

**PLANNING AND ZONING COMMISSION  
MEETING AGENDA  
THE LINK EVENT AND RECREATION CENTER  
6750 BAKER BOULEVARD  
JUNE 25, 2024, 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. Administer Oath to Office**

**5. Approve minutes from the May 28, 2024, Planning and Zoning Commission meeting**

**6. Consider Ordinance 1503-24 a Planned Development (2024-0183) to construct Townhomes or Single-family residences for the property described as Lot 1AR1, Slagle Commercial Addition, otherwise known as 7212 Baker Boulevard, Richland Hills, Texas 76118. **PUBLIC HEARING****

**7. Consider Ordinance 1504-24 a Planned Development (2024-0428) to construct Office Showrooms or other Heavy Commercial uses for the property described as Lot A1A, Block 2, Midway Industrial PK Addition, otherwise known as 2805 Handley Ederville Rd, Richland Hills, Texas 76118. **PUBLIC HEARING****

**8. Consider Ordinance 1505-24 amending Chapter 90 "Zoning", Section 1.06 "Nonconforming uses, structures and lots" and Section 6.13 "Zoning Special Exception" in order to update processes pertaining to the expansion of legal-nonconforming structures. **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 20<sup>th</sup> day of June 2024 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: June 25, 2024

Subject: Minutes from the May 28, 2024 Regular Planning and Zoning Commission Meeting

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## **Agenda Item:**

Approve minutes from the May 28, 2024 Planning and Zoning Commission meeting.

## **Background Information:**

N/A

## **Financial Considerations:**

N/A

## **Legal Review:**

N/A

## **Board/Citizen Input:**

N/A

## **Attachments:**

May 28, 2024 Draft Minutes

## **Suggested Motion:**

Motion to approve the minutes from the May 28, 2024 Planning and Zoning Commission meeting.

**RICHLAND HILLS PLANNING & ZONING COMMISSION  
REGULAR MEETING  
MAY 28, 2024  
MINUTES**

Members Present

Michael Wilson, Chair  
Jackson Durham, Place 3  
Keith Albee, Alternate 1

Members Absent

Kenneth Keating, Place 1  
Mary Witt, Place 4  
Kelle Jones, Place 5

Alternate Members Absent

Staff Present

JP Ducay, Director of Planning and Development Services  
Lindsay Rawlinson, City Secretary  
Elizabeth Yelverton, 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 April 23, 2024 Planning and Zoning Commission meeting and the April 30, 2024 Joint Meeting of the City Council and the Planning and Zoning Commission**

**Motion:** Motion was made by Commissioner Durham and seconded by Commissioner Albee to approve the minutes from the April 23, 2024 Planning and Zoning Commission meeting and the April 30, 2024 Joint Meeting of the City Council and the Planning and Zoning Commission.

Motion carried by a vote of 3-0.

**5. Approved Ordinance 1502-24 a Specific Use Permit (2024-0382) to permit a Package Liquor Store for the property described as Lot 10R, Block 15, Richland Hills Addition, Richland Hills, Texas, otherwise known as 7060 Boulevard 26, Richland Hills, Texas 76118. PUBLIC HEARING**

Director of Planning and Development Services JP Ducay presented the item to the Commission and advised that on April 24, 2024, an application was submitted by applicant Karim Keshwani requesting a Specific Use Permit to allow for the use of "Package Liquor Store" in the Retail Zoning District at 7060 Boulevard 26 with a 4,000 square-foot retail storefront.

According to the applicant, the proposed business will have three to four full and/or part time employees with operating hours in compliance with Texas Law. The startup inventory of alcohol is projected to be approximately \$200,000. The liquor store will offer a diverse selection of liquor options and contain a walk-in beer and wine cooler. Per the City's parking ordinance, the existing parking count on the subject site can accommodate both the liquor store and the laundromat in the suite next door.

Applicant Karim Keshwani was present to address any questions.

Karim Keshwani, 7060 Boulevard 26, Richland Hills, expressed excitement to get the process started and open the first liquor store in the city. Additionally, he advised that he does not currently own and operate a liquor store but has several gas stations that sell beer and wine and is familiar with the TABC process.

Discussion ensued regarding different accessory items he might sell and he confirmed that he will not be selling accessories such as cheese boards at this time.

Chair Wilson opened the public hearing at 6:31 p.m. and asked to hear from any proponents followed by opponents of the case.

Joyce Fiaccone, 3800 Labadie, Richland Hills, requested clarification that this store will be just a liquor store and not a convenience store.

Mr. Keshwani confirmed that yes, it will solely be a liquor store.

Chair Wilson closed the public hearing at 6:32 p.m.

**Motion:** Motion was made by Chair Wilson and seconded by Commissioner Albee to approve Ordinance 1502-24 a Specific Use Permit (2024-0382) to permit a Package Liquor Store for the property described as Lot 10R, Block 15, Richland Hills Addition, Richland Hills, Texas, otherwise known as 7060 Boulevard 26, Richland Hills, Texas 76118.

Motion carried by a vote of 3-0.

**6. ADJOURNMENT**

Chair Wilson declared the meeting adjourned at 6:34 p.m.

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
Lindsay Rawlinson, City Secretary

\_\_\_\_\_  
Michael Wilson, Chairman

# Memorandum

To: Richland Hills Planning and Zoning Commission

From: JP Ducay, Director of Planning and Development Services

Date: June 25, 2024

Subject: Richland Hills Square PD (2024-0183)

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## Agenda Item:

Consider Ordinance 1503-24 a Planned Development (2024-0183) to construct Townhomes or Single-family residences for the property described as Lot 1AR1, Slagle Commercial Addition, otherwise known as 7212 Baker Boulevard, Richland Hills, Texas 76118. **PUBLIC HEARING**

## Background Information:

On March 11, 2024, an application was submitted by Nathan Parrott with Pape Dawson Engineers (applicant) on behalf of Megma LLC (owner) requesting to rezone the subject property to PD, Planned Development with a base zoning of MF-2.

The subject 4.67-acre property addressed as 7212 Baker Boulevard is currently zoned LC, Light Commercial. The applicant is requesting to rezone the property to PD, Planned Development with a base zoning of MF-2 to allow for the construction of either a townhome or single-family housing product. The proposed name of the development is Richland Hills Square.

According to the applicant, the intent is to deliver 57 reduced square-footage homes that still host the amenities many desire. The proposed development standards will reduce setbacks and eliminate lot coverage requirements to maximize the space and reduce yard maintenance. However, the development shall provide at least 20% of gross land area as open space. The current concepts indicate that the open space requirement will be met by the inclusion of a dog park and detention area.

The Richland Hills Square proposal has gone through three review cycles with the City's Development Review Committee. Pursuing a PD, Planned Development grants the applicant flexibility to establish standards outside of Richland Hills development standards. However, all preliminary fire and safety related requirements have been addressed throughout this review process. Included in their planned development package is a chart showing the existing MF-2 standards alongside the proposed development standards.

**Planning Analysis:**

The City’s 2014 Comprehensive Plan designates the subject area as Light Commercial. This land use type is intended to develop a variety of retail and commercial uses that provide employment opportunities and support the City’s tax base. Although the proposed residential use does not directly reflect the purpose and intent of the Light Commercial designation, review of such proposal shall include the following considerations:

- *Will the proposed change enhance the site and the surrounding area?*
- *Is the necessary infrastructure already in place?*
- *Is the proposed change a better use than that recommended by the Future Land Use Plan?*
- *Will the proposed use impact adjacent residential areas in a negative manner? Or, will the proposed use be compatible with, and/or enhance, adjacent residential areas?*
- *Are uses adjacent to the proposed use similar in nature in terms of appearance, hours of operation, and other general aspects of compatibility?*
- *Does the proposed use present a significant benefit to the public health, safety and welfare of the community? Would it contribute to the City’s long-term economic wellbeing?*

*It is important to recognize that proposals contrary to the 2014 Comprehensive Plan could be an improvement over the uses shown on the map for a particular area. This may be due to changing markets, the quality of proposed developments and/or economic trends that occur at some point in the future after the plan is adopted. If such changes occur, and especially if there is a significant benefit to the City, then these proposals should be approved, and the Future Land Use Map should be amended accordingly.*

	<b>Zoning</b>	<b>Use</b>
Subject Site	LC, Light Commercial	Undeveloped
North	LC, Light Commercial	Developed, Commercial
East	LC, Light Commercial	Developed, Trail/Commercial
South	LC, Light Commercial	Developed, Commercial
West	LC, Light Commercial	Developed, Commercial

**Financial Considerations:**

No funding or financial participation from the City has been discussed with the applicant at this time.

**Legal Review:**

The City Attorney has reviewed the planned development ordinance.

**Board/Citizen Input:**

Planning and Zoning Commission to meet on June 25, 2024.

City Council to meet on July 8, 2024.

**Attachments:**

Application  
Property Photos  
Planned Development Design Statement  
Conceptual Site Plan  
Legal Description and Survey  
Ordinance 1503-24  
Sec. 6.07 - PD Application and Review

**Action Requested:**

Motion to approve Ordinance 1503-24 for a Planned Development (2024-0183) to construct Townhomes or Single-family residences for the property described as Lot 1AR1, Slagle Commercial Addition, otherwise known as 7212 Baker Boulevard, Richland Hills, Texas 76118.



# Richland Hills Development Services

3200 Diana Drive | Richland Hills, TX, 76118

817-616-3800 | richlandhills.com

## Zoning Application

*Bhavan Sathyanarayan*

Application Type

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

### Applicant Information

Applicant's Name: NATHAN PARROTT

Business Name: PAPE DAWSON ENGINEERS

Phone: 860 #13 6577 Email Address: nparrott@pape-dawson.com

### Property Information

Property Address: 7212 BAKER BLVD.

Square Feet: 4.68 AC Deed Date: APRIL 15, 2012

Land Building Owner: MEBMA LLC

Company: —

Phone: —

Owner Address: 22 WOODLAND CT, MANFIELD, TX 76063

Owner Phone Number: —

Owner Email Address: —

Previous Occupant: — Current Zoning: COMMERCIAL

### Zoning Request

Please provide a detailed description of your request: PURSING DETAINED, PEE-SIMPLE SINGLE-FAMILY DEVELOPMENT CLOSELY EMULATING THE RECENTLY CONSTRUCTED BAKER'S LANDING BEAR ON BAKER BLVD.

