

**ORDINANCE NO. 3244**

**AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF NORTH RICHLAND HILLS BY AMENDING SECTION 118-1 AND ARTICLE VIII AND PROVIDING ILLUSTRATIONS FOR ARTICLE IX OF CHAPTER 118 OF THE NORTH RICHLAND HILLS CODE OF ORDINANCES; PROVIDING REGULATIONS FOR SCREENING AND FENCING; PROVIDING FOR SEVERABILITY; PROVIDING A PENALTY FOR VIOLATIONS; PROVIDING A SAVINGS CLAUSE; AND PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER.**

**WHEREAS**, it is the goal of the City Council to provide quality community development and revitalization, safety and security, a positive city image, a sense of community and local and regional leadership; and

**WHEREAS**, the Scenic City Certification Program recommended improvements to the City's screening and fencing regulations; and

**WHEREAS**, the *2001 City Image Study* also recommended a more detailed policy on wood privacy fences facing a major or minor thoroughfare; and

**WHEREAS**, the rural character of certain areas in North Richland Hills ought to be preserved; and

**WHEREAS**, the City Council has received the recommendations of the Planning and Zoning Commission concerning the matters herein dealt with, which recommendations were made after the holding of a public hearing before said Commission on such matters; and

**WHEREAS**, notice has been published of the time and place of a public hearing held before the City Council concerning the changes herein made, which public hearing has been duly held; and,

**WHEREAS**, the City Council has determined that the amendment to the Comprehensive Zoning Ordinance herein made is in the best interest of the health, safety and general welfare of the citizens of the City of North Richland Hills; **NOW, THEREFORE,**

**BE IT ORDAINED BY THE CITY COUNCIL OF NORTH RICHLAND HILLS, TEXAS:**

**SECTION 1.** That Section 118-1 of the Code of Ordinances of the City of North Richland Hills, Texas, is hereby amended by adding the following definitions:

A **“Sec. 118-1. Definitions.**

...

*Fence.* Any construction or hedge greater than thirty inches in height and of any material, the purpose of which is to provide protection from intrusion (both physical and visual), to prevent escape, mark a boundary, or provide decoration. A wall and *Screening* shall be considered a fence. Dikes and restraining walls for the purpose of retaining soil are not classified as a fence.”

**SECTION 2.** That the title of Chapter 118, Article VIII of the Code of Ordinances of the City of North Richland Hills, Texas, is hereby amended to read as follows:

**“ARTICLE VIII – SCREENING AND FENCING STANDARDS”**

**SECTION 3.** That Section 118-870 be hereby codified under Chapter 118, Article VIII (Screening and fencing standards) of the Code of Ordinances of the City of North Richland Hills, Texas, and be amended to read as follows:

**“Sec. 118-870. – Purpose and applicability.**

- (a) *Purpose.* It is the purpose of this Article to provide standards for screening in order to mitigate the effects of potential nuisances such as dirt, litter, noise, heat, and glare of lights, and to protect public and private investment. It is also the intent of this section to provide for the safe construction and maintenance of walls and fences constructed in the city.
- (b) *Applicability.* This Article shall be applicable to all new construction or where fifty percent or more of an existing screen, fence or wall requires replacement.
- (c) *Enforcement.* The Chief Building Official, or his/her designee, shall administer and enforce the provisions of this Article relating to Screening and Fencing.”

**SECTION 4.** That Section 118-871 of the Code of Ordinances of the City of North Richland Hills, Texas, is hereby amended to read as follows:

**“Sec. 118-871. – Masonry screening walls.**

- (a) *Applicability.* In addition to the Applicability standards herein provided in Section 118-870, this Section shall be applicable to any proposed building remodeling, alteration, addition, or expansion in which either the value of the proposed improvements exceed 50 percent of the current appraised value of the existing structure, excluding the value of the land, or increases the square footage of the building by 30 percent or more.
- (b) *Masonry screening wall required.* A masonry screening wall, not less than six feet nor more than eight feet in panel height, shall be required on all property in accordance with Section 118-872, except as otherwise provided herein.

