

**PLANNING AND ZONING COMMISSION
MEETING AGENDA
CITY HALL, 3200 DIANA DRIVE
SEPTEMBER 26, 2023 at 6:00 PM**

1. CALL TO ORDER

2. EXECUTIVE SESSION

Executive Session: Pursuant to the Open Meetings Act, Chapter 551, Texas Government Code, Section 551.071. **Executive Session may be held, under these exceptions, at any time during the meeting that a need arises for the Planning and Zoning Commission to seek advice from the City Attorney as to the posted subject matter of this Planning and Zoning Commission meeting.**

3. PUBLIC COMMENTS

This is the public's opportunity to address the Planning & Zoning Commission about non-agenda items. In compliance with the Texas Open Meetings Act, Commission members and city staff are prevented from discussing non-agenda items and may only respond with statements of factual information or existing city policy.

REGULAR AGENDA

4. Approve minutes from the July 25, 2023 Planning and Zoning Commission meeting
5. Consider a zoning change from Single Family-10 to Mixed Use at the property described as Block 29 Lot 24 N 150' of Lot 24, Richland Hills addition, Richland Hills, Texas, otherwise known as 6831 Baker Boulevard, Richland Hills, Texas 76118 and the property described as Block 29 Lot 24A, Richland Hills addition, Richland Hills, Texas, otherwise known as 6831 Baker Boulevard. **PUBLIC HEARING**
6. Consider a Specific Use Permit to permit the use "Outside Storage, Incidental Use" at the property described as Block 29 Lot 24 N 150' of Lot 24, Richland Hills addition, Richland Hills, Texas, otherwise known as 6831 Baker Boulevard, Richland Hills, Texas 76118 and the property described as Block 29 Lot 24A, Richland Hills addition, Richland Hills, Texas, otherwise known as 6831 Baker Boulevard. **PUBLIC HEARING**
7. Consider a zoning text amendment to Chapter 90 of the Comprehensive Zoning Ordinance of the City of Richland Hills by amending Article 8 to add a definition for Fleet Vehicle and to amend the definition of "Outside Storage and Display" and "Office, Administrative, Medical or Professional." **PUBLIC HEARING**

8. Consider a zoning text amendment to Chapter 90 of the Comprehensive Zoning Ordinance of the City of Richland Hills by amending Article 3 to allow for certain alcohol related uses to be an authorized use by right or by specific use permit within specified zoning districts, and to establish conditional development standards for certain alcohol related uses, and to amend Article 8 to add definitions for certain alcohol related uses. **PUBLIC HEARING**

9. ADJOURNMENT

A quorum of the City Council or other Boards may be present at this meeting

CERTIFICATE

I hereby certify that the above agenda was posted on this the 21st day of September 2023 by 5:30 p.m. on the official bulletin board at the Richland Hills City Hall, 3200 Diana Drive, Richland Hills, Texas, pursuant to the Texas Government Code, Chapter 551.

Lindsay Rawlinson

Lindsay Rawlinson
City Secretary



ACCESSIBILITY STATEMENT

The Facility is wheelchair accessible. If you plan to attend this public meeting and have a disability that requires special arrangements, please notify the City Secretary 48 hours in advance at (817) 616-3810 and reasonable accommodations will be made to assist you.

Memorandum

To: Richland Hills Planning and Zoning Commission

From: Lindsay Rawlinson, City Secretary

Date: September 26, 2023

Subject: Minutes from the July 25, 2023 Regular Planning and Zoning Commission Meeting

Agenda Item:

Approve minutes from the July 25, 2023 Planning and Zoning Commission meeting.

Background Information:

N/A

Financial Considerations:

N/A

Legal Review:

N/A

Board/Citizen Input:

N/A

Attachments:

July 25, 2023 Draft Minutes

Suggested Motion:

Motion to approve the minutes from the July 25, 2023 Planning and Zoning Commission meeting.

**RICHLAND HILLS PLANNING & ZONING COMMISSION
REGULAR MEETING
JULY 25, 2023
MINUTES**

Members Present

Michael Wilson, Chair
Kenneth Keating, Place 1
Jackson Durham, Place 3
Mary Witt, Place 4

Members Absent

Kelle Jones, Place 5

Alternate Members Absent

Mary Sullivan, Alternate 1

Staff Present

Logan Thatcher, Assistant to the City Manager
Lindsay Rawlinson, City Secretary
Rachel Raggio, City Attorney

1. CALL TO ORDER

Chair Wilson called to order at 6:00 p.m.