### 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: *[Signature]* Date: 3/7/2024

## 7212 Baker Blvd Property Photos



## Development Intent

The intent of *Richland Hills Square* Planned Unit Development District is to create a residential community of individually platted lots, either attached units as townhomes or detached as single-family, that will deliver housing products at an entry-level price point that best caters to the current market of the modern first or second home-buyer.

The intent is to deliver reduced square-footage homes that still host the amenities that many Texas residents desire to access the full availability of resources available here in NTX. The goal is to reduce cost for buyer's with lessor HOA fees and reduced private yards. The development team recognizes that many of today's buyer's prefer to spend less time maintaining, and more time living.

*Richland Hills Square* has worked to develop a site plan that maximizes value by reducing the area of yard setbacks on subdivided lots to reduce areas that would require maintenance. The site has also worked to create a few cohesive, usable open space areas rather than a slew of small, unusable areas that create increased maintenance costs in the long term.

If approved, Richland Hills Square will deliver a sustainable residential community with an enhanced, programmed, and landscape-packed open space area – framed by handsome townhome architecture – fronting right on one of the main thoroughfares – Baker Blvd – a value-add for the public realm. *Richland Hills Square* is a residential community in pursuit of excellence.

## Permitted Uses

The uses of the properties herein above described shall be subject to all the applicable regulations contained in the Comprehensive Zoning Ordinance and all other applicable and pertinent ordinances of the City of Richland Hills, Texas, for the zoning district into which they have been assigned (MF-2 Multiple Family Residential Medium Density). All permitted uses found within MF-2 district shall apply to this proposed Planned Unit Development District.

Site Development Standards

- 1) The Planned Unit Development district created herein affecting above-referenced properties shall be specifically subject to the regulations applicable to the MF-2 zoning district, except in the following respects:

Code Comparison Table		
<b>Dimensional Controls</b>	<b>MF-2 Current Requirement</b>	<b>Planned Development Standard (Proposed)</b>
Height (maximum)	3 stories, not to exceed 45'	2 stories, not to exceed 40'
Front Yard (minimum)	25'	20' / 0' *
Side Yard - Interior (minimum)	8'	3', 6' between structures**
Side Yard - Street (minimum)	15'	5'
Rear Yard (minimum)	10'	5'
Building Size (minimum)	1BR - 600 SF, 2BR - 900 SF, 3BR - 1200 SF	1200 SF
Lot Width (minimum)	75'	22'
Lot Depth (minimum)	120'	90' / 70' *
Lot Area (minimum)	1-3 DU - 9000SF, each addtl DU 1500 SF	1980 SF / 1540 SF *
Lot Coverage (maximum)	50%	no maximum lot coverage
Density	Up to 16 units per acre (gross)	Up to 12.25 units per acre (gross)
*Up to 25% of proposed lots may be delivered with a reduced front yard, lot depth & lot area, however these lots are still subject to the same proposed parking requirement		
**No minimum interior side yard if proposed units are attached		
All proposed lots shall be platted as individual single-family lots		

- 2) The development shall have at least 20 percent (20%) of the gross land area as open space. This percentage can be comprised of all landscape setbacks, internal ROW parkway areas, HOA common lots and areas set aside for storm water detention. All common open space areas and amenities must be owned and maintained by the homeowner’s association. The common open space areas shall be delivered generally as shown on the attached Site Plan. The developer shall have the flexibility to shuffle open space areas to accommodate design at time of platting so long as the total open space area is not reduced below the 20% requirement.

- 3) A permanent Homeowner's Association shall be established. After initial installation and maintenance provided by the developer, such maintenance responsibilities shall be turned over to the homeowners, who shall be permanently responsible to maintain said common features and areas, using a professional management company as well as:
  - i. All fencing located within and abutting HOA open spaces shall be maintained by the Homeowner's Association
  - ii. The HOA shall maintain all sidewalks, landscaping, irrigation and any other amenities located within the boundaries of the HOA common lot areas
- 4) All crosswalks shall exhibit an improved pavement condition which may be constructed as either:
  - i. Stamped and stained concrete
  - ii. Integrally-colored concrete
  - iii. Vehicular-graded concrete pavers
- 5) The development shall provide a minimum of (2) parking spaces per unit and shall be delivered within each residential lot. Provided parking can be either enclosed within a garage or on a private driveway, or a combination thereof.
- 6) The development shall include cluster mailboxes. The location and design shall be approved by the Development Review Committee and US Postal Service
- 7) Outdoor street lighting on the site shall be installed along the main internal street and be selected from Oncor's decorative street lighting options.
- 8) Masonry monument development entry signs shall be installed at a minimum of (1) access point from Baker Blvd. The scale of proposed entry signage will be at the developer's discretion within the bounds of a signage application and permit
- 9) All proposed structures must be offset a minimum of 10' from any fire lane
- 10) All proposed concrete sidewalks to be a minimum of 4' in width. No sidewalks will be required to be constructed other than sidewalks exhibited on the attached conceptual site plan. The development will be required to extend the proposed sidewalk to connect to existing Baker Blvd ROW sidewalk at a minimum of (2) points (adjacent to dog park) as exhibited on the site plan.
- 11) The development shall host a minimum 6,000 square-foot dog park.
  - a. Dog park shall have enclosed tubular steel fencing a minimum of 4' in height
  - b. Dog park shall have a minimum of (2) site furnishings for seating
  - c. Dog park shall have a minimum of (1) dog bag dispenser
- 12) The development will attempt to preserve the existing trees as shown on the concept plan to provide immediate shade cover for a portion of the dog park. Trees existing along property

boundaries will also be studied for preservation once more engineering analysis has been performed in regard to grading and hydrology needs throughout the permitting process. The final ability to preserve these trees will be determined after a tree survey and on-the-ground topography survey has been performed.

- 13) Decorative landscape shall be included in common area open spaces bordering the dog park and adjacent to Baker Blvd.
  - a. A landscape plan for the development shall be approved by the Development Review Committee prior to construction
  - b. All landscaped areas within HOA lots will be maintained with an underground, master irrigation system

#### Building Design Standards

- 1) Exterior Wall Materials – 100% of each façade (excluding doors & windows) shall consist of masonry construction materials as listed within the City’s definition for masonry construction, but also to include fiber-reinforced cementitious board
- 2) Garages shall be front entry with driveways providing public street access
- 3) A minimum roof pitch of 6:12 (inches of rise per inches of run) from side to side shall apply to the predominant roof, except a tile or slate roof may have a minimum roof pitch of 5:12 from side to side. A variety of roof pitches may be incorporated into the roof design provided that the predominant roof meets the minimum roof pitch requirement. Porches, dormers and shed roofs shall have a minimum 3:12 roof pitch.
- 4) All multi-tenant buildings will include a monitored fire alarm and a fire sprinkler system that is compliant with NFPA standard 13D. Additionally, buildings will be constructed with fire suppression walls with resistance ratings certified for United States.
- 5) Each building shall include at least (4) of the following architectural elements on the front façade and at least (2) of the architectural elements on the rear façade for the homes.
  - a. Awnings/canopies
  - b. Balconies (a minimum of 25 square feet)
  - c. Dormers
  - d. Front or Rear yard unit offsets (minimum of 10’ offset)
  - e. Patio (a minimum of 25 square feet)
  - f. Porches (a minimum of 25 square feet)
  - g. Stoops (a minimum of two feet tall by four feet wide)
  - h. Varied roof heights (a minimum of 10’ variation)
  - i. Sconce lighting
  - j. Decorative banding or molding
  - k. Decorative overhangs above garage doors
  - l. Eyebrow soldier course over garage doors
  - m. Decorative brackets on garage doors
  - n. Decorative garage doors

## Amendments to Approved Planned Developments

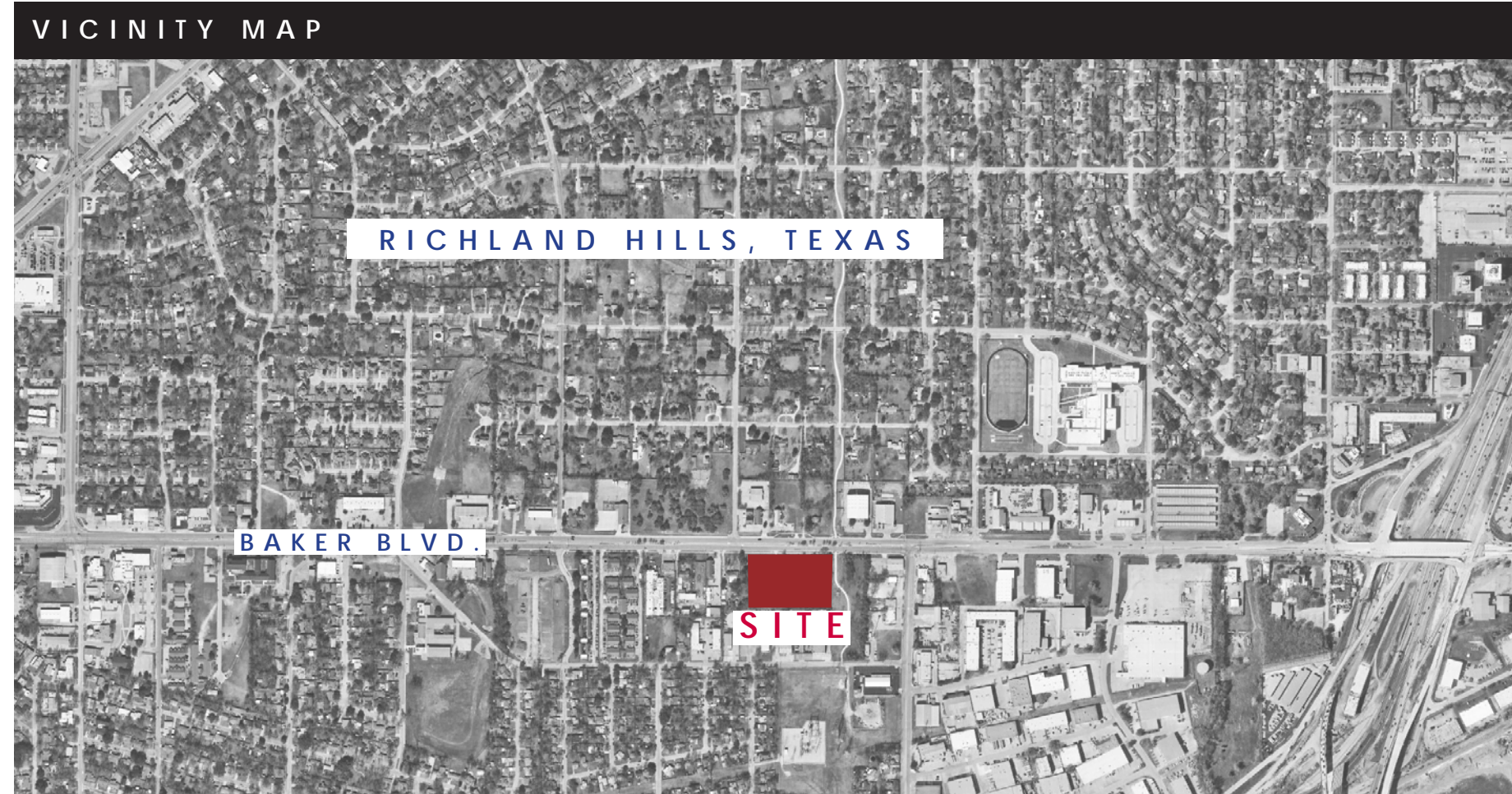
A major amendment or revision to the Residential Planned Unit Development shall be processed in the same manner as the original approval with the exception that the City Manager or designee may approve minor amendments or revisions to the R-PD standards provided the amendment or revisions does not significantly:

1. Alter the basic relationship of the proposed uses to adjacent uses
2. Change uses approved other than to a less intense use such as single family detached
3. Increase approved densities, height, site coverage or floor areas
4. Decrease on-site parking requirements
5. Reduce minimum yards or setbacks; or
6. Change traffic patterns

## Architecture Example Imagery







**SITE DATA**

GROSS ACREAGE: 4.67 ACRES  
 RESIDENTIAL LOTS: 57  
 PROPOSED OPEN SPACE DETAILS: ±40,700 SF OR .93AC (20%)  
 DENSITY (LOTS PER ACRE): 12.25 LOTS PER ACRE

**PARKING SUMMARY**

GARAGE ENCLOSED PARKING SPACES: 114  
 DRIVEWAY PARKING SPACES: 88  
 TOTAL PARKING SPACES: 202  
 PARKING SPACES PER UNIT: (2) enclosed, also (2) driveway parking spaces for 75% of units

**ZONING**

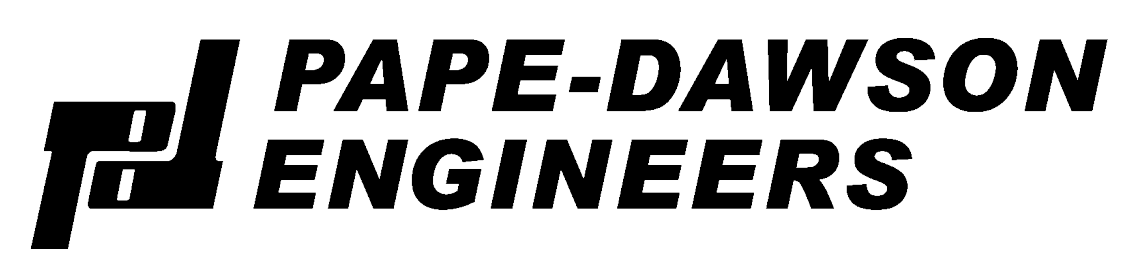
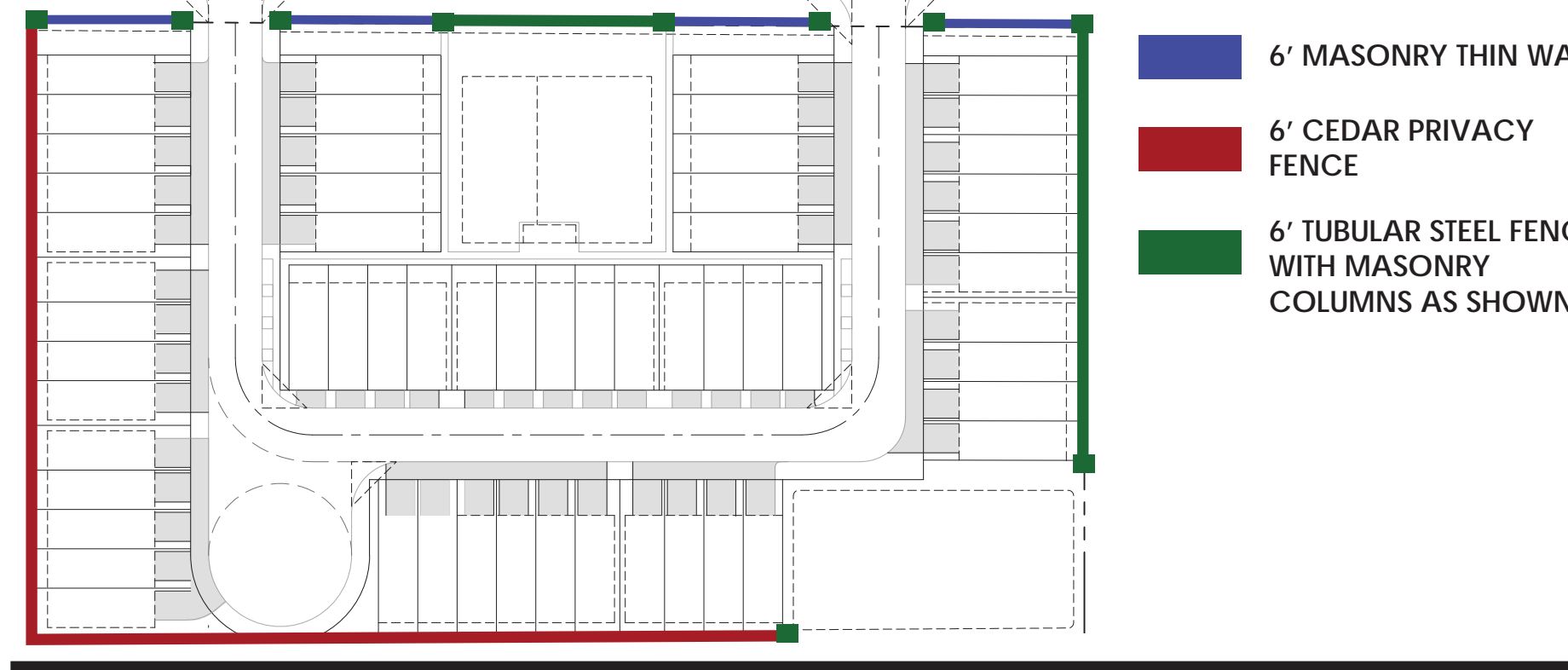
EXISTING ZONING: COMMERCIAL  
 PROPOSED ZONING: PLANNED DEVELOPMENT (MF-2 PROPOSED BASE DISTRICT)

**ZONING REGULATION COMPARISON TABLE**

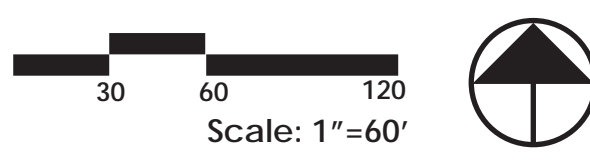
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Front Yard (minimum)	25'	20' / 0' *
Side Yard - Interior (minimum)	8'	0', 6' between structures
Side Yard - Street (minimum)	15'	5'
Rear Yard (minimum)	10'	5'
Building Size (minimum)	1BR - 600 SF, 2BR - 900 SF, 3BR - 1200 SF	1200 SF
Lot Width (minimum)	75'	22'
Lot Depth (minimum)	120'	90' / 70' *
Lot Area (minimum)	1-3 DU - 9000SF, each addtl DU 1500 SF	1980 SF / 1540 SF *
Lot Coverage (maximum)	50%	no maximum lot coverage
Density	Up to 16 units per acre (gross)	Up to 12.25 units per acre (gross)

\*Up to 25% of proposed lots may be delivered with a reduced front yard, lot depth & lot area. All proposed lots shall be platted as individual single-family lots.

**WALL AND FENCING**



**RICHLAND HILLS SQUARE**  
 ZONING EXHIBIT 'A'



MAY 9<sup>TH</sup>, 2024  
 RICHLAND HILLS, TX  
 PAPE-DAWSON JOB# 61428-00

# ZONING EXHIBIT

S. Popplewell Survey, Abstract No. 1241  
City of Richland Hills, Tarrant County, Texas

Being a 4.68 acre tract of land out of the S. Popplewell Survey, Abstract No. 1241, situated in the City of Richland Hills, Tarrant County, Texas, being Lot 1-A-R-1 of Slagle Commercial Addition, a subdivision of record in Volume 388-145, Page 43 of the Plat Records of Tarrant County, Texas, and being more particularly described by metes and bounds as follows:

**BEGINNING** at a point in the south right-of-way line of State Highway 183 (Baker Boulevard), being the northeast corner of Lot 1-R of G. M. Slagle Addition, a subdivision of record in Volume 388-158, Page 3 of said Plat Records, and being the northwest corner of said Lot 1-A-R-1;

**THENCE**, S89°40'00"E (bearing of record: S89°40'E), with the south right-of-way line of State Highway 183, being the common north line of said Lot 1-A-R-1, a distance of 589.70 feet (distance of record: 589.7 feet) to a concrete monument found at the northwest corner of a called 3.27 acre tract of land conveyed to Texas Electric Service Company by deed of record in Volume 1998, Page 598 of the Deed Records of Tarrant County, Texas, being the northeast corner of said Lot 1-A-R-1;

**THENCE**, SOUTH, leaving the south right-of-way line of State Highway 183, with the west line of said 3.27 acre tract, being the common east line of said Lot 1-A-R-1, a distance of 341.60 feet (distance of record: 341.6 feet) to an iron rod found at the northeast corner of Lot 1-A-R-2 of said Slagle Commercial Addition, being the southeast corner of said Lot 1-A-R-1;


**THENCE**, S89°35'00"W (bearing of record: S89°35'W), leaving the west line of said 3.27 acre tract, with the south line of said Lot 1-A-R-1, in part being the common north line of said Lot 1-A-R-2, in part being the common north line of Lot 1-A-R-3-A of Slagle Commercial Addition, a subdivision of record in Volume 388-152, Page 86 of said Plat Records, and in part being the common north line of Lot 1-A-R-3-B of said Slagle Commercial Addition (Volume 388-152, Page 86), a distance of 589.70 feet (distance of record: 589.7 feet) to an iron rod found at the northwest corner of said Lot 1-A-R-3-B, being the northeast corner of Lot 5-R of said G. M. Slagle Addition, also being the southeast corner of said Lot 1-R, and being the southwest corner of said Lot 1-A-R-1;

**THENCE**, NORTH, with the east line of said Lot 1-R, being the common west line of said Lot 1-A-R-1, a distance of 349.32 feet (distance of record: 350.0 feet) to the **POINT OF BEGINNING**, and containing an area of 4.68 acres of land, more or less.