- (c) *Location of screening wall.* The masonry screening wall shall be constructed along the entire length of the common property line between such properties and within the property required to erect the screening wall. The masonry-screening wall shall be constructed prior to the issuance of any certificate of occupancy.
- (d) *Abutting Iron Horse Golf Course.* Residential lots that abut Iron Horse Golf Course shall be exempt from the masonry screening wall requirement.
- (e) *Little Bear Creek Corridor.* Only those portions of lots or tracts lying within the Little Bear Creek Corridor shall be exempt from the masonry screening wall requirements.
- (f) *R-7-MF Multifamily Residential District and MH-1 HUD Code Manufactured District.* Perimeter screening abutting public street right-of-way, parks, or other dedicated open space shall be provided as follows:
  - (1) Where a proposed development is adjacent to a C-4-U thoroughfare, or larger, as shown on the master thoroughfare plan, said screening shall consist of a permanent decorative masonry screening wall, not less than six feet in height, constructed along and adjacent to said thoroughfare.
  - (2) Where a proposed development is adjacent to a C-2-U or R-2-U thoroughfare, park, or other dedicated open space, said screening wall shall consist of a permanent decorative screening wall of masonry, stone, or wrought iron type construction, or a combination thereof, not less than six feet in height. Wrought iron material shall not exceed 40 percent of the total wall face, including columns.
- (g) *Hotel/motel developments.* A masonry screening wall shall be eight feet in height where a motel or hotel use abuts property zoned for residential use, designated on the Comprehensive Land Use Plan for residential use, or used or subdivided for residential use.
- (h) *Masonry screening walls required along C-4-U or larger.* The rear or side lot lines of any new residential subdivision adjacent to any thoroughfare designated as C-4-U or larger on the Master Thoroughfare Plan shall provide a masonry screening wall. No screening wall shall be constructed within the street right-of-way.
- (i) *Masonry screening walls.* Masonry screening walls shall be constructed in accordance with the Public Works Design Manual and, where possible, shall be in a manner consistent with the exterior finish of the main building in material and color. Where applicable, screening walls shall be extensions of the development's architectural design.

- (j) *Outdoor storage of material or commodities.* Outdoor storage of material and commodities shall be screened with a minimum six-foot masonry wall. Materials or commodities shall not be stacked at a height greater than the height of the screening wall/fence. See Section 118-716, outside storage regulations.
- (k) *Screening not required for outdoor display, temporary uses, or incidental outdoor display.* Outdoor display, temporary uses and incidental outdoor display, as defined within Section 118-715, are exempt from the screening requirements of this Section.
- (l) *Loading docks and delivery entrances facing public street.* Loading docks and delivery entrances facing a public street shall require approval of a Special Use Permit in accordance with Division 6, Article II of this Chapter. Loading docks and delivery entrances not facing a public street shall be screened from any public roadway. Service/loading areas shall be screened from view from property zoned for residential use or O-1 Office District, designated on the Comprehensive Land Use Plan for residential or office use, or used or subdivided for residential use by a minimum six-foot tall masonry wall, a solid living screen or a combination thereof.
- (m) *Screening of vehicles waiting repair.* A masonry screening wall not less than six feet nor more than eight feet in panel height, shall be required to screen any vehicle parked or stored for the purpose of pending repairs.”

**SECTION 5.** That Section 118-872 of the Code of Ordinances of the City of North Richland Hills, Texas, is hereby amended to read as follows:

**“Sec. 118-872. - Table of district masonry screening requirements.**

The following is the table of district masonry screening requirements. Where a residential zoning district is not listed, no district screening requirements exist. Refer to separate screening requirements in the Town Center Zoning District and Transit-Oriented Development Zoning District.

