

Office of Neighborhood Services

City of Richland Hills, Texas

## Memorandum

To: Honorable Mayor Bill Agan and members of the Richland Hills City Council  
From: Scott Mitchell, Director of Neighborhood Services  
Date: January 5, 2016  
Subject: Discussion of Zoning Ordinance Change as recommended by the Planning and Zoning Commission

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### **Council Action Requested:**

Discussion of possible changes to the Code of Ordinances, Chapter 90 – Zoning, specifically Section 4.02.01 (C) defining Residential District Carports and adding 4.02.01 (D) defining Nonresidential District Carports and Section 8 concerning Definition of Carport.

### **Background Information:**

The City of Richland Hills, through an exhaustive process involving elected officials, representatives from the community and city staff, developed an updated Comprehensive Plan and Zoning Ordinance that was codified in May of 2014. In this ordinance carports were defined and design requirements specified for the city.

In late 2015 several applicants requested carports in non-residential zones that were not allowed due to size restrictions. They submitted a request to the Planning and Zoning Commission requesting a change to the zoning ordinance to differentiate between residential and non-residential areas as applied to carports. The request was to allow larger carports in non-residential areas. At the request of the P & Z Commission, staff presented several possible options based on sample ordinances of surrounding municipalities. However, staff also made the

recommendation that no changes be made to the current ordinance as it had been recently adopted **(SEE ATTACHED MEMO TO P&Z)**.

After initially tabling the item, the P&Z Commission held a work session November 17, 2015 to discuss the possible options. At the regularly scheduled meeting on December 14, 2015, the P&Z approved a recommendation to the Council by a 4 to 1 vote to change the Zoning Ordinance to distinguish a difference between residential and non-residential carports. The recommendation by P&Z allows for a larger non-residential carport than is currently permitted in residential areas.

Discussion is to receive input from Council regarding changes to the ordinance prior to bringing the ordinance forward for action at a future meeting. To help guide this discussion, please see the list of attached questions that we provided to P&Z to help guide your thoughts on whether or not this change is appropriate.

#### **Board/Citizen Input:**

Planning and Zoning Commission recommended the Council adopt the requested changes to the Zoning Ordinance by a vote of 4 to 1.

**Financial Impact:** N/A

#### **Staff Contacts**

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Director of Neighborhood Services  
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#### **Attachments:**

Memo to P&Z  
Questions to ask when considering a change to Zoning Ordinance

## Memorandum

To: Honorable Chair and members of the Richland Hills Planning and Zoning Commission

From: Donald Dixson, Chief Building Official

Copy: Scott Mitchell, Director of Community Development

Date: November 9, 2015

Subject: Public hearing for the purpose of hearing evidence, testimony and comments from all interested persons and parties concerning a proposed amendment.

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### **Planning and Zoning Commission Action Requested:**

Public Hearing Item B. – Consider a request to amend Chapter 90 Zoning, of the Code of Ordinances, for the purpose of hearing evidence, testimony and comments from all interested persons and parties concerning a proposed amendment to Chapter 90 of the City Code, the Richland Hills Comprehensive Zoning Ordinance, specifically including proposed amendment to Section 4.02.01. (C) Carports, to create a special exception to allow the Zoning Board of Adjustment to approve a larger carport under certain circumstances; or to create regulations specific to non-residential carports.

### **Background Information:**

In 2014 the Planning and Zoning Commission recommended that the City Council adopt our current Comprehensive Plan and Zoning Ordinance. This was the result of nearly two years of meetings and deliberations not only by P&Z and City Council, but also by a special committee put together by the City Council to review these documents and assist in their preparation. The special committee devoted significant time to these documents, and specifically spent a significant amount of time thinking about and discussing how carports should be handled.

The result of that discussion was that carports, although considered an accessory building, have their own section in the zoning ordinance (see section 4.02.01 (C)). In fact, it is the only type of accessory building to be given its own special section. This was done intentionally by the committee in order to enact more restrictive rules on carports than on other accessory buildings. An example of this is regular accessory buildings have a maximum allowable height of 15 feet. Carports specifically have a an interior maximum clearance of 9 feet. This is only one example of how carports are dealt with separately from other accessory buildings.

Staff recognizes that there have been multiple requests for carport exceptions over the past few years. Currently, there is no mechanism for an exception or variance from the rules. We have been asked about it multiple times, and felt that P&Z needed to be made aware of the request, as P&Z (and City Council) constitutes the governing body that oversees the Zoning Ordinance. We wanted to make you aware, because it is ultimately the decision of P&Z and Council. However, staff strongly recommends against making any modifications to the carport regulations. In staff's opinion, allowing for variances and exceptions cracks open a door that will be difficult to close. Allowing for exceptions or variances also raises the very real possibility of creating unequitable situations in which some variances or exceptions are granted and others are not based on superfluous and inconsistent external factors.

**Board/Citizen Input:**

N/A

**Financial Impacts:**

N/A

**Staff Contacts:** Donald Dixson, Chief Building Official, [ddixson@richlandhills.com](mailto:ddixson@richlandhills.com)

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Kelley Ledesma, Administrative Assistant, [kledesma@richlandhills.com](mailto:kledesma@richlandhills.com)

### Questions for Special Meeting

A few questions the Commission may want to ask themselves are:

1. Will the proposed change(s) enhance the site and the surrounding area(s).
2. Are the proposed changes better for development along city corridors than the existing regulations in effect?
3. Will the proposed changes impact adjacent residential uses in a negative manner? Or, will the proposed changes be compatible with, and/or enhance adjacent residential areas?
4. Are the other non-residential regulations when compared to the proposed changes similar in use and nature, in terms of appearance and design quality and other general aspects for compatibility?
5. Do the proposed changes present a significant benefit to all the citizens and businesses of Richland Hills?
6. Would the proposed changes contribute to the City's long term non-residential development of the City's Land Use Plan?