

ORDINANCE NO. 2024.11-C

**AN ORDINANCE OF THE CITY OF PINEY POINT VILLAGE, TEXAS,
AMENDING CHAPTER 74, ARTICLE IV. SECTION 74-244 -
REGULATIONS, OF THE CODE OF ORDINANCES, BY DELETING
PARAGRAPH (4) OF SUBSECTION (a) IN ITS ENTIRETY, AND BY
DELETING SUBSECTION (g) AND PROVIDING A NEW SUBSECTION
(g), REGARDING GENERATORS AND BUILDING AREA
CALCULATIONS; BY CREATING A NEW SECTION 74-247 - STANDBY
ELECTRIC GENERATORS, REGARDING THE PERMITTING,
LOCATION, INSTALLATION AND OPERATION OF RESIDENTIAL
STANDBY ELECTRIC GENERATORS; REPEALING ALL ORDINANCES
AND PART OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING
FOR A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH
DAY OF VIOLATION; AND PROVIDING FOR SEVERABILITY.**

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WHEREAS, the zoning regulations and district established in Chapter 74 of the Code of Ordinance have been made in accordance with a comprehensive plan for the purpose of promoting the health, safety and general welfare of the city and its inhabitants; and

WHEREAS, pursuant to Section 74-98 of the Piney Point Village Code of Ordinances, the City Council of the City of Piney Point Village, Texas and the Planning and Zoning Commission of the City of Piney Point Village, Texas have each held a public hearing to consider possible amendments to the Piney Point Village Code of Ordinances; and

WHEREAS, pursuant to Section 74-98 of the Piney Point Village Code of Ordinances, the Planning and Zoning Commission of Piney Point Village, Texas submitted its written recommendation to the City Council of the City of Piney Point Village, Texas, concerning proposed amendments to Chapter 74, Article IV., Section 74-244 - Regulations, and a new Section 74-247 -Standby Electric Generators, relating to residential generators; and

WHEREAS, the City Council of the City of Piney Point Village, Texas, has considered the recommendation of the Planning and Zoning Commission and has concluded that amendments should be made to Chapter 74, Article IV., Section 74-244 - Regulations, and a new Section 74-247 -Standby Electric Generators relating to residential generators should be added to the Piney Point Village Code of Ordinances;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE
CITY OF PINEY POINT VILLAGE, TEXAS, THAT:**

Section 1. The recitals set forth above are found to be true and correct and are adopted as the findings of fact of the City.

Section 2. Chapter 74, Article IV., Section 74-244 -Regulations, of the Code of Ordinances of the City of Piney Point Village, Texas is hereby amended to read as set forth in Exhibit A, attached hereto.

Section 3. Chapter 74, Article IV., Section 74-247 -Standby Home Generators, is hereby added to the Code of Ordinances of the City of Piney Point Village, Texas, to read as set forth in Exhibit A, attached hereto.

Section 4. All other portions of the Piney Point Village Code of Ordinances not specifically amended hereby remain in full force and effect.

Section 5. All ordinances and parts of ordinances in conflict with this Ordinance are repealed to the extent of the conflict only.

Section 6. Any person who shall intentionally, knowingly, recklessly, or with criminal negligence violates any provision of this chapter shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$2,000.00. Each day of violation shall constitute a separate offense.

Section 7. In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance 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 Piney Point Village, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

PASSED, APPROVED, AND RESOLVED this 18 day of November 2024.



Aliza Dutt
Mayor

Attest:



Robert Pennington
City Administrator / City Secretary



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EXHIBIT A

Chapter 74

Article IV.

Section 74-244 –Regulations

Sec. 74-244. Regulations.

- (a) *Accessory buildings and structures.* Except as provided immediately below, or specifically permitted otherwise in this chapter, no accessory building shall be erected in any yard as required by subsection (c).
 - (1) *Rear yard.* A structure or accessory building not attached or made a part of the main building may be placed not less than ten feet from the rear property line, provided that all of such structure or accessory building is within the rear third of the lot.
 - (2) *Side yard.* An accessory structure or accessory building not attached to or made a part of the main building, may be placed not less than ten feet from a side property line, provided that all such accessory structure or accessory building is within the rear third of the lot. Notwithstanding the foregoing, air conditioning and heating equipment, and/or mosquito equipment may be placed within the side yard so long as it is:
 - a. Located no less than ten feet from the side property line;
 - b. Located within six feet of the main structure; and
 - c. Screened so it cannot be viewed from the street.
 - (3) *Equipment/residential structures.* Air conditioning/heating equipment, swimming pool equipment and mosquito equipment are not allowed on any roof or front yard of any residential structure.

