

ORDINANCE NO. 3343

AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF NORTH RICHLAND HILLS BY AMENDING SECTIONS 118-1, 118-631, 118-633, 118-718, AND 118-719 OF CHAPTER 118 OF THE NORTH RICHLAND HILLS CODE OF ORDINANCES AS THEY PERTAIN TO ACCESSORY BUILDINGS AND STRUCTURES; PROVIDING STANDARDS FOR SOLAR PANEL SYSTEMS; ESTABLISHING A PENALTY; PROVIDING FOR SEVERABILITY AND PROVIDING FOR PUBLICATION.

WHEREAS, the Planning & Zoning Commission has after conducting a public hearing has made its recommendation for the following amendment to the zoning ordinance; and,

WHEREAS, after appropriate notice and public hearing, the Planning & Zoning Commission of the City of North Richland Hills, Texas has forwarded a recommendation to the City Council for amendment of the City's zoning ordinance as set forth herein; and,

WHEREAS, notice has been given and public hearings held as required for amendments to the zoning ordinance;

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

Section 1: THAT the Comprehensive Zoning Ordinance and Code of Ordinances of the City of North Richland Hills be amended by adding or amending the following definitions to Section 118-1 of Chapter 118 of the North Richland Hills Code of Ordinances:

"...

Secondary living unit means a second single-family residential living unit with kitchen facilities, also known as a mother-in-law unit or granny flat, located on the same lot as the primary living unit.

Solar panel system means a combination of equipment and/or controls, accessories, interconnecting means and terminal elements for the collection, storage and distribution of solar energy for purposes of heating water or generating electricity. Solar panel systems do not include individually powered outdoor solar lights such as garden lights, accent lights, security lights or flood lights.

Solar panel system, ground mounted means a solar panel system with a supporting framework that is placed on or anchored in the ground and that is independent of any building or other structure.

Solar panel system, roof mounted means a solar energy system affixed to the roof of a principal or permanent accessory building.

...

Section 2: THAT the Comprehensive Zoning Ordinance and Code of Ordinances of the City of North Richland Hills be amended by adding the "Solar panel system" land use to Section 118-631(B) of Chapter 118 of the North Richland Hills Code of Ordinances, Table of Permitted Uses, as shown on Exhibit A attached hereto and incorporated herein.

Section 3: THAT the Comprehensive Zoning Ordinance and Code of Ordinances of the City of North Richland Hills be amended by adding the following to Section 118-633 of Chapter 118 of the North Richland Hills Code of Ordinances:

"(24) *Solar panel systems*. See Section 118-718(g) for solar panel system standards."

Section 4: THAT the Comprehensive Zoning Ordinance and Code of Ordinances of the City of North Richland Hills be amended by amending the following within Section 118-718 of Chapter 118 of the North Richland Hills Code of Ordinances:

"Sec. 118-718. Accessory buildings and structures.

...

(c) *Permanent accessory buildings and structures*. Permanent accessory buildings and structures, except carports, which are constructed as an integral part of a concrete slab, concrete beam or with concrete piers, shall comply with the following requirements:

...

- (4) Side building line: The side yard setback shall be the same as for the primary building structure.

Exception: In the R-1, R-1-S, R-2, R-3, R-4-D, and R-8 districts, side yard setback shall be as follows:

- a. 500 square foot building or less: six feet.
- b. Greater than 500 square foot building: ten feet.
- c. Corner lots: Same as the primary building for the side yard adjacent to the street.

...

- (7) Maximum total floor area per lot size:
 - a. 20,000 square foot lot or less: 500 square feet.
 - b. 20,001 to 39,999 square foot lot: 2.5% of lot area
 - c. 40,000 square foot lot or greater: 1,000 square feet
- (8) Maximum number allowed: One. A detached garage as defined herein shall be considered a permanent accessory building for the purpose of the maximum number allowed.

...

- (13) *Special use permit provision for lots of 40,000 square feet or more.* Accessory buildings located on lots of 40,000 square feet or more may request a Special Use Permit for the purpose of varying from the maximum floor area, height limit, pitch of roof, concrete access to a public street and masonry requirements contained herein. Permanent accessory structures may not exceed the square footage of the primary residence. The cumulative square footage of all accessory buildings is limited to five percent of the total lot or tract area.

...