2. EXECUTIVE SESSION

Executive Session: Pursuant to the Open Meetings Act, Chapter 551, Texas Government Code, Section 551.071. Refer to posted list attached hereto and incorporated herein. Executive Session may be held, under these exceptions, at any time during the meeting that a need arises for the Planning and Zoning Commission to seek advice from the City Attorney as to the posted subject matter of this Planning and Zoning Commission meeting.

None.

3. PUBLIC COMMENTS

None

REGULAR AGENDA

4. Approved minutes from the May 23, 2023 Planning and Zoning Commission meeting.

Motion: Motion was made by Commissioner Durham and seconded by Commissioner Witt to approve the minutes from the May 23, 2023 Planning and Zoning Commission meeting.

Motion carried by a vote of 4-0.

5. Approved a Specific Use Permit to permit the use “Outside Storage, Incidental Use” at the property described as Block 4 Lot 15 Henry A L Subdivision, Richland Hills, Texas, otherwise known as 6821 Baker Boulevard, Richland Hills, Texas 76118. PUBLIC HEARING

Assistant to the City Manager Logan Thatcher presented the item to the Commission and advised that applicant Joe Cortez with True North Data is seeking a Specific Use Permit (SUP) for his property at 6821 Baker Boulevard, Suite C. The requested SUP is to allow Mr. Cortez to park vehicles behind the building. There is currently an eight-foot vinyl fence with a gate on the property and the enclosed fence area is 3,280 square feet. All vehicles would be parked within the enclosed fence area.

Chair Wilson opened the public hearing at 6:09 p.m. and asked to hear from any proponents followed by opponents of the case.

Hearing none, Chair Wilson closed the public hearing at 6:09 p.m.

Motion: Motion was made by Commissioner Durham and seconded by Commissioner Keating to approve a Specific Use Permit to permit the use “Outside Storage, Incidental Use” at the property described as Block 4 Lot 15 Henry A L Subdivision, Richland Hills, Texas, otherwise known as 6821 Baker Boulevard, Richland Hills, Texas 76118.

Motion carried by a vote of 4-0.

6. ADJOURNMENT

Chair Wilson declared the meeting adjourned at 6:10 p.m.

ATTEST:

APPROVED:

Lindsay Rawlinson, City Secretary

Michael Wilson, Chairman

Memorandum

To: Richland Hills Planning and Zoning Commission

From: Logan Thatcher, Assistant to the City Manager

Date: September 26, 2023

Subject: Rezone

Agenda Item:

Consider a zoning change from Single Family-10 to Mixed Use at the property described as Block 29 Lot 24 N 150' of Lot 24, Richland Hills addition, Richland Hills, Texas, otherwise known as 6831 Baker Boulevard, Richland Hills, Texas 76118 and the property described as Block 29 Lot 24A, Richland Hills addition, Richland Hills, Texas, otherwise known as 6831 Baker Boulevard. **Public Hearing**

Background Information:

The applicant for this rezone is Kairi Gardner with LE Engineering. The property is 6831 Baker Boulevard. There are two lots that have the address 6831 Baker Boulevard. The south lot off Baker is zoned Mixed Use, while the vacant property just north is zoned Single Family-10. The applicant has purchased the property which includes both lots and is requesting that the zoning be congruent by rezoning the back portion to Mixed Use.

Financial Considerations:

There are not any financial considerations for the rezone

Board/Citizen Input:

Planning and Zoning Commission consideration: September 26, 2023

City Council consideration: October 24, 2023

Attachments:

Application
Property Photos

Suggested Motion:

Motion to approve a zoning change from Single Family-10 to Mixed Use at the property described as Block 29 Lot 24 N 150' of Lot 24, Richland Hills addition, Richland Hills, Texas, otherwise known as 6831 Baker Boulevard, Richland Hills, Texas 76118 and the property described as Block 29 Lot 24A, Richland Hills addition, Richland Hills, Texas, otherwise known as 6831 Baker Boulevard.