Basis of bearings is the north line of Lot 1-A-R-1. Bearings, distances, and monuments recited are in reference to Slagle Commercial Addition (Volume 388-145, Page 43) unless noted otherwise.

This document was prepared under 22 Texas Administrative Code §138.95, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

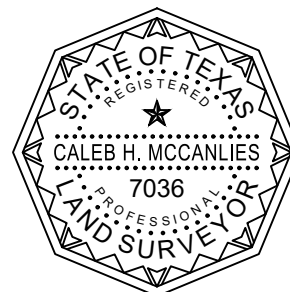
PAGE 1 OF 2

 <b>EAGLE SURVEYING</b>	<b>EAGLE SURVEYING, LLC</b> 222 S. ELM STREET SUITE: 200 DENTON, TX 76201 (940) 222-3009 TX FIRM # 10194177					
	<table border="1"><thead><tr><th>JOB NUMBER</th><th>DRAWN BY</th><th>DATE</th></tr></thead><tbody><tr><td>2402.047</td><td>TER</td><td>2/23/2024</td></tr></tbody></table>	JOB NUMBER	DRAWN BY	DATE	2402.047	TER
JOB NUMBER	DRAWN BY	DATE				
2402.047	TER	2/23/2024				

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a Registered Professional Land Surveyor under the laws of the State of Texas.



Caleb McCanlies  
R.P.L.S. # 7036



02-23-2024  
Date

# ZONING EXHIBIT

S. Popplewell Survey, Abstract No. 1241  
 City of Richland Hills, Tarrant County, Texas

STATE HIGHWAY 183  
 (BARKER BOULEVARD)

POB

S 89°40'00" E 589.70'

CONCRETE  
 MONUMENT  
 FOUND

S. POPPLEWELL SURVEY,  
 ABSTRACT NO. 1241

**4.68 ACRES**

LOT 1-R  
 G. M. SLAGLE  
 ADDITION  
 VOL. 388-158,  
 PG. 3  
 P.R.T.C.T.

LOT 1-A-R-1  
 SLAGLE COMMERCIAL ADDITION  
 VOL. 388-145, PG. 43  
 P.R.T.C.T.

NORTH 349.32'

SOUTH 341.60'

ZONED: LC

IRF

S 89°35'00" W 589.70'

IRF

LOT 5-R  
 G. M. SLAGLE  
 ADDITION  
 VOL. 388-158,  
 PG. 3  
 P.R.T.C.T.

HILLS PROPERTY  
 INVESTMENTS, LLC  
 DOC. NO. D221376797  
 O.P.R.T.C.T.

CLCC GROUP, LLC  
 DOC. NO. D223148505  
 O.P.R.T.C.T.

CALLED 3.27 ACRES  
 TEXAS ELECTRIC  
 SERVICE COMPANY  
 VOL. 1998, PG. 598  
 D.R.T.C.T.

LOT 1-A-R-3-B  
 SLAGLE COMMERCIAL ADDITION  
 VOL. 388-152, PG. 86  
 P.R.T.C.T.

LOT 1-A-R-3-A  
 SLAGLE  
 COMMERCIAL  
 ADDITION  
 VOL. 388-152,  
 PG. 86  
 P.R.T.C.T.

LOT 1-A-R-2  
 SLAGLE COMMERCIAL ADDITION  
 VOL. 388-145, PG. 43  
 P.R.T.C.T.

PAGE 2 OF 2



**EAGLE SURVEYING, LLC**  
 222 S. ELM STREET  
 SUITE: 200  
 DENTON, TX 76201  
 (940) 222-3009  
 TX FIRM # 10194177



1" = 100'



## LEGEND

IRF	IRON ROD FOUND
POB	POINT OF BEGINNING
O.P.R.T.C.T.	OFFICIAL PUBLIC RECORDS, TARRANT COUNTY, TEXAS
P.R.T.C.T.	PLAT RECORDS, TARRANT COUNTY, TEXAS
D.R.T.C.T.	DEED RECORDS, TARRANT COUNTY, TEXAS
VOL.	VOLUME
PG.	PAGE
DOC. NO.	DOCUMENT NUMBER
O	BOUNDARY MONUMENT
LC	LIGHT COMMERCIAL

JOB NUMBER

DRAWN BY

DATE

2402.047

TER

2/23/2024

**ORDINANCE NO. 1503-24**

**AN ORDINANCE AMENDING CHAPTER 90 OF THE RICHLAND HILLS CODE, AS AMENDED, THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF RICHLAND HILLS, BY CHANGING THE ZONING OF CERTAIN PROPERTIES, SPECIFICALLY LOT 1-A-R-1 SLAGLE COMMERCIAL ADDITION, OTHERWISE KNOWN AS 7212 BAKER BOULEVARD, RICHLAND HILLS, TEXAS 76118, CURRENTLY ZONED AS LC (LIGHT COMMERCIAL), TO PD (PLANNED DEVELOPMENT) WITH A BASE ZONING OF MF-2, TO ALLOW FOR ADDITIONAL DESIGN REQUIREMENTS; PROVIDING FOR THE AMENDMENT OF THE OFFICIAL ZONING MAP TO REFLECT SUCH CHANGES; 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**, a change in the zoning of the properties listed below was requested by persons or entities having a proprietary interest in those properties; and

**WHEREAS**, a public hearing was held at a meeting of the Planning and Zoning Commission on June 25, 2024, and of the City Council on July 8, 2024, 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 of Richland Hills does hereby deem it advisable and in the public interest to amend Chapter 90 of the City Code, as amended, as described herein.

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

**SECTION 1.  
PROPERTY RE-ZONED**

Chapter 90, as amended, is hereby amended by rezoning the property located at Lot 1-A-R-1, Slagle Commercial Addition, otherwise known as 7212 Baker Boulevard, Richland Hills, Texas 76118, and being more particularly described on the attached **Exhibit A**, from LC (Light Commercial) to PD (Planned Development) with a base zoning of MF-2 (Multiple-Family Residential Medium Density), with uses permitted as set forth in Section 3 of this Ordinance.

**SECTION 2.  
DIRECTION TO AMEND THE OFFICIAL ZONING MAP**

The City Secretary is hereby directed to amend the official zoning map to reflect the changes in uses approved herein.

**SECTION 3.  
PROPERTY SUBJECT TO ZONING ORDINANCE**

The use of the properties hereinabove described shall be subject to all the applicable regulations contained in the Comprehensive Zoning Ordinance and all other applicable and pertinent ordinances of the City of Richland Hills, Texas, for the zoning district into which they have been assigned. The Planned Unit Development district created herein affecting above-referenced properties shall be specifically subject to the regulations applicable to the MF-2 Multiple-Family Medium Density zoning district, except in the following respects:

A. Site Development Standards.

1. The Planned Unit Development district created herein affecting above-referenced properties shall be specifically subject to the regulations applicable to the MF-2 zoning district, except in the following respects:

Code Comparison Table		
<b>Dimensional Controls</b>	<b>MF-2 Current Requirement</b>	<b>Planned Development Standard (Proposed)</b>
Height (maximum)	3 stories, not to exceed 45'	2 stories, not to exceed 40'
Front Yard (minimum)	25'	20' / 0' *
Side Yard - Interior (minimum)	8'	3', 6' between structures**
Side Yard - Street (minimum)	15'	5'
Rear Yard (minimum)	10'	5'

Building Size (minimum)	1BR - 600 SF, 2BR - 900 SF, 3BR - 1200 SF	1200 SF
Lot Width (minimum)	75'	22'
Lot Depth (minimum)	120'	90' / 70' *
Lot Area (minimum)	1-3 DU - 9000SF, each addtl DU 1500 SF	1980 SF / 1540 SF *
Lot Coverage (maximum)	50%	no maximum lot coverage
Density	Up to 16 units per acre (gross)	Up to 12.25 units per acre (gross)
*Up to 25% of proposed lots may be delivered with a reduced front yard, lot depth & lot area, however these lots are still subject to the same proposed parking requirement		
**No minimum interior side yard if proposed units are attached		
All proposed lots shall be platted as individual single-family lots		

2. The development shall have at least 20 percent (20%) of the gross land area as open space. This percentage can be comprised of all landscape setbacks, internal ROW parkway areas, HOA common lots and areas set aside for storm water detention. All common open space areas and amenities must be owned and maintained by the homeowner's association. The common open space areas shall be delivered generally as shown on the attached Site Plan. The developer shall have the flexibility to shuffle open space areas to accommodate design at time of platting so long as the total open space area is not reduced below the 20% requirement.
  
3. A permanent Homeowner's Association shall be established. After initial installation and maintenance provided by the developer, such maintenance responsibilities shall be turned over to the homeowners, who shall be permanently responsible to maintain said common features and areas, using a professional management company as well as:
  - i. All fencing located within, and abutting HOA open spaces shall be maintained by the Homeowners Association.
  - ii. The HOA shall maintain all sidewalks, landscaping, irrigation and any other amenities located within the boundaries of the HOA common lot areas.
  
4. All crosswalks shall exhibit an improved pavement condition which may be constructed as either:
  - i. Stamped and stained concrete
  - ii. Integrally-colored concrete
  - iii. Vehicular-graded concrete pavers

5. The development shall provide a minimum of (2) parking spaces per unit and shall be delivered within each residential lot. Provided parking can be either enclosed within a garage or on a private driveway, or a combination thereof.
6. The development shall include cluster mailboxes. The location and design shall be approved by the Development Review Committee and US Postal Service.
7. Outdoor street lighting on the site shall be installed along the main internal street and be selected from Oncor's decorative street lighting options.
8. Masonry monument development entry signs shall be installed at a minimum of (1) access point from Baker Blvd. The scale of proposed entry signage will be at the developer's discretion within the bounds of a signage application and permit.
9. All proposed structures must be offset a minimum of 10' from any fire lane.
10. All proposed concrete sidewalks to be a minimum of 4' in width. No sidewalks will be required to be constructed other than sidewalks exhibited on the attached conceptual site plan. The development will be required to extend the proposed sidewalk to connect to existing Baker Blvd ROW sidewalk at a minimum of (2) points (adjacent to dog park) as exhibited on the site plan.
11. The development shall host a minimum 6,000 square-foot dog park.
  - i. Dog park shall have enclosed tubular steel fencing a minimum of four feet (4') in height.
  - ii. Dog park shall have a minimum of two (2) site furnishings for seating.
  - iii. Dog park shall have a minimum of one (1) dog bag dispenser.
12. The development will attempt to preserve the existing trees as shown on the concept plan to provide immediate shade cover for a portion of the dog park. Trees existing along property boundaries will also be studied for preservation once more engineering analysis has been performed in regard to grading and hydrology needs throughout the permitting process. The final ability to preserve these trees will be determined after a tree survey and on-the-ground topography survey has been performed.
13. Decorative landscape shall be included in common area open spaces bordering the dog park and adjacent to Baker Blvd.
  - i. A landscape plan for the development shall be approved by the Development Review Committee prior to construction.
  - ii. All landscape areas within the HOA lots will be maintained with an underground, master irrigations system.