- (f) *Secondary Living Unit.* A second single-family residential living unit with kitchen facilities, also known as a mother-in-law unit or granny flat, located on the same lot as the primary living unit shall comply with the following requirements:
 - (1) *Use.* The secondary living unit is only for use by domestic persons and their family or a relative of the occupants of the primary living unit. This unit shall not be rented or leased and shall not have a separate utility meter.
 - (2) *Connection to primary residence.* Secondary living units shall be constructed no more than 25 feet from the primary living quarters and be connected by a breezeway a minimum of six feet wide, attached to the roofline.
 - (3) *Architecture.* The unit must be of the same architectural style as the primary structure and meet all standards as applied to the primary structure except: the requirement for minimum gross living area; the requirement for a garage/carport; and the off-street parking requirements.
 - (4) *Maximum total floor area:* 650 square feet.

- (g) *Solar panel systems.* Solar panel systems which meet all applicable building codes as well as the following standards shall be permitted in any zoning district only after issuance of a building permit.

(1) *Roof mounted solar panel systems:*

- a. *Location:* Roof mounted solar panel systems shall not be located on the roof slope facing a public street or any roof slope projecting from the primary front building facade. See Figure I-14: Roof-Mounted Solar Panel Location Standards. Solar panels may not extend beyond roof edges.
- b. *Maximum height, pitched roof:* Roof mounted solar panel systems shall have a top edge that does not project above the roofline, shall conform to the slope of the roof, and shall not exceed a 6-inch separation between the roof and the system. See Figure I-14: Roof-Mounted Solar Panel Location Standards.
- c. *Maximum height, flat roof:* Solar panel systems mounted on flat roofs shall not exceed the maximum height permitted within the zoning district and shall be screened in accordance with Section 118-877(a), mechanical equipment screening for nonresidential uses and nonresidential zoning.

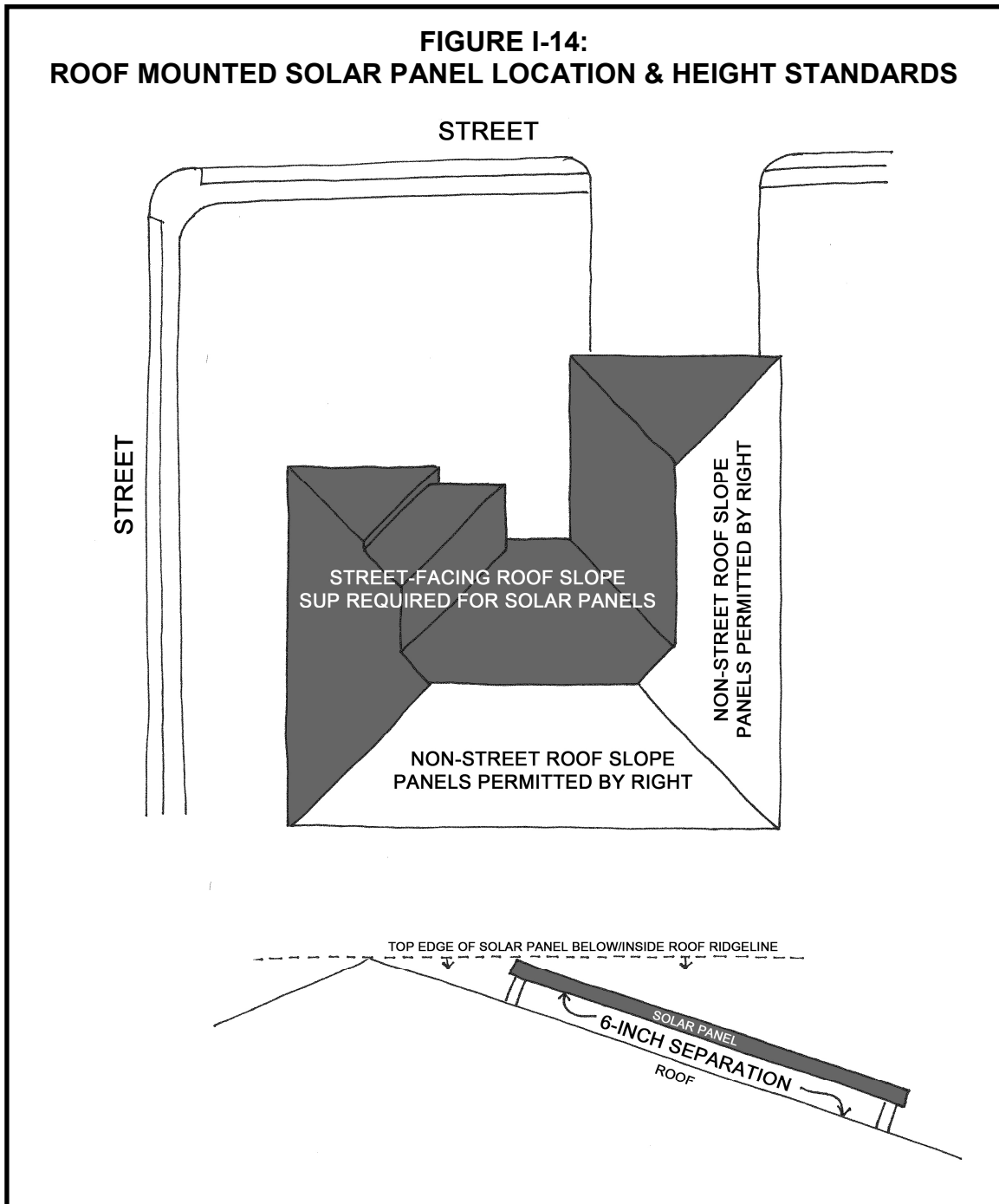
(2) *Ground mounted solar panel systems.* Ground mounted solar panel systems shall comply with all standards for permanent accessory buildings and structures, except:

- a. Roof pitch and masonry requirement shall not apply.
- b. Screening required: An opaque screening fence shall be provided to screen the system from adjacent properties.
- c. Maximum height: Shall not exceed the height of the required opaque fence and in no case shall exceed eight feet.
- d. Long lengths of conduit and wiring associated with the system's connection to the primary electrical panel shall be placed underground.
- e. A ground mounted solar panel system shall not count against the maximum number of permanent accessory structures allowed on a lot, but shall count towards the maximum area of permanent accessory structures on a lot.

(3) *Special use permit provision.* Properties not able to justifiably meet the location criteria provided herein may apply for a special use permit.

Section 5: THAT the Comprehensive Zoning Ordinance and Code of Ordinances of the City of North Richland Hills be amended by deleting in its entirety and reserving for future use Section 118-719 of Chapter 118 of the North Richland Hills Code of Ordinances.

Section 6: THAT the Comprehensive Zoning Ordinance and Code of Ordinances of the City of North Richland Hills be amended by adding the following illustrations to Article IX of Chapter 118 of the North Richland Hills Code of Ordinances:



Section 7: Any person, firm or corporation violating any provision of the comprehensive zoning ordinance as amended by this ordinance shall be deemed guilty of a misdemeanor and upon final conviction thereof fined in an amount not to exceed Two Thousand Dollars (\$2,000.00). Each day any such violation shall be allowed to continue shall constitute a separate violation and punishable hereunder.

Section 8: It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional or otherwise invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity 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 invalid phrase, clause, sentence, paragraph or section.

Section 9: The City Secretary is hereby authorized and directed to cause the publication of the descriptive caption and penalty clauses of this ordinance as an alternative method of publication provided by law.

Section 10: This ordinance shall be in full force and effect immediately upon passage.

AND IT IS SO ORDAINED.

PASSED AND APPROVED on this 8th day of December, 2014.

CITY OF NORTH RICHLAND HILLS

By: _____
Oscar Trevino, Mayor

ATTEST:

Alicia Richardson, City Secretary

APPROVED AS TO FORM AND LEGALITY:

George A. Staples, City Attorney

APPROVED AS TO CONTENT:

John Pitstick, Planning & Development Director

EXHIBIT A

SECTION 118-631: TABLE OF PERMITTED USES	
<p>[#] = Conditions. Reference Section 118-633 for specific conditions to listed uses. P = Permitted by Right S = Special Use Permit Required [Blank] = Not Permitted NP = Not Permitted B = Defers to Base Zoning District A = Ancillary</p>	<div> <div>RESIDENTIAL DISTRICTS</div> <div>NON-RESIDENTIAL DISTRICTS</div> <div>TOWN CENTER</div> </div>
Conditions	<div> <div>R-1-S</div> <div>R-1</div> <div>R-2</div> <div>R-3</div> <div>R-4-D</div> <div>R-6-1</div> <div>R-8</div> <div>MH-1</div> <div>R7MF</div> <div>O-1</div> <div>LR</div> <div>C-1</div> <div>C-2</div> <div>OC</div> <div>I-1</div> <div>I-2</div> <div>C</div> <div>AG</div> <div>Edge</div> <div>General</div> <div>Center</div> <div>Core</div> <div>Freeway</div> </div>
B. UTILITY, ACCESSORY & INCIDENTAL USES	
Accessory Building	1 P P P P P P P P P P P P P P P P P P S
C. EDUCATIONAL AND INSTITUTIONAL	
Solar Panel Systems	24 P P P P P P P P P P P P P P P P P P P