Richland Hills Development Services

3200 Diana Drive | Richland Hills, TX, 76118
817-616-3800 | richlandhills.com

Zoning Application

Application Type

- Specific Use Permit (Fee: \$300.00)
- Zoning Text Amendment (Fee: \$300.00)
- Planned Development (Fee: \$300.00)
- Zoning Map Amendment (Fee: \$300.00)

Applicant Information

Applicant's Name: Kairi Gardner
 Business Name: LE ENGINEERING
 Phone: 817-727-1098 Email Address: Kairi@leengineeringllc.com

Property Information

Property Address: 6831 Baker Blvd. Richland hills Tx, 76118
 Square Feet: Both building totaling 6,596SF Deed Date: 3/31/23
 Building Owner: LE ENGINEERING WASH SYSTEMS, LLC
 Company: LE ENGINEERING WASH SYSTEMS, LLC
 Phone: 682-626-5272
 Owner Address: 6831 Baker Blvd. Richland hills Tx, 76118
 Owner Phone Number: 817-714-2165 / 817-845-7947
 Owner Email Address: luis@leengineeringllc.com / eric@leengineeringllc.com
 Previous Occupant: N/A Current Zoning: "MX" Mixed Use

Zoning Request

Please provide a detailed description of your request: _____
Residential lot on the back will be re-plated together for commercial use.

Signature

I certify that my answers are true and complete to the best of my knowledge, and I understand that false or misleading information in my application may result in zoning violations.

Signature: KG Date: 8/2/23

Public Hearing Information		
Planning & Zoning Hearing Date: _____	City Council Hearing Date: _____	
Permit Number: <u>20230714</u>	Receipt Number: <u>385558^{cs}</u>	Date: <u>08/28/2023</u>
Notes: _____		

Received by: <u>veangel</u>		





Memorandum

To: Richland Hills Planning and Zoning Commission

From: Logan Thatcher, Assistant to the City Manager

Date: September 26, 2023

Subject: Specific Use Permit

Agenda Item:

Consider a Specific Use Permit to permit the use “Outside Storage, Incidental Use” at the property described as Block 29 Lot 24 N 150’ of Lot 24, Richland Hills addition, Richland Hills, Texas, otherwise known as 6831 Baker Boulevard, Richland Hills, Texas 76118 and the property described as Block 29 Lot 24A, Richland Hills addition, Richland Hills, Texas, otherwise known as 6831 Baker Boulevard. **Public Hearing**

Background Information:

The applicant for this rezone is Kairi Gardner with LE Engineering. The property is 6831 Baker Boulevard. The applicant is requesting a specific use permit for “Outside Storage and Display, incidental use.” The applicant will be storing vehicles, and occasionally some equipment. They will be screening the entire back portion for the outside storage with the proper material. They proposed a 8’ masonry wall.

Financial Considerations:

There are not any financial considerations for the Specific Use Permit

Board/Citizen Input:

Planning and Zoning Commission consideration: September 26, 2023

City Council consideration: October 24, 2023

Attachments:

Application
Property Photos
Site Plan

Suggested Motion:

Motion to approve a Specific Use Permit to permit the use “Outside Storage, Incidental Use” at the property described as Block 29 Lot 24 N 150’ of Lot 24, Richland Hills addition, Richland Hills, Texas, otherwise known as 6831 Baker Boulevard, Richland Hills, Texas 76118 and the property described as Block 29 Lot 24A, Richland Hills addition, Richland Hills, Texas, otherwise known as 6831 Baker Boulevard.



Richland Hills Development Services

3200 Diana Drive | Richland Hills, TX, 76118

817-616-3800 | richlandhills.com

Zoning Application

Application Type

- Specific Use Permit (Fee: \$300.00)
- Zoning Text Amendment (Fee: \$300.00)
- Planned Development (Fee: \$300.00)
- Zoning Map Amendment (Fee: \$300.00)

Applicant Information

Applicant's Name: Kairi Gardner

Business Name: LE ENGINEERING

Phone: 817-727-1098 Email Address: Kairi@leengineeringllc.com

Property Information

Property Address: 6831 Baker Blvd. Richland hills Tx, 76118

Square Feet: Both building totaling 6,596SF Deed Date: 3/31/23

Building Owner: LE ENGINEERING WASH SYSTEMS, LLC

Company: LE ENGINEERING WASH SYSTEMS, LLC

Phone: 682-626-5272

Owner Address: 6831 Baker Blvd. Richland hills Tx, 76118

Owner Phone Number: 817-714-2165 / 817-845-7947

Owner Email Address: luis@leengineeringllc.com / eric@leengineeringllc.com

Previous Occupant: N/A Current Zoning: "MX" Mixed Use

Zoning Request

Please provide a detailed description of your request: _____

Residential lot on the back will be re-plated together for commercial use.

Use for out door storage: company Trucks, Forklift (no propane), trailer, pvc on racks.

Signature

I certify that my answers are true and complete to the best of my knowledge, and I understand that false or misleading information in my application may result in zoning violations.