B. Building Design Standards.

1. The exterior Wall Materials – 100% of each façade (excluding doors & windows) shall consist of masonry construction materials as listed within the City’s definition for masonry construction, but also to include fiber-reinforced cementitious board.
2. Garages shall be front entry with driveways providing public street access.
3. A minimum roof pitch of 6:12 (inches of rise per inches of run) from side to side shall apply to the predominant roof, except a tile or slate roof may have a minimum roof pitch of 5:12 from side to side. A variety of roof pitches may be incorporated into the roof design provided that the predominant roof meets the minimum roof pitch requirement. Porches, dormers and shed roofs shall have a minimum 3:12 roof pitch.
4. All multi-tenant buildings will include a monitored fire alarm and a fire sprinkler system that is compliant with NFPA standard 13D. Additionally, buildings will be constructed with fire suppression walls with resistance ratings certified for United States.
5. Each building shall include at least four (4) of the following architectural elements on the front façade and at least two (2) of the architectural elements on the rear façade of the homes:
  - a) Awnings/canopies.
  - b) Balconies (a minimum of 25 square feet in size).
  - c) Dormers.
  - d) Front or rear yard unit offsets (minimum of 10’ offset).
  - e) Patio (a minimum of 25 square feet in size).
  - f) Porches (a minimum of 25 square feet in size).
  - g) Stoops (a minimum of 2’ tall by 4’ wide).
  - h) Varied roof heights (minimum 10’ variation)
  - i) Decorative sconce lighting.
  - j) Decorative banding or molding.
  - k) Decorative overhangs above garage doors.
  - l) Eyebrow soldier course over garage doors.
  - m) Decorative brackets on garage doors.
  - n) Decorative garage doors.

**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 CLAUSE**

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.  
RESERVATION OF RIGHTS AND REMEDIES FOR ACCRUED VIOLATIONS**

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 CLAUSE**

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 CLAUSE**

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

**SECTION 9.  
EFFECTIVE DATE**

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.

**APPROVED AND ADOPTED** at a regular meeting of the Richland Hills City Council on July 8, 2024, by a vote of \_\_\_\_\_ ayes, \_\_\_\_\_ nays, and \_\_\_\_\_ abstentions.

**APPROVED:**

\_\_\_\_\_  
THE HONORABLE MAYOR CURTIS BERGTHOLD

**ATTEST:**

\_\_\_\_\_  
LINDSAY RAWLINSON, CITY SECRETARY

**APPROVED AS TO FORM:**

\_\_\_\_\_  
JAMES DONOVAN, CITY ATTORNEY

## **EXHIBIT A-1 Legal Description**

Being a 4.68 acre tract of land out of the S. Popplewell Survey, Abstract No. 1241, situated in the City of Richland Hills, Tarrant County, Texas, being Lot 1-A-R-1 of Slagle Commercial Addition, a subdivision of record in Volume 388-145, Page 43 of the Plat Records of Tarrant County, Texas, and being more particularly described by metes and bounds as follows:

**BEGINNING** at a point in the south right-of-way line of State Highway 183 (Baker Boulevard), being the northeast corner of Lot 1-R of G. M. Slagle Addition, a subdivision of record in Volume 388-158, Page 3 of said Plat Records, and being the northwest corner of said Lot 1-A-R-1;

**THENCE**, S89°40'00"E (bearing of record: S89°40'E), with the south right-of-way line of State Highway 183, being the common north line of said Lot 1-A-R-1, a distance of 589.70 feet (distance of record: 589.7 feet) to a concrete monument found at the northwest corner of a called 3.27 acre tract of land conveyed to Texas Electric Service Company by deed of record in Volume 1998, Page 598 of the Deed Records of Tarrant County, Texas, being the northeast corner of said Lot 1-A-R-1;

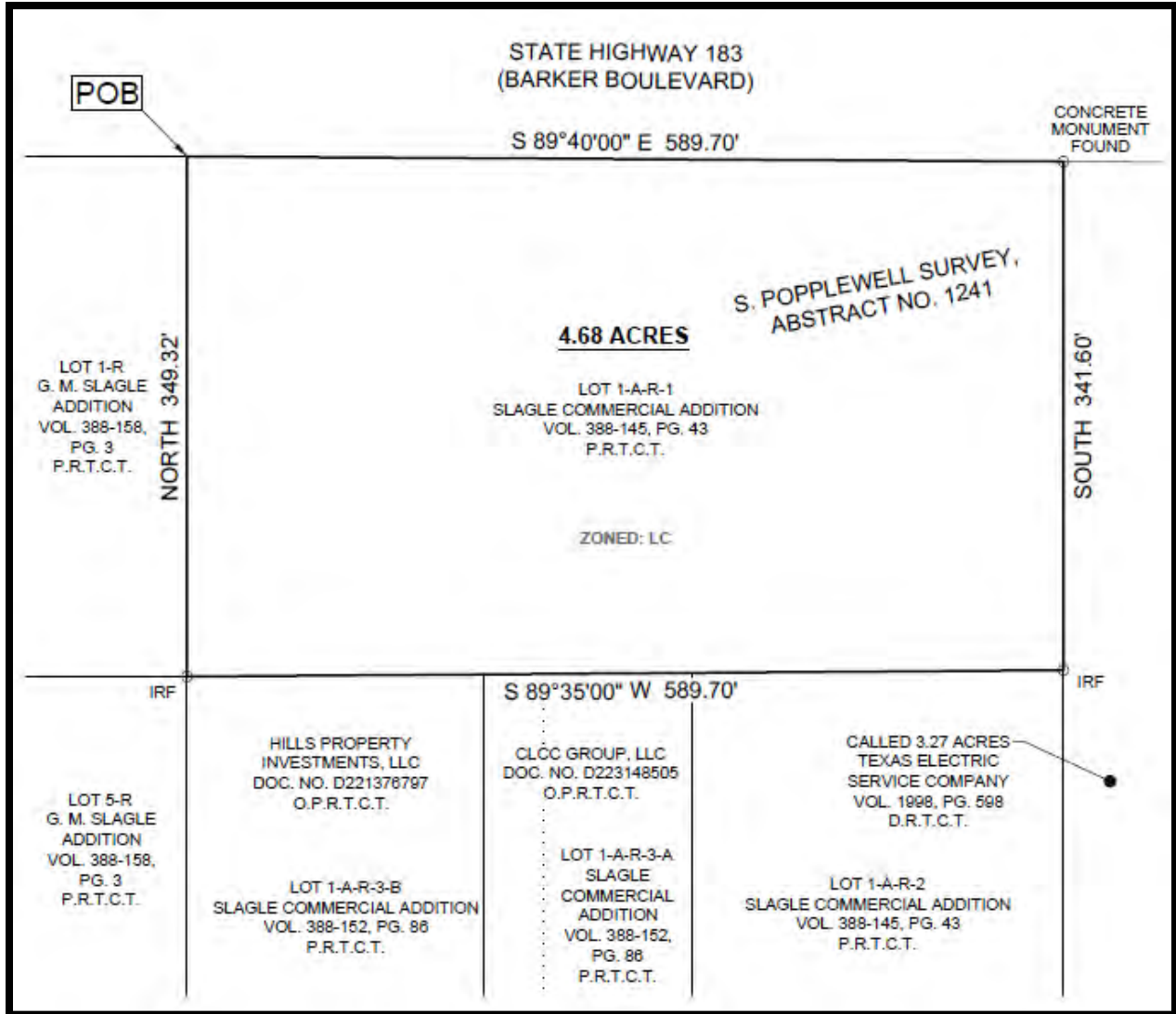
**THENCE**, SOUTH, leaving the south right-of-way line of State Highway 183, with the west line of said 3.27 acre tract, being the common east line of said Lot 1-A-R-1, a distance of 341.60 feet (distance of record: 341.6 feet) to an iron rod found at the northeast corner of Lot 1-A-R-2 of said Slagle Commercial Addition, being the southeast corner of said Lot 1-A-R-1;

**THENCE**, S89°35'00"W (bearing of record: S89°35'W), leaving the west line of said 3.27 acre tract, with the south line of said Lot 1-A-R-1, in part being the common north line of said Lot 1-A-R-2, in part being the common north line of Lot 1-A-R-3-A of Slagle Commercial Addition, a subdivision of record in Volume 388-152, Page 86 of said Plat Records, and in part being the common north line of Lot 1-A-R-3-B of said Slagle Commercial Addition (Volume 388-152, Page 86), a distance of 589.70 feet (distance of record: 589.7 feet) to an iron rod found at the northwest corner of said Lot 1-A-R-3-B, being the northeast corner of Lot 5-R of said G. M. Slagle Addition, also being the southeast corner of said Lot 1-R, and being the southwest corner of said Lot 1-A-R-1;

**THENCE**, NORTH, with the east line of said Lot 1-R, being the common west line of said Lot 1-A-R-1, a distance of 349.32 feet (distance of record: 350.0 feet) to the **POINT OF BEGINNING**, and containing an area of 4.68 acres of land, more or less.

Basis of bearings is the north line of Lot 1-A-R-1. Bearings, distances, and monuments recited are in reference to Slagle Commercial Addition (Volume 388-145, Page 43) unless noted otherwise.