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- (g) *Building area.* The building area, exclusive of driveways and uncovered walkways, shall not exceed 30 percent of the lot area, exclusive of roadway easements; and the building area, inclusive of all structures (including driveways, tennis or other play courts, uncovered walkways, all other structures and impervious surfaces), shall not exceed 50 percent of the lot area. Notwithstanding, up to 50 square feet of area for a duly-permitted generator pad on lots with dwelling structures then existing or permitted for construction as of December 1, 2024 shall be excluded from the calculation of building area.

Section 74-247 –Standby Electric Generators

Sec. 74-247. Standby Electric Generators

(a) Definitions.

- (1) Standby Electric Generator: (Also referred to as “generator”) is a device that converts mechanical energy to electrical energy, is fully enclosed in an integral manufacturer-supplied sound attenuating enclosure, is connected to the main electrical panel of a residence by a manual or automatic transfer switch, and is rated for a generating capacity of not less than seven (7) kilowatts.
- (2) Generator Structure: includes the foundation pad, the generator device, any manufactured-supplied sound attenuating enclosure, and any raised pedestal, if required for proper installation.

(b) Generally. Standby electric generators may be installed and maintained for the purpose of providing electric power during time periods when normal electric service is unavailable. Generators must be permitted by the city and must be fueled by natural gas.

(c) Location.

- (1) Generators are required to meet the following building setback requirements:
 - a. Front Yard: No generator shall be located in a front yard or in front of the front building line of any residence.
 - b. Rear Yard: A generator may be placed in the rear yard, as long as the entire generator structure is not less than ten (10) feet from the rear property line.
 - c. Side Yard: A generator may be placed in the side yard, as long as the entire generator structure is no less than ten (10) feet from the side property line.
- (2) No portion of the generator structure may be located in or across any right-of-way or ground easement, and no portion of the generator structure may be placed over ground-level drainage structures.
- (3) The base of the generator equipment must not lie in the floodplain. Any generator foundation or pedestal needing to be higher than fourteen (14) inches above the ground to comply with flood plain requirements is subject to approval from the city building official.

(d) Minimum distances from other structures.

- (1) Buildings. If the generator is to be located adjacent to a building, the minimum distance between the generator structure and the building shall conform to the length

required by manufacturers' specifications, guidelines, and recommendations for the generator model to be installed; provided, however, all generators shall be at least eighteen (18) inches from any building.

- (2) Building Openings and Overhangs. The minimum distance between the generator structure and any door, operable window, garage door, basement window, attic vent, air intake or exhaust pipes, dryer vent, wall cracks, or other openings and overhangs in the building wall, ceiling or roof shall conform to the length required by manufacturers' specifications, guidelines, and recommendations for the generator model to be installed; provided, however, all generators shall be at least five (5) feet from any opening in the building as described in this Paragraph.
- (3) Vegetation and Other Structures. The minimum distance between the generator structure and any vegetation or other structure, included by not limited to trees, shrubs, bushes, fences, gates, and lattice shall conform to the length required by manufacturers' specifications, guidelines, and recommendations for the specific generator model to be installed; provided, however, the front and both ends of all generators shall be at least three (3) feet from any vegetation or other structure, as described in this paragraph.
- (4) The generator shall not be placed in a location that does not comply with the manufacturers' specifications, guidelines, and recommendations or otherwise creates airflow restrictions.

(e) *Screening and Enclosures.*

- (1) All generators must be screened so it cannot be visible
 - a. from the ground by adjacent side or rear lots, and
 - b. from the street.
- (2) The design and materials used for generator screenings and enclosures is subject to approval by the city building official.

(f) *Installation, Inspection and Operation.*

- (1) All generators must be installed and operated in compliance with the applicable manufacturer's specifications, guidelines, and recommendations.
- (2) Permit inspections by the City or its designee shall include a minimum of two onsite inspections:
 - a. An inspection to ensure compliance with proper location and minimum distances of the generator structure;
 - b. Final inspection to include workable operation of the generator.
- (3) A copy of the City-approved permit packet must be posted with the permit on the project site.

- (4) Permit inspection requirements for generators shall be based on the manufacturer's installation manual, the City's building codes and standards as adopted by Ordinance, and the latest adopted National Fire Protection Association ("NFPA") standards, whichever standard is the most restrictive.
- (5) No generator shall be operated except when necessary to provide electric power during time periods when normal electric service is unavailable, when operating under exercise mode, or when necessary for maintenance or repair.
- (6) A generator's exercise mode shall not be timed for performance during non-daylight hours.

(g) *Sound attenuation.* All generators shall be installed, maintained, and operated in such manner as to reduce, to the greatest extent reasonably possible, the volume of sound produced by their operation. The maximum sound level at any time shall be 75 DBA measured at 23 feet from the generator under normal load.