Signature: KG Date: 8/2/23

Public Hearing Information	
Planning & Zoning Hearing Date: _____	City Council Hearing Date: _____
Permit Number: <u>20230713</u>	Receipt Number: <u>385558^{cc}</u> Date: <u>08/28/2023</u>
Notes: _____	

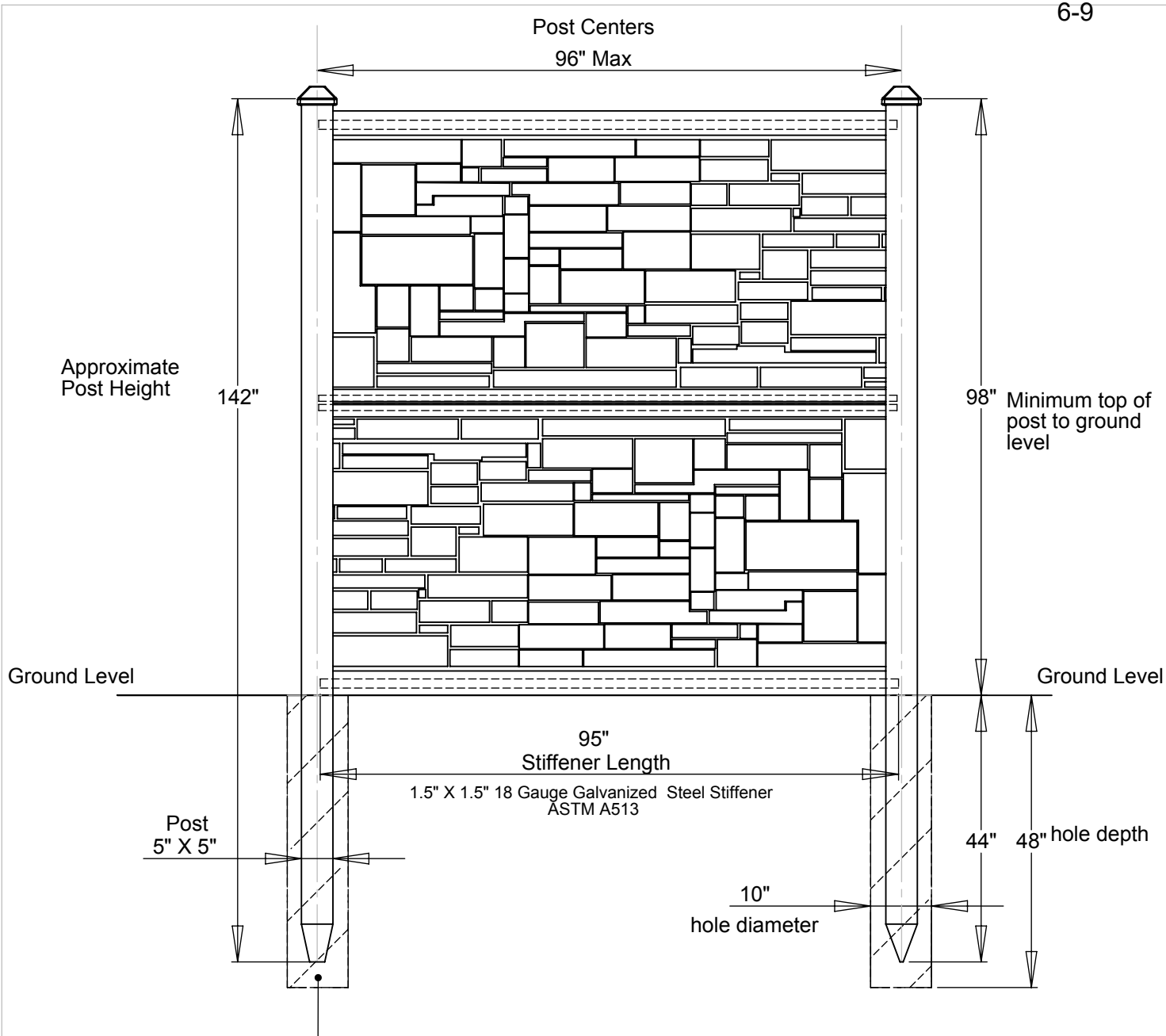
Received by: <u>Vranagel</u>	

PROPERTY AERIAL





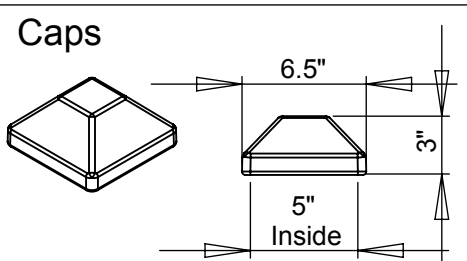




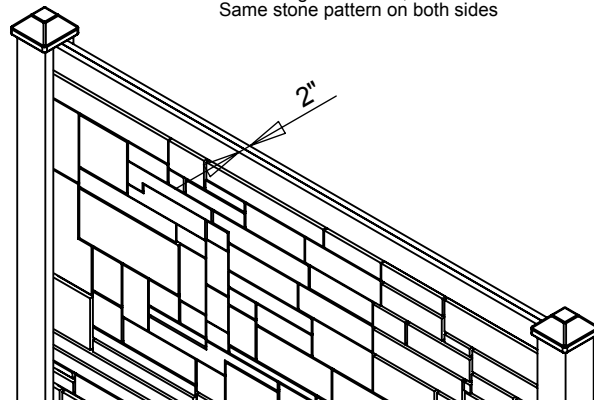
Concrete footing diameter 10" min and 46" to 48" deep min. In accordance with local conditions, codes, and standard building practices.

Good Neighbor Fence. Same stone pattern on both sides

Caps



- Actual Panel Dimensions: 48"H X 94.25"W
- Panel Weight 60lbs.
- Tolerances are $\pm .25"$



Model #:FP96X96 E

This drawing may not be altered or reproduced without the permission of SimTek® Fence

Date: January 3, 2011

Scale: not to scale

REV: GF

Sheet 1 of 1

U.S. Patents: 7,478,797 / 7,635,114 Foreign Patents Pending



EcoStone

www.ecostonefence.com

Memorandum

To: Richland Hills Planning and Zoning Commission

From: Logan Thatcher, Assistant to the City Manager

Date: September 26, 2023

Subject: Zoning Text Amendment – “Outside Storage”

Agenda Item:

Consider a zoning text amendment to Chapter 90 of the Comprehensive Zoning Ordinance of the City of Richland Hills by amending Article 8 to add a definition for Fleet Vehicle and to amend the definition of “Outside Storage and Display” and “Office, Administrative, Medical or Professional.” **PUBLIC HEARING**

Background Information:

The City is recommending adding a clear definition for Fleet Vehicle in Chapter 90, Article 8, “Definitions” and also amending the definitions that talk to Fleet Vehicles. The definition would read as:

Fleet Vehicle. Any vehicle owned or operated by the person, company or business which is used for purposes of delivery, pick up or service to patrons of the primary use. Any Heavy Load Vehicle is excluded from the being a Fleet Vehicle.

The amended definitions would read as:

“Outside Storage and Display. A primary land use providing outdoor storage or display of commodities, materials, goods, equipment, vehicles, or merchandise in its normal day-to-day business activities. This definition excludes new and used sale or lease of automobiles, motorcycles recreational vehicles, boats, or watercrafts. This definition does not include temporary outside merchandise display, such as a sidewalk sale. Fleet Vehicles are not included in this definition”

“Office, Administrative, Medical or Professional. A building used for the provision of executive, management, or administrative services. Typical uses include, but are not limited to, administrative offices and services including real estate, property management, investment, medical, home health care, chiropractor, architect, engineer, travel, secretarial services, accounting organizations and associations, and vehicle rental office.”

Financial Considerations:

There are not any financial considerations for zoning text amendment

Board/Citizen Input:

Planning and Zoning Commission consideration: September 26, 2023

City Council consideration: October 9, 2023

Attachments:

Ordinance 1487-23

Suggested Motion:

Motion to approve a zoning text amendment to Chapter 90 of the Comprehensive Zoning Ordinance of the City of Richland Hills by amending Article 8 to add a definition for Fleet Vehicle and to amend the definition of "Outside Storage and Display" and "Office, Administrative, Medical or Professional."