## Exhibit A-2 Survey



# EXHIBIT B Richland Hills Square Site Plan

**VICINITY MAP**

**SITE DATA**

GROSS ACREAGE: 4.67 ACRES  
 RESIDENTIAL LOTS: 22  
 PROPOSED OPEN SPACE DETAILS: 840,700 SF OR .93AC (20%)  
 DENSITY (LOTS PER ACRE): 13.26 LOTS PER ACRE

**PARKING SUMMARY**

GARAGE ENCLOSED PARKING SPACES: 114  
 DRIVEWAY PARKING SPACES: 38  
 TOTAL PARKING SPACES: 202  
 PARKING SPACES PER UNIT: (2) enclosed, also (2) driveway parking spaces for 72% of units

**ZONING**

EXISTING ZONING: COMMERCIAL  
 PROPOSED ZONING: PLANNED DEVELOPMENT (M-2 PROPOSED BASE DISTRICT)

**ZONING REGULATION COMPARISON TABLE**

	City Ordinance Text	
Disturbance Controls	M-2 Current Regulations	Planned Development Standard (Proposed)
Height (structures)	3 stories, not to exceed 42'	3 stories, not to exceed 42'
Front Yard (setback)	25'	20' (2) *
Side Yard - Interior (setback)	5'	0' if between structures
Side Yard - Street (setback)	25'	5'
Rear Yard (setback)	25'	5'
Building Size (setback)	388 - 600 SF, 388 - 600 SF, 388 - 1,200 SF	1,000 SF
Lot Width (setback)	25'	22'
Lot Depth (setback)	120'	90' / 70' *
Lot Area (setback)	5.0 DU - 80000, each additional 1000 SF	1800 SF / 1800 SF *
Lot Coverage (setback)	30%	No maximum lot coverage
Density	12 to 18 units per acre (spread)	12 to 22.25 units per acre (spread)

\*10 to 20% of proposed lots may be set back with a reduced front yard, setback & lot area. All other lots shall be planned as indicated on preliminary plan.

**WALL AND FENCING**

- 4' MASONRY TRIM WALL
- 4' CEDAR PRIVACY FENCE
- 4' THREE-BAR STEEL FENCE WITH MASONRY COLUMN AS SHOWN



## **§ 6.07. PD Application and Review.**

### **90-6.07.01 General.**

- (A) PD Planned Development Zoning District establishment. An application for a PD Planned Development Zoning District shall be made to the planning and zoning commission and city council in the same manner that an application for any zoning map amendment (rezoning) is made.
- (B) Submission of PD related plats and site plans shall occur after PD establishment. The subsequent applications for plats and site plans within an established PD Planned Development District shall be reviewed and approved separately and independently in accordance with established procedures.
- (C) Land area requirement for PD planned developments. A PD District requires a minimum of two contiguous acres. Acreage may be less than two acres when carrying out the recommendations of the comprehensive plan.

### **90-6.07.02 Planned Development (PD) Submission Requirements.**

- (A) The developer of a PD shall follow a 5-step procedure.
  - (1) Pre-application conference.
  - (2) Zoning map amendment (rezoning) application with the submission of planned development master plan, which includes the:
    - (a) PD design statement; and
    - (b) PD Concept Design Map.
  - (3) Preliminary plat, if subdivision occurs and where required by the subdivision ordinance.
  - (4) Final plat, if subdivision occurs and where required by the subdivision ordinance.
  - (5) Application for building permit and site plan reviewed by the DRC.
- (B) Approvals needed before proceeding.
  - (1) Each required step shall be completed and approved before the following step is reviewed.
  - (2) Where appropriate, other methods authorized in the Subdivision Ordinance may be substituted in Step 3. Preliminary Plat, and Step 4. Final Plat, such as an amending plat or minor plat, etc.
  - (3) The planning and zoning commission and city council may, however, review more than one step at the same public hearing.
- (C) Public hearings (rezonings and plats).

- (1) Public hearings shall be held on the zoning map amendment (rezoning) application and the planned development master plan in accordance with regular procedures for zoning applications.
- (2) Public hearings on required plats shall be held in accordance with regular procedures established in the subdivision ordinance.

90-6.07.03 Planned Development (PD) Steps for Creation and Development.

(A) Step 1. Pre-Application Conference Review.

- (1) At least ten business days prior to submission of an application for zoning map amendment (rezoning) to a PD planned development, the applicant shall submit to the zoning administrator a sketch plan drawn to approximate scale showing streets, lots, public areas, and other significant features. The applicant shall execute an acknowledgement that the pre-application conference does not initiate a vested right.
- (2) The applicant should discuss with the zoning administrator the procedure for adopting a PD planned development and the requirements for the general layout of streets and utilities, access to arterials, or general design and narrative, the availability of existing services, and similar matters.
- (3) The zoning administrator shall also advise the applicant, where appropriate, to discuss the proposed PD planned development with those officials charged with responsibility to review the various aspects of the proposal coming within their jurisdiction.
- (4) The intent of Step 1. Pre-Application Conference Review, is to expedite and facilitate the approval of a planned development master plan.

(B) Step 2. PD Application for Rezoning and Planned Development Master Plan.

- (1) Procedures and requirements.
  - (a) The PD zoning map amendment (rezoning) application shall be filed in accordance with regular procedures and on application forms of the city.
  - (b) The planned development master plan, which is submitted with the application for rezoning, shall consist of a PD design statement and a PD Concept Design Map.
  - (c) The applicant shall also provide other supporting maps as necessary to meet the submission requirements of this Zoning Ordinance.
- (2) PD design statement. The PD design statement shall be a written report submitted as a part of the planned development master plan containing a minimum of the following elements:
  - (a) Title of PD;
  - (b) List of the owners and/or developers;

- (c) Statement of the general location and relationship to adjoining land uses, both existing and proposed;
  - (d) Description of the PD concept, including an acreage or square foot breakdown of land use areas and densities proposed, a general description proposed, a general description of building use types, proposed restrictions, and typical site layouts;
  - (e) The existing PD zoning districts in the development area and surrounding it;
  - (f) Selection of one conventional zoning district as a base zoning district to regulate all uses and development regulations not identified as being modified (multiple base zoning districts may be selected to accommodate a mixture of land uses in different geographic areas);
  - (g) A list of all applicable special development regulations or modified regulations to the base zoning district; plus a list of requested subdivision waivers to the Subdivision Ordinance or other applicable development regulations;
  - (h) A statement identifying the existing and proposed streets, including right-of-way standards and street design concepts;
  - (i) The following physical characteristics: elevation, slope analysis, soil characteristics, tree cover, and drainage information;
  - (j) A topographic map with minimum five-foot contour intervals;
  - (k) Drainage information, including number of acres in the drainage area and delineation of applicable flood levels;
  - (l) A statement of utility lines and services to be installed, including lines to be dedicated to the city and which will remain private;
  - (m) The proposed densities, and the use types and sizes of structures; and
  - (n) A description of the proposed sequence of development.
- (3) PD Concept Design Map.
- (a) The PD Concept Design Map shall be a graphic representation of the development plan for the area of a PD planned development.
  - (b) The zoning administrator shall establish an application form outlining all requirements of the PD Concept Design Map and shall be responsible for maintaining and revising the application form.
- (4) Approval of the planned development master plan.
- (a) Upon final approval by the city council of the planned development master plan and the appropriate ordinance of rezoning, these elements

shall become a part of the Official Zoning District Map.

- (b) The rezoning ordinance shall adopt the planned development master plan by reference, and it shall be attached to said ordinance and become a part of the official records of the city.

(5) Expiration of planned development master plan.

- (a) If, after two years from the date of approval of a planned development master plan, no substantial development progress has been made within the PD, then the planned development master plan shall expire.
- (b) If a planned development master plan expires, a new planned development master plan must be submitted and approved according to the procedures within this section.
  - 1. An extension to the two-year expiration shall be granted if a development application for the PD has been submitted and is undergoing the development review process or if the zoning administrator determines development progress is occurring.

(6) Use and development of the property.

- (a) The planned development master plan shall control the use and development of the property, and all building permits and development requests shall be in accordance with the plan until it is amended by the city council.
- (b) The developer shall furnish a reproducible copy of the approved PD Concept Design Map for signature by the mayor and acknowledgement by the city secretary.
- (c) The planned development master plan, including the signed map and all supporting data, shall be made a part of the permanent file and maintained by the city secretary.

(C) Step 3. Preliminary Plat.

- (1) If the subdivision of land is to occur, then after city council approval of the zoning map amendment (rezoning) with the associated planned development master plan, the developer shall prepare a preliminary plat for the entire development area.
- (2) Where a recorded plat exists and where there will be no extensive easements, no homeowners or property owners associations, no plat restrictions, and no sale of lots that do not conform to the platted lot lines, the city council may waive the platting requirement.

(D) Step 4. Final Plat.

- (1) Where a subdivision plat is required, the developer shall prepare a final plat for

review, approval, and filing of record according to procedures established by the city council. In addition to these procedures, the final plat shall include:

- (a) Provisions for the ownership and maintenance of common open space and detention/retention ponds. Said open space shall be dedicated to a private association or dedicated to the public provided that a dedication to the public shall not be accepted without the approval of the city council.
  - (b) A homeowners and property owners association shall be created if other satisfactory arrangements have not been made for improving, operating, and maintaining common facilities, including private street drives, fire lanes, service and parking areas and recreation areas.
- (2) If no plat is required, then proof of the items identified in subsections (D)(1)(a) and (D)(1)(b) above, shall be submitted and approved as a part of the planned development master plan at the time the zoning map amendment (rezoning) is considered for approval.
- (E) Step 5. Site Plan. A site plan shall be submitted upon the application for a building permit and reviewed in accordance with procedures established in section 6.06 Site Plan Requirements.

90-6.07.04 Planned Development (PD) Modifications.

- (A) Minor PD amendment and adjustment. The zoning administrator may approve or defer for city council consideration a minor PD amendment and adjustment to the planned development master plan provided all of the following conditions are satisfied:
- (1) The project boundaries are not altered.
  - (2) Uses other than those specifically approved in the planned development master plan are not added. Uses may be deleted but not to the extent that the character of the project is substantially altered from the character described within the PD design statement.
  - (3) The allocation of land to particular uses or the relationship of uses within the project are not substantially altered.
  - (4) The density of housing is not increased more than ten percent or decreased by more than 30 percent.
  - (5) The land area allocated to nonresidential uses is not increased or decreased by more than ten percent.
  - (6) Floor area, if prescribed, is not increased or decreased by more than ten percent.
  - (7) Floor area ratios, if prescribed, are not increased.
  - (8) Open space ratios, if prescribed, are not decreased.

(B) Zoning administrator approval.

- (1) The zoning administrator shall determine if proposed amendments to an approved planned development master plan satisfy the above criteria.
- (2) If the zoning administrator finds that these criteria are not satisfied, an amended planned development master plan shall be submitted for full review and approval according to the procedures set forth in these regulations.

