Memorandum

To: Honorable Mayor Bill Agan and members of the Richland Hills City Council

From: Eric Strong, City Manager

Date: November 18, 2014

Subject: Structures built in Parks

Council Action: Discussion regarding Chapter 91 of the Code of Ordinances, including allowable construction materials and building in the floodway and floodplain.

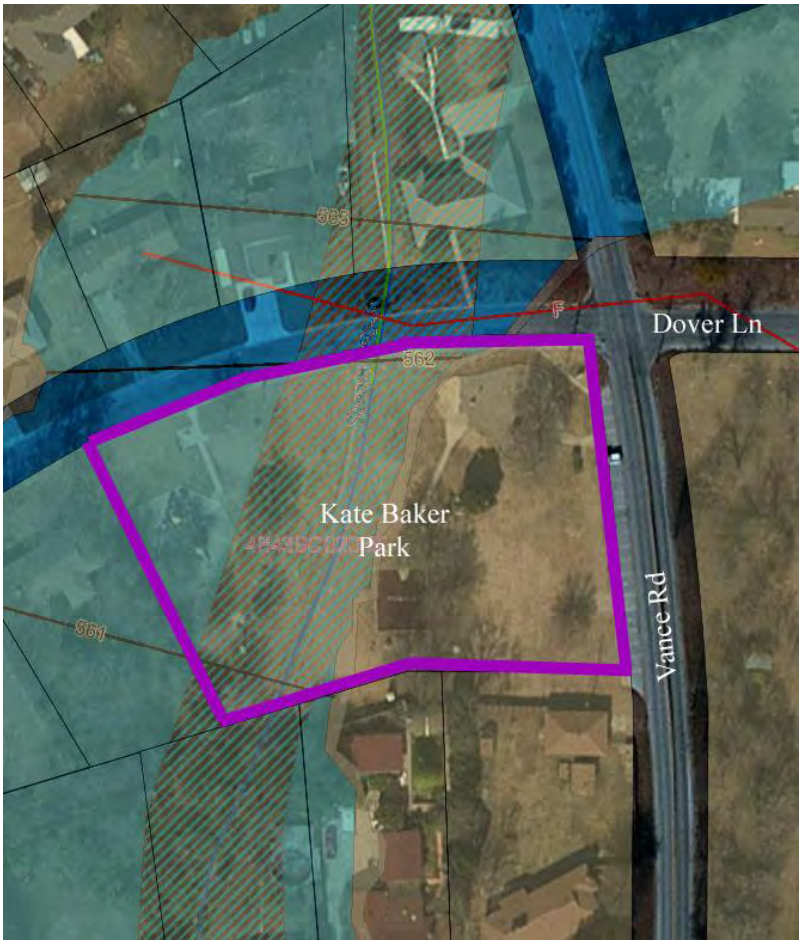
Background Information: In May 2014, City Council updated and approved a new Comprehensive Plan and Zoning Ordinance for the City. While the zoning ordinance resides in Chapter 90 of the City's Code of Ordinances, the Supplemental Regulations are provided in Chapter 91.

As you will recall, the zoning nomenclature was updated, which categorizes residential and non-residential type uses. The residential categories represent various densities of housing and require slightly different development standards than non-residential districts. One of the items stated in Chapter 91 specifically, is whether or not non-residential uses can exist in residentially zoned districts. While it is possible, there are limitations.

As you know, a Richland Hills resident has discussed before the Council his desire to build a log cabin in Kate Baker Park to be used for community gatherings/rental purposes. Kate Baker Park is zoned SF-10, Single-Family Residential. While dwelling units are not actually located in the park, the single-family zoning requirements remain effective. Thus, placing a structure with a non-residential use in Kate Baker Park, specifically, would require specific development standards be met. For example a non-residential type building would be required to be built with 100% Class 1 Masonry, *Sec.91-400 (b)(1)b.1.*

The other issue with Kate Baker Park, specifically, is that the floodway and floodplain engulf more than half of the park (see image below). The floodway is the hashed portion while the solid color represents the floodplain. Construction of a building in the floodway is strictly prohibited and construction of a building in a floodplain requires extensive hydraulic studies to prove no impacts to upstream or downstream property owners. This leaves the eastern portion of the park open for development of a building, if one were to exist.

Therefore if Council wishes to proceed with the log cabin, the building would need to be on the eastern portion of the park, outside the floodplain or floodway. Additionally, the City Manager would have to grant a waiver (which is allowed by ordinance) to the masonry requirement, if necessary to result in a higher quality development and/or to carry out the recommendations of the comprehensive plan. However, given the recent resolution to adopt the various Park Master Plans for each park, it is staff's recommendation that the City Manager not grant a waiver for the construction of elements not provided for in the Council-adopted plan. It is also advisable to steer clear of waiving requirements for City Owned/Operated projects or properties, without amending the actual ordinance.



Board/Citizen Input: N/A

Financial Impact: N/A

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Attachments: N/A