ORDINANCE NO. 1487-23

AN ORDINANCE AMENDING CHAPTER 90 OF THE CITY CODE, AS AMENDED, THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF RICHLAND HILLS; AMENDING ARTICLE 8 TO ADD A DEFINITION FOR FLEET VEHICLE AND TO AMEND THE DEFINITION OF “OUTSIDE STORAGE AND DISPLAY” AND “OFFICE, ADMINISTRATIVE, MEDICAL OR PROFESSIONAL.”; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A PENALTY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE, PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; 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, pursuant to Chapter 211 of the Local Government Code, the City has adopted a Comprehensive Zoning Ordinance and map regulating the location and use of buildings, other structures and land for business, industrial, residential or other purposes, and providing for a method to amend said ordinance and map for the purpose of promoting the public health, safety, morals and general welfare, all in accordance with a comprehensive plan; and

WHEREAS, an ordinance regulating boarding houses within the City was adopted on April 26, 2021 and the City Council deems it necessary to further regulate boarding houses by limiting the zoning districts where boarding homes are permitted, requiring site plan review for parking, and requiring proof of insurance;

WHEREAS, a public hearing was held by the Planning and Zoning Commission on September 26, 2023 and thereafter by the City Council on October 9, 2023, with respect to the proposed use changes described herein; and

WHEREAS, all requirements of law dealing with notice to other property owners, publication and all procedural requirements have been complied with in accordance with the Comprehensive Zoning Ordinance and Chapter 211 of the Local Government Code; and

WHEREAS, the City Council of the City does hereby deem it advisable and in the public interest to amend Chapter 90 of the City Code, as amended, as described herein; and

WHEREAS, the proposed change is consistent with the City’s comprehensive land use plan.

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

**SECTION 1
ZONING TEXT AMENDMENT**

Chapter 90, Article 8, “Definitions” is hereby amended to the following definition in alphabetical order:

Fleet Vehicle. Any vehicle owned or operated by the person, company or business which is used for purposes of delivery, pick up or service to patrons of the primary use. Any Heavy Load Vehicle is excluded from the being a Fleet Vehicle.

**SECTION 2
ZONING TEXT AMENDMENT**

Chapter 90, Article 8, “Definitions” is hereby amended to revise the following definitions to read as follows:

“Outside Storage and Display. A primary land use providing outdoor storage or display of commodities, materials, goods, equipment, vehicles, or merchandise in its normal day-to-day business activities. This definition excludes new and used sale or lease of automobiles, motorcycles recreational vehicles, boats, or watercrafts. This definition does not include temporary outside merchandise display, such as a sidewalk sale. Fleet Vehicles are not included in this definition”

“Office, Administrative, Medical or Professional. A building used for the provision of executive, management, or administrative services. Typical uses include, but are not limited to, administrative offices and services including real estate, property management, investment, medical, home health care, chiropractor, architect, engineer, travel, secretarial services, accounting organizations and associations, and vehicle rental office.”

**SECTION 3
ORDINANCE CUMULATIVE**

This Ordinance shall be cumulative of all other ordinances of the City of Richland Hills affecting zoning and land use, and shall not repeal any of the provisions of such ordinances except in those instances where provisions of such ordinances are in direct conflict with the provisions of this Ordinance.

**SECTION 4
PENALTY**

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 5 SAVINGS

All rights or remedies of the City are expressly saved as to any and all violations of Chapter 90, as amended, or any other ordinance affecting zoning and land use that have accrued at the time of the effective date of this Ordinance and as to such accrued violations and all pending litigation, both civil and criminal, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 6 SEVERABILITY

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 7 PUBLICATION

The City Secretary of the City of Richland Hills is hereby directed to publish caption, penalty clause, and effective date clause in the official newspaper as/if required by law.

SECTION 8 EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after its passage, and it is so ordained.

PASSED AND APPROVED ON THIS 9th DAY OF OCTOBER, 2023.

EDWARD LOPEZ, THE HONORABLE MAYOR

ATTEST:

LINDSAY RAWLINSON, CITY SECRETARY

Memorandum

To: Richland Hills Planning and Zoning Commission

From: Logan Thatcher, Assistant to the City Manager

Date: September 26, 2023

Subject: Zoning Text Amendment – Alcohol Uses

Agenda Item:

Consider a zoning text amendment to Chapter 90 of the Comprehensive Zoning Ordinance of the City of Richland Hills by amending Article 3 to allow for certain alcohol related uses to be an authorized use by right or by specific use permit within specified zoning districts, and to establish conditional development standards for certain alcohol related uses, and to amend Article 8 to add definitions for certain alcohol related uses. **PUBLIC HEARING**

Background Information:

In December of 2000, residents voted in a local option election for the city of Richland Hills on the issue of “the legal sale of beer and wine for off-premises consumption only” and on the issue of “the legal sale of mixed beverages in restaurants by food and beverage certificate holders only”. In October of 2020 the Planning and Zoning Commission discussed adding alcohol uses that are in correlation with the local options mentioned. Those uses are listed below and defined as:

Brewery. A facility that (1) manufactures, bottles, packages, and labels malt liquor, ale, and beer; or (2) sells finished products to wholesalers/distributors; and/or (3) performs any other activity authorized by Chapter 12, Brewer’s Permit, of the Texas Alcoholic Beverage Code, as amended.