90-6.07.05 Reversion.

(A) Property owner request.

- (1) If the property owner decides to abandon the PD concept and nullify the planned development master plan, he shall make application for rezoning either to the original status or to a new classification.
- (2) Said application shall be heard according to regular rezoning procedures utilized by the planning and zoning commission and city council.

[ Ord. No. 1273-14, § 1(Exh. A), 5-6-2014 ]

# Memorandum

To: Richland Hills Planning and Zoning Commission

From: JP Ducay, Director of Planning and Development Services

Date: June 25, 2024

Subject: 2805 Handley Ederville PD (2024-0428)

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## Agenda Item:

Consider Ordinance 1504-24 a Planned Development (2024-0428) to construct Office Showrooms or other Heavy Commercial uses for the property described as Lot A1A, Block 2, Midway Industrial PK Addition, otherwise known as 2805 Handley Ederville Rd, Richland Hills, Texas 76118. **PUBLIC HEARING**

## Background Information:

On May 16, 2024, an application was submitted by Phill Arnett with Phil Arnett Commercial Properties (applicant) on behalf of DCP Properties LLC (owner) requesting to rezone the subject property to PD, Planned Development with a base zoning of HC, Heavy Commercial and R, Retail. The intent of this request is to reflect the existing Dogwood PD, Planned Development located directly north of the subject site.

The subject 1.33-acre property addressed as 2805 Handley Ederville is currently zoned R, Retail. The applicant is requesting to rezone the property to PD, Planned Development with a base zoning of HC, Heavy Commercial and R, Retail to allow for the construction of "Office Showrooms" or other heavy commercial related uses. The applicant has also indicated that if developed as proposed, there will also be an element of "Outside Storage (Incidental use)". The use of outside storage is not permitted by right in either HC, Heavy Commercial or R, Retail. Subsequently, the applicant is requesting an additional condition to the PD, Planned Development to allow for the use of "Outside Storage (Incidental use)" by right.

According to the applicant, the intent is to deliver two buildings on the site with screened outside storage areas. The buildings would be pre-engineered steel buildings made up of stucco and prefinished R-panel metal facades. Conceptual examples have been provided for reference. If approved, the site would be required to comply with all other City development standards during the site plan and building permit review processes.

## Planning Analysis:

The City's 2014 Comprehensive Plan designates the subject area as Retail. This land use type is intended to provide offices for a variety of restaurants, larger shops, and personal service establishments. The uses are envisioned to provide goods or services directly to the community. Although the proposed heavy commercial use does not directly reflect the purpose and intent of the retail designation, it is important to consider that the surrounding area (8 Lots) directly north and east of the subject site along Dogwood Park was rezoned to the same PD in 2016. When reviewing a proposal that does not directly reflect the purpose

and intent of the Comprehensive Plan, the City shall consider the following:

- *Will the proposed change enhance the site and the surrounding area?*
- *Is the necessary infrastructure already in place?*
- *Is the proposed change a better use than that recommended by the Future Land Use Plan?*
- *Will the proposed use impact adjacent residential areas in a negative manner? Or, will the proposed use be compatible with, and/or enhance, adjacent residential areas?*
- *Are uses adjacent to the proposed use similar in nature in terms of appearance, hours of operation, and other general aspects of compatibility?*
- *Does the proposed use present a significant benefit to the public health, safety and welfare of the community? Would it contribute to the City's long-term economic wellbeing?*

*It is important to recognize that proposals contrary to the 2014 Comprehensive Plan could be an improvement over the uses shown on the map for a particular area. This may be due to changing markets, the quality of proposed developments and/or economic trends that occur at some point in the future after the plan is adopted. If such changes occur, and especially if there is a significant benefit to the City, then these proposals should be approved, and the Future Land Use Map should be amended accordingly.*

	<b>Zoning</b>	<b>Use</b>
Subject Site	R, Retail	Undeveloped
North	PD, Planned Development	Developed, Heavy Commercial
East	PD, Planned Development	Undeveloped
South	R, Retail	Developed, Retail
West	SF-7, Single-Family Residential	Developed, Residential

**Financial Considerations:**

No funding or financial participation from the City has been offered to the applicant.

**Legal Review:**

The City Attorney has reviewed the planned development ordinance.

**Board/Citizen Input:**

Planning and Zoning Commission to meet on June 25, 2024.

City Council to meet on July 8, 2024.

**Attachments:**

PD Application  
Property Photo  
Applicant Slideshow Proposal  
Site Design Concepts  
Site Survey  
Ordinance 1504-24  
Original Dogwood PD  
Sec 6.07 – PD Application and Review

**Council Action Requested:**

Motion to approve Ordinance 1504-24 a Planned Development (2024-0428) to construct Office Showrooms or other Heavy Commercial uses for the property described as Lot A1A, Block 2, Midway Industrial PK Addition, otherwise known as 2805 Handley Ederville Rd, Richland Hills, Texas 76118.



# 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: Phil Arnett

Business Name: Phil Arnett Commercial Properties

Phone: 713-448-9774 Email Address: phil.arnett@philarnettcommercial.com

### Property Information

Property Address: 2805 Handley Ederville Road

Square Feet: 1.331 Acres. 57,978 SF Deed Date: April 30, 1999

Building Owner: Dan C. Pitts

Company: DCP Properties, LLC.

Phone: 817-838-2299

Owner Address: 3917 Broadway Avenue, Haltom City, TX 76117

Owner Phone Number: 817-838-2299

Owner Email Address: dancpitts@pittsroofing.com

Previous Occupant: N/A Land only Current Zoning: Retail

### Zoning Request

Please provide a detailed description of your request: Applicant would like to change the zoning to light industrial. The current plan is to construct 2 freestanding buildings on the site.

### 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: Phil Arnett Date: 4.28.24

**Public Hearing Information**

Planning & Zoning Hearing Date: \_\_\_\_\_ City Council Hearing Date: \_\_\_\_\_

Permit Number: \_\_\_\_\_ Receipt Number: \_\_\_\_\_ Date: \_\_\_\_\_

Notes: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Received by: \_\_\_\_\_

# 2805 Handley Ederville Property Photo





## *Two Freestanding Buildings – Commercial Development*

*1.33 Acres 2805 Handley Ederville Road  
Richland Hills, TX, 76118*

---

# THE PROJECT

1. Location: 2805 Handley Ederville, Richland Hills, TX
2. The land site is roughly 57,934 SF
3. Two building development  
Building Size: ~8,000 SF & 12,000 SF each + outside fenced storage yard
4. Pre-engineered steel buildings
5. Buildings will be a modern design: sleek, stucco and prefinished R-panel metal facades-facing away from the street, elegant, and totally different from current market offerings.
6. 22' eave heights
7. LED warehouse lighting
8. Building Standard Interior features:
  - i. Roughly 20% office/showroom finish.
  - ii. Modern acoustical tile ceilings
  - iii. 10' ceilings
  - iv. 1 Handicap Restroom / Unit
  - v. 1 Break Area / additional plumbing available
  - vi. Modern LED lighting
  - vii. Energy efficient HVAC; HEPA filters;
  - viii. Additional, specialized improvements available & amortized
  - ix. Fenced & screened outside concrete storage/display area
9. Dramatic site and building lighting
10. Visibility and access to Handley Ederville
11. Drought resistant landscaping with ornamental grasses and large trees.
12. High percentage of windows/SF of floor area
13. Concrete drives and parking aprons



# DEVELOPMENT TIMELINE

## 1 Land Search & Under Contract



1.33 Acres site



Enter Purchase Contract  
Due Diligence Search  
~ 90 Days



Site Planning

## 2 Land Development



Foundation Construction  
Permits, Grading, Utilities  
~ 60 Days



Marketing Program  
Commences  
Goal: 50% Committed  
Pre-Completion

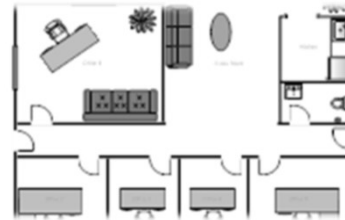
## 3 Shell Construction



Warehouse Shell  
Construction Base  
Footprint with Flexible  
Interior Space Design  
~ 120 Days



## 4 Interior Space Design and Construction



Finalize Construction  
Tenant Design Criteria  
~120 days



Landscaping  
Installation

## 5 Final Leases



Final leasing



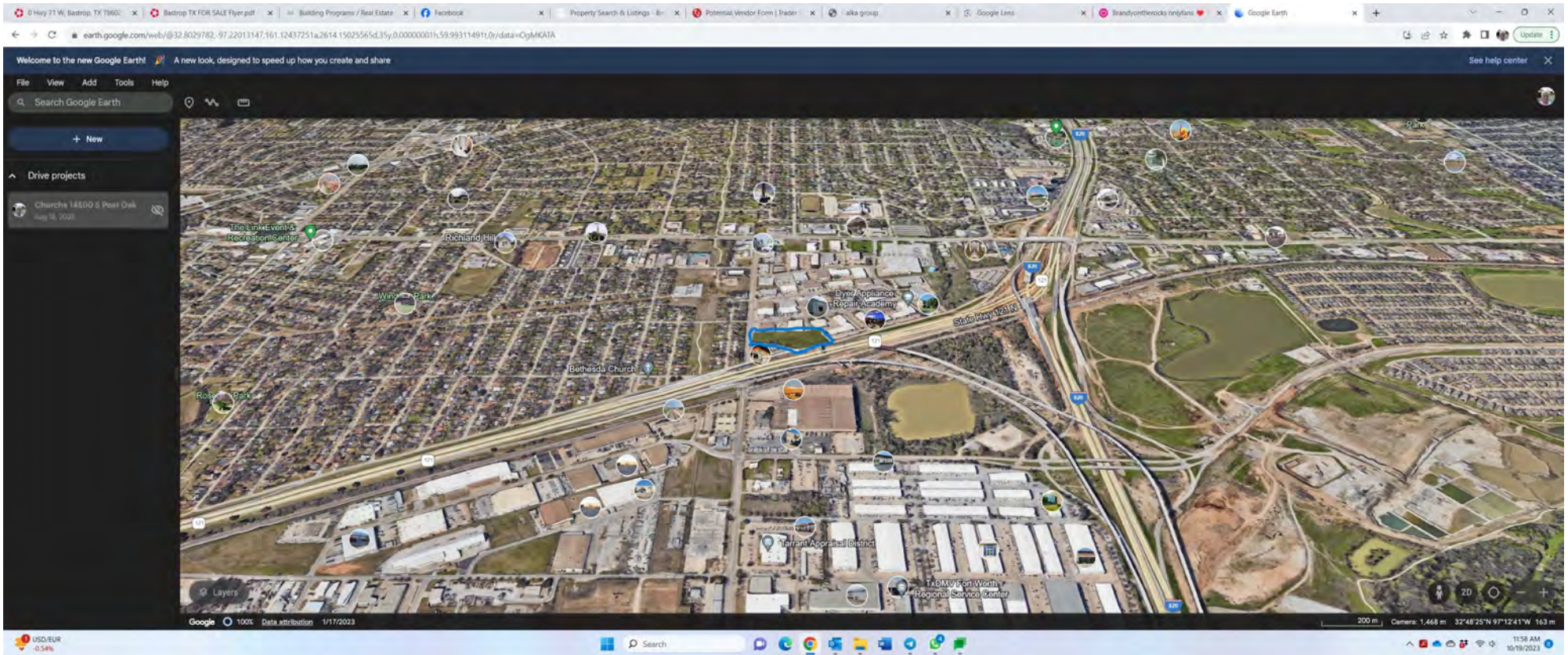
All leased within 8  
Months of  
Completion

