



## PLANNING AND ZONING COMMISSION MEMORANDUM

**FROM:** Planning & Zoning Department   **DATE:** July 20, 2023  
**SUBJECT:** Presentation and discussion regarding miscellaneous amendments to Chapter 118 of the Code of Ordinances (Zoning), including Section 118-728 (Outdoor Lighting), Section 118-394 (Lot and Area Requirements for the Outdoor Commercial Zoning District), Section 118-718(f) (Solar Panel Systems), and Section 118-1 (Definitions).  
**PRESENTER:** Clayton Comstock, Planning Director

### **SUMMARY:**

At the work session, staff will present background information on several miscellaneous amendments to the zoning ordinance that are being prepared for consideration. These code updates are based on feedback about development issues in the city and recent revisions to state laws. The following is a summary of the amendments that will be considered at a future meeting.

#### ***Outdoor Lighting***

Section 118-728 provides standards for outdoor lighting for residential and nonresidential properties. Outdoor lighting for a project is evaluated as part of site plan and building reviews and installation of new or replacement fixtures on existing properties. The general purposes of these standards are to minimize light trespass and glare, curtail light pollution, and improve nighttime safety and security.

In reviewing some commercial building projects, it was noted that the existing standards are unclear regarding the installation location of fixtures and the use of floodlight fixtures. In order to clarify these standards, it will be recommended to add standards for where fixtures may be installed on buildings and include standards addressing glare from floodlight fixtures installed on nonresidential properties.

#### ***Outdoor Commercial (OC) Zoning District Building Heights***

In reviewing the primary commercial zoning districts, it was noted that the OC (Outdoor Commercial) district had a different height standard for buildings than the C-1 and C-2 districts. The Outdoor Commercial district provides a maximum height of 38 feet. The maximum height in the C-1 and C-2 districts is dependent on the building's proximity to a residential zoning district, providing for 1.5 feet in building height for each one foot setback from the common property line.

In order to maintain consistency in these districts, it will be recommended that the height standard in the Outdoor Commercial district be revised to align with the C-1 and C-2 districts. There are only two areas of the city zoned Outdoor Commercial. One area

covers several properties on Boulevard 26 including the former golf driving range and Mountasia sites as well as a portion of NRH2O Family Water Park. The other area is a sliver of property that covers a portion of the dam and spillway area on Meadow Lakes East lake. These areas are shown on the maps below.



**BOULEVARD 26**



**MEADOW LAKES**

**Solar Pergolas**

Chapter 214 Subchapter G of the Texas Local Government Code includes state laws related to building and rehabilitation codes. An amendment to this subchapter regarding solar pergolas (House Bill 3526) was signed into law and becomes effective on September 1, 2023. This amendment states that a municipality may not apply a municipal building code to the construction of a solar pergola. A solar pergola is an accessory structure with a solar panel array installed as a roof.

Section 118-718(f) of the zoning ordinance provides standards for solar panel systems. This section includes standards for roof and ground mounted systems. In order to provide clarity on the types of systems, it will be recommended to add a section regarding solar pergolas. This will help distinguish solar pergolas from roof and ground mounted systems, since solar pergolas will be specifically referenced in state statutes.



**ATTACHED SOLAR PERGOLA**



**FREE-STANDING SOLAR PERGOLA**



### ***Definitions***

Chapter 12 of the Texas Education Code includes state laws related to charter schools. Several amendments were made to this chapter by House Bill 1707, which was signed into law and became effective on June 12, 2023. A new section in this chapter requires that municipalities and other political subdivisions must consider open-enrollment charter schools the same as schools in public districts for the purposes of zoning, property development, building, and similar standards.

There are currently two charter schools in North Richland Hills: International Leadership of Texas (4131 Rufe Snow Drive), and Winfree Academy (6311 Boulevard 26). For the purposes noted above, the City has always considered these charter schools as public schools.

The current definition of public school is below, which was adopted in 1993. It will be recommended that this definition be revised to reflect current industry standards and clarify that open-enrollment charter schools are included in the definition.

*School, public or denominational, means a public or private facility having an academic curriculum approved by the state education agency.*