.8 is hereby amended to revise the term "light manufacturing or industrial use" to "light manufacturing".

SECTION 10. AMENDMENT TO CHAPTER 23, ARTICLE 5, DIVISION 5.8, OF THE CODE OF ORDINANCES OF THE CITY OF CEDAR HILL, TEXAS

Chapter 23, Article 5, Division 5.8 is hereby amended to delete the term and its associated definition for "storage or wholesale warehouse".

SECTION 11. 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 12. SEVERABILITY CLAUSE.

Should any word, sentence, paragraph, subdivision, clause, phrase, or section of this Ordinance, or of the Code of Ordinances, as amended hereby, be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said Ordinance or the Code of Ordinances, as amended hereby, which shall remain in full force and effect.

SECTION 13. PENALTY

Any person, firm, entity or corporation who violates any provision of this Ordinance or Cedar Hill's Zoning Ordinance Chapter 23, as they exist or may be amended, shall be deemed guilty of a misdemeanor, and upon conviction therefore, shall be fined in a sum not exceeding Two Thousand and No/100 Dollars ($2,000.00). Each continuing day's violation shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude Denison from filing suit to enjoin the violation. Cedar Hill retains all legal rights and remedies available to it pursuant to local, state, and federal law.

SECTION 14. 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.

PASSED, APPROVED and **ADOPTED** by the City Council, the City of Cedar Hill, on this the 24th day of January, 2023.

Stephen Mason, Mayor

ATTEST:

Belinda Berg, City Secretary

APPROVED AS TO FORM:

Ron G. MacFarlane, Jr.
City Attorney