Table 10-F Masonry Screening Requirements for Districts Shown in Column 1 When Abutting Certain Districts												
Column 1	Abutting District											
Wall Required This District	AG	R-1-S	R-1	R-2	R-3	R-4-D	R-6-T	R-8	MH-1	R-7-MF	U	PD
R-7-MF	R <sup>2</sup>	R	R	R	R	R	R	R			R	R <sup>1</sup>

MH-1	R <sup>2</sup>	R	R	R	R	R	R	R		R	R	R <sup>1</sup>
O-1	R <sup>2</sup>	R	R	R	R	R	R	R	R	R	R	R <sup>1</sup>
NS/LR	R <sup>2</sup>	R	R	R	R	R	R	R	R	R	R	R <sup>1</sup>
CS/C-1	R <sup>2</sup>	R	R	R	R	R	R	R	R	R	R	R <sup>1</sup>
HC/C-2	R <sup>2</sup>	R	R	R	R	R	R	R	R	R	R	R <sup>1</sup>
OC	R <sup>2</sup>	R	R	R	R	R	R	R	R	R	R	R <sup>1</sup>
I-1	R <sup>2</sup>	R	R	R	R	R	R	R	R	R	R	R <sup>1</sup>
I-2	R <sup>2</sup>	R	R	R	R	R	R	R	R	R	R	R <sup>1</sup>
U	R <sup>2</sup>	R	R	R	R	R	R					R <sup>1</sup>
PD	As required by the approved site plan											
"R" denotes masonry screening wall requirement.												
<sup>1</sup> Wall required when the planned development is for residential use. <sup>2</sup> Wall required when the AG-zoned district is planned for Low Density Residential or Medium Density Residential use on the Comprehensive Land Use Plan.												

**SECTION 6.** That Section 118-873 of the Code of Ordinances of the City of North Richland Hills, Texas, is hereby amended to read as follows:

**“Sec. 118-873. - Screening wall and fence criteria generally.**

(a) *Height.* Walls and fences shall be no greater than eight feet in height. The height of a wall or fence shall be the vertical distance between the ground and the top of the wall or fence. In terrain where the ground slopes at a grade of ten percent or more, the wall or fence may be built in eight-foot horizontal stair step sections. The average height of each fence section shall be no greater than eight feet in height. Masonry columns may exceed the maximum height by no more than eight inches and shall not exceed the average height of the adjacent fence sections by more than eight inches.

(b) *Maintenance.*

- (1) All screening and fences shall be adequately maintained, kept in good repair and in sound structural condition by the property owner and shall not create urban blight. Dilapidated fences shall be repaired or replaced in accordance with provisions of this Ordinance.
  - (2) The property owner shall maintain fences, including those existing prior to the adoption of this section, at all times in a state of good repair, safe and secure condition, with all braces, bolts, nails, supporting frames and fastenings free from deterioration, termite infestation, rot, rust or loosening, and able to withstand at all times the wind pressure for which they were designed.
  - (3) Property owners shall paint, stain and/or seal fence supports, gates, structural members and exterior surfaces as necessary to prevent rusting, peeling or blistering surfaces. Board-on-board and similar wood privacy fences may be painted or stained with natural wood colors. The use of high intensity, primary, metallic, or fluorescent colors shall be prohibited on any fence surface.
- (c) *Front yards.* Fences may only be allowed in front yards of property zoned for single-family residential and agricultural uses which have at least 100 feet of frontage on a street. Such fences shall be open air or nonsight-barring fences and shall meet the following standards:
- (1) Fences shall be wrought iron or ornamental metal, may have brick or stone columns spaced 20 to 50 feet on center, and shall be no greater than four feet in height.
  - (2) Front yard fences greater than four feet and no higher than six feet in height may be permitted on residential lots greater than one acre in size with 200 feet or more of street frontage. Said fence shall be wrought iron or ornamental metal and shall have brick or stone columns spaced 20 to 50 feet on center. Such properties, if zoned AG or R-1-S, may also be permitted a rural fence type as provided herein.
  - (3) A Rural Fence may be permitted in the front yard of any property zoned AG or R-1-S, with a minimum of one acre, and with at least 150 feet of frontage on a street. Said Rural Fence may not exceed five feet in height and may be one of the following fence types: mortised split rail, wrought iron or ornamental metal, tubular steel pipe, post-and-rail, or post-and-board. The use of cable may be permitted in conjunction with tubular steel pipe fencing. The use of continuous square mesh fencing, or “non-climb” fencing, and/or masonry columns spaced 20 to 50 feet on center may be used in conjunction with any of the aforementioned Rural Fence types. The use of barbed wire or electric fencing for the purpose of livestock

