

## ORDINANCE NO. 3492

**AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF NORTH RICHLAND HILLS BY AMENDING SECTION 118-718 OF THE NORTH RICHLAND HILLS CODE OF ORDINANCES AS THEY PERTAIN TO PERMANENT ACCESSORY BUILDINGS AND DETACHED GARAGES; PROVIDING FOR SEVERABILITY; ESTABLISHING A PENALTY; PROVIDING FOR PUBLICATION AND PROVIDING AN EFFECTIVE DATE.**

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

**WHEREAS**, after appropriate notice and public hearing, the Planning and 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 modifying Section 118-718(c) (Permanent accessory buildings and structures) of Chapter 118 of the North Richland Hills Code of Ordinances to read as follows:

“ ...

- (c) *Permanent accessory buildings and structures.* Permanent accessory buildings and structures include detached garages, storage sheds, gazebos, and similar structures that are constructed as an integral part of a concrete slab, concrete beam or with concrete piers. All permanent accessory buildings shall comply with the following standards:

- (1) Property location criteria: A permanent accessory building or structure shall be located on the same tract or lot as the primary building.
- (2) Applicable zoning districts: Permanent accessory buildings and structures shall be allowed in any zoning district.
- (3) Front building line: A permanent accessory building or structure shall not be located in the front yard.
- (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:

Building size	Side building line (interior)	Side building line (corner)
500 square feet or smaller	6 feet	20 feet adjacent to street
501 square feet or larger	10 feet	20 feet adjacent to street

- (5) Rear building line: Ten feet or as required by the base zoning district, whichever is greater.
- (6) Maximum height: Permanent accessory buildings shall be limited to one story in height. The height is measured from ground level to the highest point of the roof surface.

Building size	Maximum wall height	Maximum building height
500 square feet or smaller	10 feet	15 feet
501 square feet or larger	12 feet	25 feet

- (7) Maximum floor area: The building may include an attic or loft provided the attic or loft does not contain heated or air conditioned space. Square footage within an attic or loft shall be excluded from the calculation of the maximum floor area.

Lot size	Maximum floor area
20,000 square foot lot or smaller	500 square feet
20,001 square foot lot or larger	Equivalent of 2.5 percent of the

	lot area
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- (8) Maximum number allowed: One.
- (9) Effect on rear yard open space: Permanent accessory buildings and structures shall have no effect in calculating the rear yard open space requirement.
- (10) Use: An accessory building shall not be used for business or dwelling purposes in any residential zoning district.
- (11) Easements: A permanent accessory building or structure shall not be located within a utility, access, or drainage easement.
- (12) Design criteria:
  - a. Roof pitch: Roofs shall have a minimum pitch of 4:12 on each side of the ridge.
  - b. Masonry requirement: The structure shall conform to the masonry requirement of the base zoning district.
  - c. Detached garages: Buildings used as detached garages or for the parking of vehicles shall include a concrete driveway that connects to the street. The minimum distance between a garage entry and a side or rear property shall be 22 feet.
- (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.

...”

Section 2: THAT the Comprehensive Zoning Ordinance and Code of Ordinances of the City of North Richland Hills be amended by deleting Section 118-718(e) (Detached garages) of Chapter 118 of the North Richland Hills Code of Ordinances and renumbering the following subsections of Section 118-718 in part to read as follows:

“ ...

(e) *Secondary living unit.*

...

(f) *Solar panel systems.*

...”

- Section 3: This Ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances of the City of North Richland Hills, Texas, as amended, except when the provisions of this Ordinance are in direct conflict with the provisions of such ordinances and such code, in which event the conflicting provisions of such ordinances and such code are hereby repealed.
- Section 4: 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 section, paragraph, sentence, clause, or phrase 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 sections, paragraphs, sentences, clauses, and phrases of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional section, paragraph, sentence, clause or phrase.
- Section 5: Any person, firm or corporation violating any provision of the Zoning Ordinance and the zoning map of the City of North Richland Hills as amended hereby 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 6: All rights and remedies of the City of North Richland Hills are expressly saved as to any and all violations of the provisions of any ordinances governing zoning 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 7: The City Secretary is hereby authorized and directed to cause the publication of the descriptive caption and penalty clause of this ordinance two times.

Section 8: This ordinance shall be in full force and effect immediately following publication as required by Section 7 hereof.

**AND IT IS SO ORDAINED.**

Passed on this 11th day of December, 2017.

**CITY OF NORTH RICHLAND HILLS**

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

ATTEST:

\_\_\_\_\_  
Alicia Richardson, City Secretary

Approved as to content:

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Clayton Comstock, Planning Manager

Approved as to form and legality:

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Maleshia McGinnis, City Attorney