Brewpub. A facility that (1) manufactures, brews, bottles, cans, packages, and labels malt liquor, ale, and beer; (2) sells or offers without charge malt liquor, ale or beer produced by the brewpub to ultimate consumers for consumption on or off the premises; and/or (3) performs any other activity authorized by Chapter 74, Brewpub License, of the Texas Alcoholic Beverage Code, as amended.

Tap Room. An establishment having as its principal or predominant use the retail sales of malt liquor, ale, or beer for consumption on or off the premises, and that derives less than 75 percent (75%) of the establishment’s gross revenue from the sale of malt liquor, ale, or beer from on-premise consumption.

Wine Bar. An establishment having as its principal or predominant use the retail sales of wine for consumption on or off the premises, and that derives less than 75 percent

(75%) of the establishment's gross revenue from the sale of wine from on-premise consumption.

Winery. A facility that (1) ferments juices from grapes and/or other fruit; (2) blends wines; (3) manufactures, bottles, labels, and packages wine; and/or (4) performs any other activity authorized by Chapter 16, Winery Permit, of the Texas Alcoholic Beverage Code, as amended.

On November 7th, there will be a local option election for voters to allow package stores within the city. The city recommends adding the use for package store to be prepared for that election, if passes. The definition would read as follows:

Package Liquor Store. A building or premises where the primary use is the retail sale of vinous (wine) or spirituous alcoholic beverages for off-premises consumption.

For any sale for on premises consumption would require a Food and Beverage certificate in Richland Hills.

Financial Considerations:

There are not any financial considerations for this zoning text amendment

Board/Citizen Input:

Planning and Zoning Commission consideration: September 26, 2023

City Council consideration: October 9, 2023

Attachments:

Ordinance 1486-23

Exhibit A – Use Chart

Suggested Motion:

Motion to approve a zoning text amendment to Chapter 90 of the Comprehensive Zoning Ordinance of the City of Richland Hills by amending Article 3 to allow for certain alcohol related uses to be an authorized use by right or by specific use permit within specified zoning districts, and to establish conditional development standards for certain alcohol related uses, and to amend Article 8 to add definitions for certain alcohol related uses.

ORDINANCE NO. 1486-23

AN ORDINANCE AMENDING CHAPTER 90 OF THE CITY CODE, AS AMENDED, THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF RICHLAND HILLS; AMENDING ARTICLE 3 TO ALLOW FOR CERTAIN ALCOHOL RELATED USES TO BE AN AUTHORIZED USE BY RIGHT OR BY SPECIFIC USE PERMIT WITHIN SPECIFIED ZONING DISTRICTS, AND TO ESTABLISH CONDITIONAL DEVELOPMENT STANDARDS FOR CERTAIN ALCOHOL RELATED USES, AND TO AMEND ARTICLE 8 TO ADD DEFINITIONS FOR CERTAIN ALCOHOL RELATED USES; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A PENALTY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE, PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; 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, pursuant to Chapter 211 of the Local Government Code, the City has adopted a Comprehensive Zoning Ordinance and map regulating the location and use of buildings, other structures and land for business, industrial, residential or other purposes, and providing for a method to amend said ordinance and map for the purpose of promoting the public health, safety, morals and general welfare, all in accordance with a comprehensive plan; and

WHEREAS, an ordinance regulating boarding houses within the City was adopted on April 26, 2021 and the City Council deems it necessary to further regulate boarding houses by limiting the zoning districts where boarding homes are permitted, requiring site plan review for parking, and requiring proof of insurance;

WHEREAS, a public hearing was held by the Planning and Zoning Commission on September 26, 2023 and thereafter by the City Council on October 9, 2023, with respect to the proposed use changes described herein; and

WHEREAS, all requirements of law dealing with notice to other property owners, publication and all procedural requirements have been complied with in accordance with the Comprehensive Zoning Ordinance and Chapter 211 of the Local Government Code; and

WHEREAS, the City Council of the City does hereby deem it advisable and in the public interest to amend Chapter 90 of the City Code, as amended, as described herein; and

WHEREAS, the proposed change is consistent with the City's comprehensive land use plan.

