

**ORDINANCE NO. 05-2020**

**AN ORDINANCE OF THE CITY OF OAK RIDGE NORTH, TEXAS, AMENDING SECTION 5.C.4. CONTAINED WITHIN “APPENDIX A – ZONING” OF THE CITY OF OAK RIDGE NORTH CODE OF ORDINANCES REGULATING DETACHED ACCESSORY BUILDINGS; PROVIDING FOR SEVERABILITY; PROVIDING A PENALTY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Oak Ridge North, Texas (“City”), is authorized by Chapter 211 of the Texas Local Government to promulgate rules and regulations governing regulation of land use, structures, businesses and related activities; and

**WHEREAS**, the City Council of the City of Oak Ridge North, Texas (“City Council”), is continuously reviewing the requirements of the Zoning Regulations contained within Appendix A of the City’s Code of Ordinances; and

**WHEREAS**, the City Council finds that the existing rules and regulations that generally regulate detached accessory buildings within the City are inadequate to properly regulate existing and new detached accessory buildings in the City; and

**WHEREAS**, the City Council finds that the rules and regulations that generally govern or otherwise regulate detached accessory buildings within the City as provided herein is adopted in substantial conformance with the City of Oak Ridge North 2013 Comprehensive Plan, as adopted by Ordinance 33-2013 on June 24, 2013; and

**WHEREAS**, the City Council finds that the Planning and Zoning Commission convened in a public meeting on Monday, February 3, 2020, wherein it considered the proposed amendments herein contained; and

**WHEREAS**, the City Council finds that a joint public meeting between the Planning and Zoning Commission and the City Council was held on Monday, February 10, 2020, prior to the adoption of this Ordinance, where the Planning and Zoning Commission presented its preliminary report to City Council regarding the adoption of this Ordinance and the amendments contained therein;

**WHEREAS**, the City Council finds that a joint public hearing was held on Monday, February 10, 2020, prior to the adoption of this Ordinance, in which any person desiring to comment on this Ordinance was allowed to speak and the City Council and Planning and Zoning Commission considered all comments;

**WHEREAS**, the City Council finds that a notice of joint public hearing of the City Council and the Planning and Zoning Commission for Monday, February 10, 2020, was properly published on January 25, 2020, in a newspaper of general circulation in accordance with state law; and

**WHEREAS**, the City Council finds that following the receipt of public comments regarding the adoption of this Ordinance and the amendments contained therein, if any, the Planning and Zoning Commission presented its final report to City Council; and

**WHEREAS**, based upon the preliminary and final reports of the Planning and Zoning Commission, and the public comments received during the joint public hearing, if any, the City Council finds that good cause exists to amend Section 5.C.4. of Appendix A – Zoning of the City of Oak Ridge North Code of Ordinances to properly regulate and eventually eliminate all nonconforming detached accessory buildings which will encourage revitalization throughout the City and ultimately promote the cost-effective delivery of services and amenities to the City’s residents and businesses and thus will lead to an increase in the quality of the public health, safety, and welfare as well as enhance property values and economic opportunities for residents within the City of Oak Ridge North.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OAK RIDGE NORTH, TEXAS:**

**Section 1.** The City Council finds that the facts and recitations contained in the preamble to this Ordinance are true and correct and incorporated herein for all purposes.

**Section 2.** This Ordinance shall apply to all real property, including but not limited to all plats and subdivisions of land, along with any improvements contained thereon within the territorial limits of the City except where specifically exempted herein or otherwise prohibited by state law.

**Section 3. Zoning Amendment – Section 5.**

Appendix A – Zoning, Section 5.C.4. entitled “Detached accessory buildings” of the City of Oak Ridge North Code of Ordinances is hereby amended as follows:

4. *Detached accessory buildings.* A maximum of two (2) detached accessory buildings in addition to a private garage are permitted on a residential lot, provided the following conditions are met:
  - a. The combined square footage of all detached accessory buildings shall not exceed three percent (3%) of the total lot area as platted and recorded in the Montgomery County Records. Nor, in any case shall the combined square footage of the detached accessory buildings exceed 750 square feet.
  - b. All detached accessory buildings shall comply with Section 10 of this Appendix A and Chapter 14 of the Code of Ordinances, as may be amended.

- c. All detached accessory buildings shall have the same architectural style of the main dwelling except for a portable tool or storage shed that is less than 144 square feet in size.
- d. All detached accessory buildings shall have the same roofing material as the main dwelling except for a portable tool or storage shed that is less than 144 square feet in size.
- e. All portable tool or storage sheds are considered detached accessory buildings for the purpose of calculating the maximum number of buildings and total square feet allowed for detached accessory buildings permitted on a residential lot.

**Section 4. Ordinance Cumulative.**

This Ordinance shall be cumulative of all provisions of ordinances of the City of Oak Ridge North, 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. To the extent that the provisions of the City of Oak Ridge North, Texas' various development ordinances conflict with the Ordinance, the terms of this Ordinance shall control.

**Section 5. Penalty.**

Any person who violates or causes, allows, or permits another to violate any provision of this ordinance, rule, or police regulation of the city shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine or penalty not to exceed five hundred dollars (\$500.00). If such rule, ordinance, or police regulation governs fire safety, zoning, or public health and sanitation, other than the dumping of refuse, the fine or penalty shall not exceed two thousand dollars (\$2,000.00). If such rule, ordinance, or police regulation governs the dumping of refuse, the fine or penalty shall not exceed four thousand dollars (\$4,000.00). Each occurrence of any violation of this ordinance, rule, or police regulation shall constitute a separate offense. Each day on which any such violation of this ordinance, rule, or police regulation occurs shall constitute a separate offense.

**Section 6. Severability.**

In the event any clause, phrase, provision, sentence or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Oak Ridge North, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

**Section 7. Effective Date.**

This Ordinance shall become effective when published as required by law.

**PASSED, APPROVED, and ADOPTED** on this the 10<sup>th</sup> day of February 2020.

  
Paul Bond, Mayor

ATTEST:

  
Elizabeth Harrell, City Secretary