containment shall only be permitted in conjunction with any of the aforementioned Rural Fence types.

- (4) Private entry driveway gates may be permitted for any property that is permitted a front yard fence. Said gates shall be set back from the planned ultimate right-of-way line as shown by the Master Thoroughfare Plan a minimum of 20 feet to accommodate the on-site queuing of one vehicle.
- (d) *Visibility triangle.* All walls and fences located on a corner lot shall comply with any applicable visibility sight triangles as provided for in this chapter.
- (e) *Transverse frontage lots.* When the rear yard of a first lot abuts the side yard of a second lot, no fence on the first lot shall encroach into the side yard adjacent to the street unless the fence complies with subsection (c) of this section.
- (f) *Reverse frontage lots.* When the rear yards of two corner lots abut, fences complying with this section may be constructed within the side yard adjacent to the street.
- (g) *Prohibited fencing material.* No fence shall be constructed of sheet/corrugated metal, plywood, concrete masonry unit block, or other materials not manufactured or designed for the primary purpose of fence construction. The use of “V” or “diamond” mesh, or chain link fencing is not permitted forward of the principal building on the lot, nor along any street frontage.
- (h) *Finished side facing thoroughfare.* Wood fences adjacent to a collector or arterial street as identified on the Master Thoroughfare Plan shall have the finished or smooth side of the fence facing the thoroughfare and fence posts shall face interior to the lot.
- (i) Where a residential subdivision masonry screening wall is provided adjacent to a C-4-U collector street or larger as identified on the Master Thoroughfare Plan, the height of a fence adjacent or perpendicular to the screening wall shall not exceed the height of the subdivision’s screening wall.”

**SECTION 7.** That Section 118-874 of the Code of Ordinances of the City of North Richland Hills, Texas, is hereby amended to read as follows:

**“Sec. 118-874. - Screening of outdoor refuse containers.**

The following Section shall apply to all refuse containers, trash dumpsters/containers, trash compactors, box compactors, and other similar containers which are used for the disposal of waste. For the purposes of this Section, all such facilities shall be termed “container.”

- (a) *Container Enclosure Material and Dimension Standards.*

- (1) Containers shall be screened on three sides using any combination of brick, stone, split-face concrete masonry unit with integral color, or other masonry materials installed in a craftsman-like manner that are a minimum of one inch thick and imbedded in a cementitious reinforced substrate. Container enclosures shall be consistent with the exterior finish of the main building in material and color.
  - (2) Container enclosures shall have a minimum internal dimension of twelve feet wide by twelve feet deep and shall meet the guidelines provided in Figure I-13, Article IX. For every dumpster added, an additional ten feet in width is required. One pedestrian access door or gate with spring-loaded or self-closing hinges shall be provided and shall meet the location and orientation standards provided herein.
  - (3) Said enclosure shall be constructed to be the greater between a minimum of six feet or one foot in height above the container. In no case shall materials be stored higher than the screening provided.
  - (4) Where possible, screening walls around service areas and/or dumpster enclosures shall be similar to or extensions of the development's architectural design.
  - (5) Container enclosures shall be equipped with opaque metal gates fabricated from a minimum 20 gauge metal deck supported by a frame on spring-loaded or self-closing hinges. Gates shall be capable of fully screening the area from public view when closed.
- (b) *Location and Orientation.* Containers and their enclosures shall only be allowed as an incidental use on a property, and only when located behind the building line established by the structure and not within any side or rear yard setback or any required landscaped buffer yard. Container enclosures shall be located and oriented such to minimize visual impact from adjacent properties and rights-of-way.
- (c) *Residential Setback.* Containers and their enclosures shall be set back a minimum of 25 feet from all property zoned for residential use, designated on the Comprehensive Land Use Plan for residential use, or used or subdivided for residential use.
- (d) *Landscape Screening.* When a container enclosure is located adjacent to landscape area, it shall be additionally screened by evergreen shrubs reaching a mature height between five and fifteen feet. The quantity and spread of shrubs required shall be determined by the anticipated spread of the selected evergreen shrub at full growth.

