

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 19, 2016  
Subject: Zoning Ordinance Change as recommended by the Planning and Zoning Commission

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### **Council Action Requested:**

Public Hearing and consideration of 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. However, staff also made the recommendation that no changes be made to the current ordinance as it had been recently adopted.

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 P & Z 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 reflect the language of option one as presented by Staff.

**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**

Scott Mitchell  
Director of Neighborhood Services  
[smitchell@richlandhills.com](mailto:smitchell@richlandhills.com)

**Attachments:**

Transmittal Memo from Planning and Zoning Commission  
Recommended changes (Staff Change Option One) approved by P & Z Commission  
Ordinance - Carports

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF RICHLAND HILLS, TEXAS AMENDING CHAPTER 90 OF THE RICHLAND HILLS CITY CODE BY AMENDING SECTION 4.02 TO ALLOW FOR LARGER CARPORTS IN NONRESIDENTIAL DISTRICTS; AMENDING SECTION 8.01 TO PROVIDE FOR A NEW DEFINITION FOR CARPORT; 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 make amendments to the Code to provide nonresidential property owners with the ability to construct larger carports than what is currently required by the Code; and

WHEREAS, the City Council finds that the approval of this ordinance is in the best interest of the health, safety, and general welfare of the citizens of the City.

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

**SECTION 1.**

That Article 4, Section 4.02 of Chapter 90 of the Richland Hills City Code is hereby amended by amending subsection 4.02.01(C) to change the title of the subsection to read as follows:

**Section 4.02.01(C) Carports—Residential**

**SECTION 2.**

That Article 4, Section 4.02 of Chapter 90 of the Richland Hills City Code is hereby amended by adding a new subsection 4.02.01(D) to read as follows:

**Section 4.02.01. (D) Carports – Nonresidential Districts (P, R, LC, HC, I)**

(1) *Location.* Location requirements for carports within the city shall be as follows:

(a) *Front.* An attached carport may extend beyond the front building line (setback line), but in no case shall the structure extend more than 25 feet from the point of

attachment to the structure, or encroach upon the street right-of-way, sidewalk, fire lane or any easement.

(b) *Side.* A carport shall be set back five feet from the side property line for interior lots adjacent to a residential district. Otherwise no side setback is required. A carport shall be set back fifteen feet from the side property line to an adjacent side street.

(c) *Rear.* A carport shall be set back five feet from the rear property line for lots adjacent to a residential district. Otherwise no rear setback is required.

(2) *Construction.* Construction requirements for carports shall be as follows:

(a) *Parking surface.* Carports must be erected over an approved surface.

(b) *Size.* The roof assembly of a carport shall not exceed 20 feet in length or 30 feet in width. The inside vertical clearance of a carport shall not be less than seven feet, nor more than fifteen feet at the peak.

(c) *Roof*

1. Roof design and pitch of a carport shall not exceed that of the main structure.

2. Carport roofs, if metal, shall be corrosion-resistant aluminum or steel painted with a baked-on enamel finish or equivalent. Corrugated metal roofing is not permissible.

3. Metal roof carport must have a minimum slope of one-fourth unit vertical in 12 units horizontal (two percent).

(d) *Walls.* Carports shall have at least two open exterior walls; however, no exterior wall may extend into the required front yard.

(e) *Columns.* Columns are to be wrapped of Class "1" Masonry materials up to a height of seven (7) feet with powder coated steel when visible from any right-of-way.

(3) *Storage.* A carport shall be used to store only vehicles, including recreational vehicles, boats and trailers which are incidental to the primary use of the property. All vehicles must be registered. Carports shall not be used to store any other items.

### SECTION 3.

That Section 8.01 of Chapter 90 of the Richland Hills City Code is hereby amended by amending the definition of carport to read as follows:

*Carport.* A structure open on a minimum of two sides designed or used to shelter 1 or more vehicles, including recreational vehicles, boats and trailers.

#### **SECTION 4.**

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 5.**

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 6.**

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 7.**

The City Secretary of the City of Richland Hills is hereby authorized to publish 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 8.**

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 9.**

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 \_\_\_\_\_, 2016.

\_\_\_\_\_  
THE HONORABLE BILL AGAN, MAYOR

ATTEST:

\_\_\_\_\_  
CATHY BOURG, CITY SECRETARY

APPROVED AS TO FORM AND LEGALITY:

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BETSY ELAM, CITY ATTORNEY

## Memorandum

To: Scott Mitchell, Director of Neighborhood Services

From: Donald Dixon, Chief Building Official

Date: December 15, 2015

Subject: Planning and Zoning determination and recommendation to the City Council

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### **Staff Action Item:**

The Planning and Zoning Commission heard the recommendation to amend the City's Zoning Ordinance to allow for larger carports by adding subsection 4.02.01(D) Carports in non-residential districts (P, R, LC, HC, I) and recommends approval of option one by forwarding to the City Council the Planning Analysis for the proposed changes contained in Option One and to amend the definition of Carport in Section 8 Definitions.

### **Background Information:**

Planning and Zoning Commission recommends approval as submitted by a vote of 4 - 1.

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

N/A

### **Financial Impacts:**

N/A

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

Cathy Bourg, City Secretary, [cbourg@richlandhills.com](mailto:cbourg@richlandhills.com), 817-616-3810

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

## I. Planning Analysis

The option involves: (1) clarifying that subsection 4.02.01(C) applies to Residential Districts; (2) inserting a new subsection 4.02.01(D) regulating carports in Nonresidential Districts.

Additionally, the definition of “carport” in Section 8 of the Zoning Ordinance should be revised, regardless of how the Commission wishes to proceed with either option above. The current definition limits carports to 24’ at its longest dimension while subsection 4.02.01(C)(2)(b) currently allows for 25’ in width and length.

## II. Amendments

### OPTION ONE

- Amending Subsection 4.02.01(C) to change title of subsection to read as follows:

#### **Section 4.02.01. (C) Carports – Residential Districts**

- Adding subsection 4.02.01 (D) to read as follows:

#### **Section 4.02.01. (D) Carports – Nonresidential Districts (P, R, LC, HC, I)**

(1) *Location.* Location requirements for carports within the city shall be as follows:

(a) *Front.* An attached carport may extend beyond the front building line (setback line), but in no case shall the structure extend more than 20 feet from the point of attachment to the structure, or encroach upon the street right-of-way, sidewalk, fire lane or any easement.

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3. Metal roof carport must have a minimum slope of one-fourth unit vertical in 12 units horizontal (two percent).

(d) *Walls.* Carports shall have at least two open exterior walls; however, no exterior wall may extend into the required front yard.

(e) *Columns.* Columns are to be wrapped of Class "1" Masonry materials up to a height of seven (7) feet with powder coated steel when visible from any right-of-way.

(3) *Storage.* A carport shall be used to store only vehicles, including recreational vehicles, boats and trailers which are incidental to the primary use of the property. All vehicles must be registered. Carports shall not be used to store any other items.

### **NEW CARPORT DEFINITION—Section 8**

#### **Carport**

A structure open on a minimum of two sides designed or used to shelter 1 or more vehicles, including recreational vehicles, boats and trailers.