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

**SECTION 1
ZONING TEXT AMENDMENT**

THAT, Chapter 90, Article 3, Section 3.02 “Use Chart” is hereby amended to add the allow the uses detailed in the attached hereto Exhibit “A” to be inserted into the Use Chart under “Nonresidential Uses” alphabetically.

**SECTION 2
ZONING TEXT AMENDMENT**

Chapter 90, Article 3, Section 3.02.01 “Conditional Development Standards” is hereby amended by adding subsection (A)(21) to read as follows:

**SECTION 3
ZONING TEXT AMENDMENT**

Chapter 90, Article 8, “Definitions” is hereby amended to the following definitions in alphabetical order:

Brewery. A facility that (1) manufactures, bottles, packages, and labels malt liquor, ale, and beer; or (2) sells finished products to wholesalers/distributors; and/or (3) performs any other activity authorized by Chapter 12, Brewer’s Permit, of the Texas Alcoholic Beverage Code, as amended.

Brewpub. A facility that (1) manufactures, brews, bottles, cans, packages, and labels malt liquor, ale, and beer; (2) sells or offers without charge malt liquor, ale or beer produced by the brewpub to ultimate consumers for consumption on or off the premises; and/or (3) performs any other activity authorized by Chapter 74, Brewpub License, of the Texas Alcoholic Beverage Code, as amended.

Package Liquor Store. A building or premises where the primary use is the retail sale of vinous (wine) or spirituous alcoholic beverages for off-premises consumption.

Tap Room. An establishment having as its principal or predominant use the retail sales of malt liquor, ale, or beer for consumption on or off the premises, and that derives less than 75 percent (75%) of the establishment’s gross revenue from the sale of malt liquor, ale, or beer from on-premise consumption.

Wine Bar. An establishment having as its principal or predominant use the retail sales of wine for consumption on or off the premises, and that derives less than 75 percent (75%) of the establishment’s gross revenue from the sale of wine from on-premise consumption.

Winery. A facility that (1) ferments juices from grapes and/or other fruit; (2) blends wines; (3) manufactures, bottles, labels, and packages wine; and/or (4) performs any other activity authorized by Chapter 16, Winery Permit, of the Texas Alcoholic Beverage Code, as amended.

SECTION 4 ORDINANCE CUMULATIVE

This Ordinance shall be cumulative of all other ordinances of the City of Richland Hills affecting zoning and land use, and shall not repeal any of the provisions of such ordinances except in those instances where provisions of such ordinances are in direct conflict with the provisions of this Ordinance.

SECTION 5 PENALTY

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 6 SAVINGS

All rights or remedies of the City are expressly saved as to any and all violations of Chapter 90, as amended, or any other ordinance affecting zoning and land use that have accrued at the time of the effective date of this Ordinance and as to such accrued violations and all pending litigation, both civil and criminal, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 7 SEVERABILITY

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 8
PUBLICATION**

The City Secretary of the City of Richland Hills is hereby directed to publish caption, penalty clause, and effective date clause in the official newspaper as/if required by law.

**SECTION 10
EFFECTIVE DATE**

This Ordinance shall be in full force and effect from and after its passage, and it is so ordained.

PASSED AND APPROVED ON THIS 9th DAY OF OCTOBER, 2023.

EDWARD LOPEZ, THE HONORABLE MAYOR

ATTEST:

LINDSAY RAWLINSON, CITY SECRETARY

Section 3.02. - Use Chart

	Residential							Nonresidential					BP Business Park	MX Mixed Use	Special	Parking		
	SF-E Single-Family Residential Estate	SF-10 Single-Family Residential	SF-7 Single-Family Residential	MF-1 Two-Family (Duplex) Residential	MF-2 Multiple-Family Residential Medium Density	MF-3 Multiple-Family Residential High Density	MH Manufactured Home (HUD Code)	P Professional Office	R Retail	LC Light Commercial	HC Heavy Commercial	I Industrial			Entertainment District Overlay	Minimum Requirement (see Section 8(F) Parking Requirement Based on Use)		
								Nonresidential Uses										
Brewery												S	S	S			1 space per 1,000 square feet	
Brewpub								S	S	S	S		S	S	S		1 space per 1,000 square feet	
Package Liquor Store								S	S	S	S		S	S	S		1 Space per 300 square feet	
Tap Room								S	S	S	S		S	S	S		Standalone: 1 space for each 100 square feet In-line: 1 space per 200 square feet	
Wine Bar								S	S	S	S		S	S	S		Standalone: 1 space for each 100 square feet	

Winery												S	S	S			1 space per 1,000 square feet
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