- (e) *Gates.* Gates to any such area shall remain closed except when filling or emptying the container.
- (f) *Recycling containers.* Recycling containers shall not be required to be screened but be set back behind all the building setback lines of the primary structure.”

**SECTION 8.** That Section 118-877 of the Code of Ordinances of the City of North Richland Hills, Texas, is hereby amended to read as follows:

**“Sec. 118-877. - Mechanical equipment screening for nonresidential uses and nonresidential zoning.**

- (a) *Roof-mounted mechanical equipment.* Such equipment shall be screened from public view with a parapet wall, mansard-style roof or other architectural extension equal in height to the unit, except when the unit height exceeds five feet. The maximum screening wall height shall not exceed five feet. When the height of the units does exceed five feet, an additional roof setback for the unit shall be required at a ratio of two horizontal feet for each additional foot of vertical height above five feet. Public view shall be determined from any and all points on subject property where views from public street rights-of-way exist or occur.
- (b) *Ground-mounted mechanical equipment.* Such equipment, with the exception of TXU's distribution voltage of 25 kv (kilovolts) or smaller, shall be screened from public view with a screening wall or living screen equal in height to the unit. The screening may be constructed of masonry, wood, or evergreen plant materials. Public view shall be determined from any and all points along the adjacent right-of-way.”

**SECTION 9.** That Section 118-879 of the Code of Ordinances of the City of North Richland Hills, Texas, is hereby amended to read as follows:

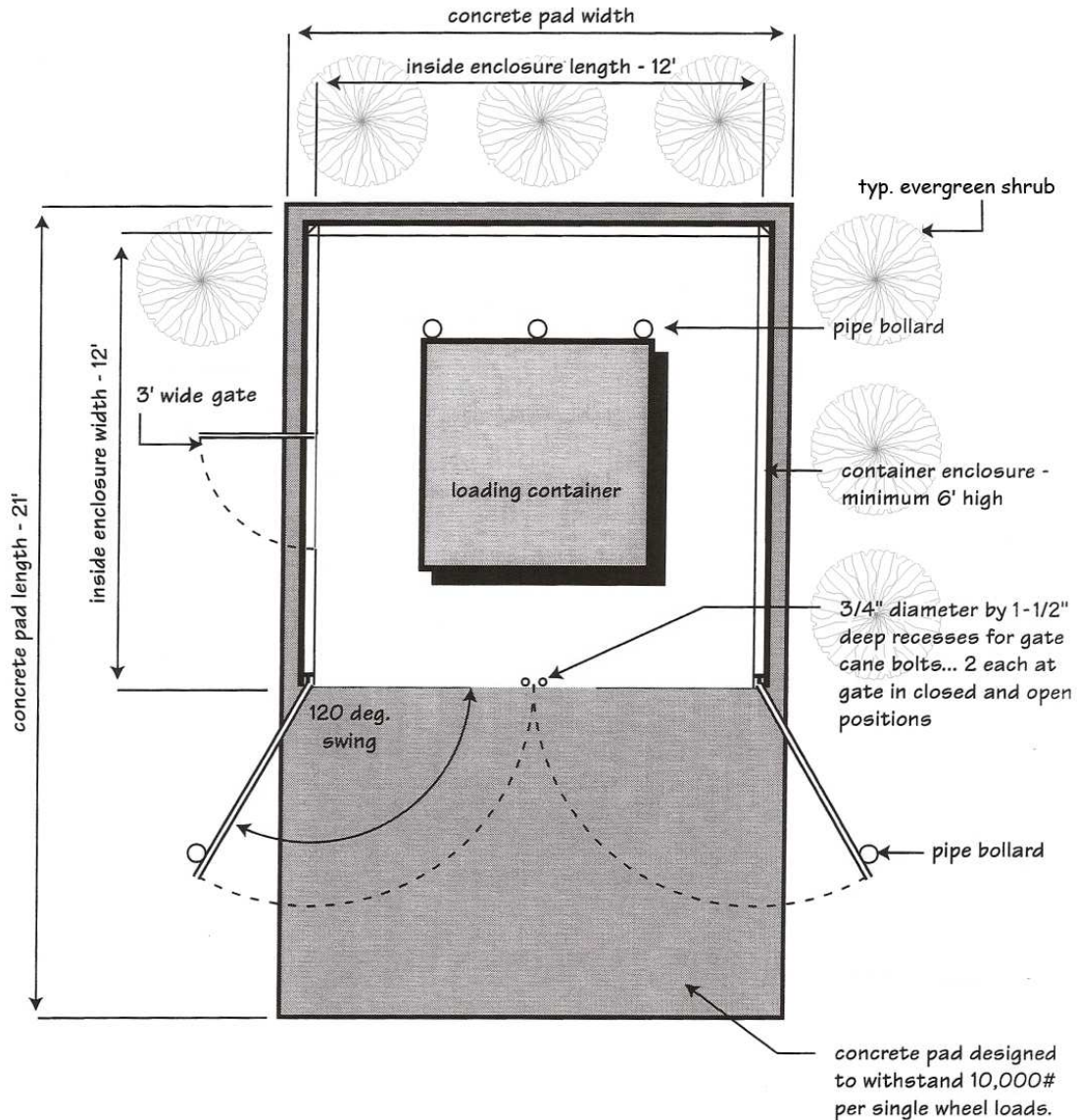
**“Sec. 118-879. – Chain link fences.**

- (a) Chain link fences existing prior to the adoption of this Section may be replaced with a permit.
- (b) *New chain link fences.* New chain link fences shall not be permitted along any thoroughfare, shall not be visible from the street, and shall be vinyl-clad or powder-coated in black or dark green. New chain link fences visible from a public street shall require a Special Use Permit in accordance with Division 6, Article II of this chapter.
- (c) *Exceptions.* Chain link fences may be permitted for fencing of dog runs, sports courts, parks, playgrounds, municipal and school property, temporary/special events, and construction sites.”

**SECTION 10.**

That Article IX of Chapter 118 (“Illustrations”) of the Code of Ordinances of the City of North Richland Hills, Texas, is hereby amended by adding the following illustrations:

**Figure I-13: Container Enclosure Guidelines**



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**SECTION 11. Severability.**

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and section 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 12. 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 fined not more than Two Thousand Dollars (\$2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

**SECTION 13. Savings.**

All rights and remedies of the City of North Richland Hills are expressly saved as to any and all violations of the provision of any other ordinances regulating solicitation or canvassing activities 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 14. Publication.**

The City Secretary of the City of North Richland Hills is hereby directed to publish the caption and penalty of this ordinance in the official City newspaper.

**AND IT IS SO ORDAINED.**

**PASSED AND APPROVED** on this 22nd day of April, 2013.

**CITY OF NORTH RICHLAND HILLS**

By: \_\_\_\_\_  
Oscar Trevino, Mayor

**ATTEST:**

\_\_\_\_\_  
Patricia Hutson, City Secretary

**APPROVED AS TO FORM AND LEGALITY:**

\_\_\_\_\_  
George A. Staples, City Attorney

**APPROVED AS TO CONTENT:**

\_\_\_\_\_  
John Pitstick, Planning & Development Director