

Office of the City Manager

City of Richland Hills, Texas

Memorandum

To: Honorable Mayor Bill Agan and members of the Richland Hills City Council
From: Curtis E. Hawk, City Manager
Date: March 19, 2013
Subject: Public Hearing & Ordinance # 1243-13, Amendment to Zoning Ordinance to provide Special Exception for Carports.

City Council Action Requested:

- (1) Hold Public Hearing on Ord #1243-13, Amendment to Zoning Ordinance to create a special exception to allow ZBA to approve a larger car port in some cases.
- (2) Consider Ordinance 1243-13 to create a special exception to allow ZBA to approve a larger car port in some cases.

Background Information:

In January, 2013 a resident made application to have the City approve a larger size carport than permitted by the requirements of our Zoning Ordinance. Such requirements can only be altered by a variance granted by the Zoning Board of Adjustment. A variance has specific hardship requirements that must be met, e.g., a larger size is necessitated by a condition of the applicant's property. For this reason, these types of requests are usually handled by special exception.

There is currently no special exception provision for the carport requirements in the City's zoning ordinance. Without this the ZBA cannot grant a request to increase the size of a carport beyond what is currently permitted by the code. Considering the number of requests the City has received for alterations to the carport requirements, staff believes there is a need for Council to adopt a special exception for carports.

The ordinance before you for consideration would create a special exception that would allow the ZBA to approve a larger carport if certain conditions are met. Specifically, Ordinance No. 1243-13 amends Sections 90-58 and 90-334 of the Richland Hills Code of Ordinances to create a special exception to allow ZBA to approve a larger car port in some cases.

Board/Citizen Input: The Planning & Zoning Commission unanimously recommended approval of the amendments on Monday, March 11, 2013.

Financial Considerations:

N/A

Staff Contacts:

Curtis E. Hawk, City Manager
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Attachment: Ordinance 1243-13

ORDINANCE NO. 1243-13

AN ORDINANCE OF THE CITY OF RICHLAND HILLS, TEXAS AMENDING SECTIONS 90-58 AND 90-334 OF THE RICHLAND HILLS CITY CODE TO CREATE A SPECIAL EXCEPTION TO ALLOW THE ZONING BOARD OF ADJUSTMENT TO APPROVE A LARGER CARPORT IN SOME CASES; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATION; PROVIDING FOR PUBLICATION AS REQUIRED BY LAW; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Richland Hills is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City has previously enacted a comprehensive zoning ordinance which is codified as Chapter 90 of the Richland Hills City Code; and

WHEREAS, the City desires to provide citizens with the ability to construct larger carports in the rear of the property than what is currently required by the Code provided that certain factors are met; and

WHEREAS, the City desires for each request for a larger carport to be reviewed and approved by the city's zoning board of adjustment to ensure that the size of the carport will not result in injury to the surrounding property owners;

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

SECTION 1.

Section 90-58 of Article II, Division 2, of Chapter 90 of the Richland Hills City Code is hereby amended by the addition of Special Exception D to read as follows:

Description:

Permitted District:

| | |
|---|----------------------------|
| ... D. Carports. Carports greater in size than what is permitted by Section 90-334(b)(2) shall be permitted when: (i) necessary to cover a boat or recreational vehicle, (ii) the carport is to be located in the rear yard; (iii) the carport shall be in harmony with the existing structures located on the property and with the surrounding properties, and (iv) the carport shall not conflict with any setback requirement. | All residential districts. |
|---|----------------------------|

SECTION 2.

Section 90-334(b)(2) of Article IX, Division 8, of Chapter 90 of the Richland Hills City Code is hereby amended to read as follows:

- (2) Size. The roof assembly of a carport shall not exceed 20 feet in length or 24 feet in width. The inside vertical clearance of a carport shall not be less than 7 feet nor more than 9 feet. A carport greater than the maximum size permitted by this subsection may be approved by Special Exception by the Board of Adjustment as provided in Section 90-58.

SECTION 3.

This ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances of the City of Richland Hills, Texas, as amended, except where 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 phrases, clauses, sentences, paragraphs, and sections 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 5.

The City Secretary of the City of Richland Hills is directed to publish the caption, penalty clause, publication clause and effective date of this Ordinance in one issue of the official city newspaper as authorized by Section 52.013 of the Texas Local Government Code.

SECTION 6.

The City Secretary of the City of Richland Hills is hereby authorized to publish this ordinance and the exhibits to this ordinance in book or pamphlet form for general distribution among the public, and the operative provisions of this ordinance and the exhibits to this ordinance as so published shall be admissible in evidence in all courts without further proof than the production thereof.

SECTION 7.

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. In addition, 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 may be subjected to such civil penalties as authorized by law.

SECTION 8.

This ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

PASSED AND APPROVED ON THIS _____ DAY OF _____, 2013.

THE HONORABLE BILL AGAN, MAYOR

ATTEST:

LINDA CANTU, TMRC, CITY SECRETARY

APPROVED AS TO FORM AND LEGALITY:

BETSY ELAM, CITY ATTORNEY