Entire Process: 20 Months



# Submarket Condition

Small tenant industrial building total over 2M SF of existing product. 90% occupancy



# MARKETING PROGRAM

1. This submarket has a very limited supply of freestanding small industrial buildings. None with major street and Highway 121 immediate access + exposure and frontage.
2. No newly constructed free-standing buildings in submarket.
3. Target Market:
  - i. Showroom/Quasi-retail
  - ii. Retail users with outside display
4. Erect Site signage
5. Canvass all industrial buildings in the submarket.
6. OVER 2 MILLION SF OF EXISTING SMALL TENANT INDUSTRIAL BUILDINGS, LEASED, IN THE IMMEDIATE SUBMARKET. UNMATCHED TENANT POOL
7. Direct mail postcards to all tenants in the 76118 zip code.
8. Email blasts flyers to all commercial real estate brokers in Ft. Worth.
9. Marketing through the Richland Hills Chamber of Commerce & Economic Development Council.
10. Listing on LoopNet, CoStar and CREXI. Commercial MLS platforms
11. Buildings Listed with Jamie Galati, EVP JLL. One of the top industrial brokers in Ft. Worth.

*NOTE: The seller is providing a 90-day due diligence period in which most of the above to determine preliminary interest. But as in most industrial buildings, tenants want to feel and touch the building before they will commit.*



# Sponsor of the Project

## Phil Arnett



University of Texas at Austin Alumni  
BA and MBA

- Commercial Real Estate Experience – 42 Years
  - 15 Years Commercial Building Preservationist
  - 15 Years Landlord Office Leasing Agent: Transwestern
  - 10 Years Office Leasing Tenant representation Broker: CBRE Awards
    - Top industrial leasing agent Transwestern-5 straight years
    - Top Office Producer, 2 years - CBRE
  - Top Office Landlord Leasing Agent in Austin
  - Top Office Leasing Agent, 3 years - Transwestern
- Specialized Expertise: Creating modern day esthetic and functional value from abandoned, historic architectural buildings in Houston for 15 years
- 10 Property Developments → 550,000 Total SF
- Awarded “Good Brick” by Houston Preservation Society for 2 Historic Building Renovations
- \$40M Asset creation over 15 years

### ★ Good Brick Award ★

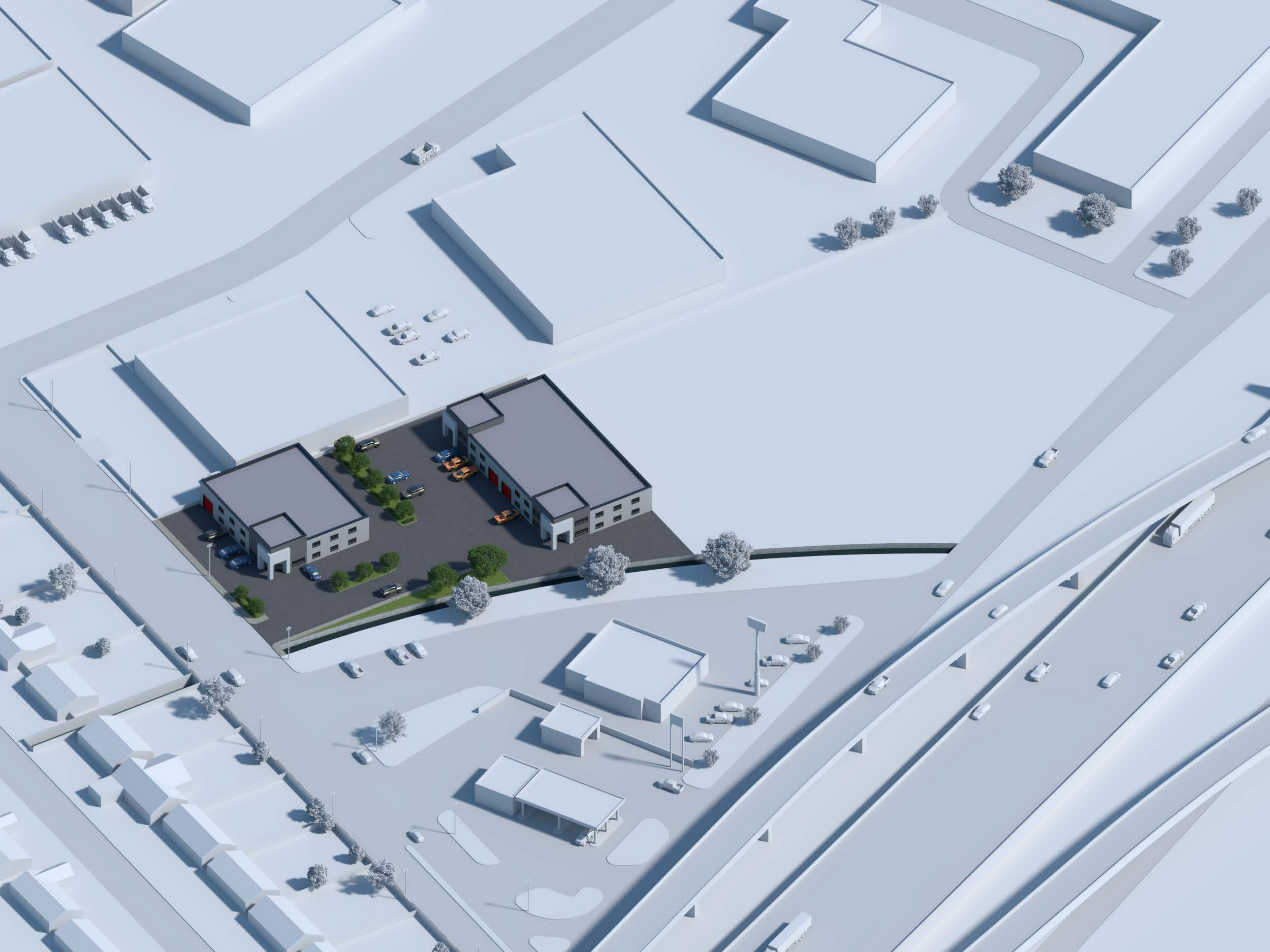


2500 Summer  
80,000 SF  
Abandoned Paint  
Factory →  
Artist Lofts  
Designated city  
landmark after  
restoration

### ★ Good Brick Award ★



Bartlett Lofts  
25,000 SF  
Abandoned  
Warehouse →  
Office & Retail Lofts  
Designated city  
landmark after  
restoration





**ZEPS**  
Zalles Electrical Power Services

**ZEPS**  
Zalles Electrical Power Services

FIRE LANE  
NO PARKING

FIRE LANE







3101







**ORDINANCE NO. 1504-24**

**AN ORDINANCE AMENDING CHAPTER 90 OF THE RICHLAND HILLS CODE, AS AMENDED, THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF RICHLAND HILLS, BY CHANGING THE ZONING OF CERTAIN PROPERTIES, SPECIFICALLY LOT A1A, BLOCK 2, MIDWAY INDUSTRIAL PK ADDITION, OTHERWISE KNOWN AS 2805 HANDLEY EDERVILLE, RICHLAND HILLS, TEXAS 76118, CURRENTLY ZONED AS R (RETAIL), TO PD (PLANNED DEVELOPMENT) WITH A BASE ZONING OF R (RETAIL) AND HC (HEAVY COMMERCIAL) TO ALLOW FOR HEAVY COMMERCIAL USES; PROVIDING FOR THE AMENDMENT OF THE OFFICIAL ZONING MAP TO REFLECT SUCH CHANGES; 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**, a change in the zoning of the properties listed below was requested by persons or entities having a proprietary interest in those properties; and

**WHEREAS**, a public hearing was held at a meeting of the Planning and Zoning Commission on June 25, 2024, and of the City Council on July 8, 2024, 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 of Richland Hills does hereby deem it advisable and in the public interest to amend Chapter 90 of the City Code, as amended, as described herein.

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

**SECTION 1.  
PROPERTY RE-ZONED**

Chapter 90, as amended, is hereby amended by rezoning the property located at Lot A1A, Block 2, Midway Industrial PK Addition, otherwise known as 2805 Handley Ederville, Richland Hills, Texas 76118, and being more particularly described on the attached **Exhibit A**, from R (Retail) to PD (Planned Development) with a base zoning of R (Retail) and HC (Heavy Commercial), with uses permitted as set forth in Section 3 of this Ordinance.

**SECTION 2.  
DIRECTION TO AMEND THE OFFICIAL ZONING MAP**

The City Secretary is hereby directed to amend the official zoning map to reflect the changes in uses approved herein.

**SECTION 3.  
PROPERTY SUBJECT TO ZONING ORDINANCE**

The use of the properties hereinabove described shall be subject to all the applicable regulations contained in the Comprehensive Zoning Ordinance and all other applicable and pertinent ordinances of the City of Richland Hills, Texas, for the zoning district into which they have been assigned. The Planned Unit Development district created herein affecting above-referenced properties shall be specifically subject to the regulations applicable to both the Retail zoning district and the Heavy Commercial zoning district:

1. All Permitted (P) uses, according to the most current adopted Land Use Chart for Heavy Commercial districts and Retail districts, are hereby permitted.
2. If a proposed land use is allowed by Specific Use Permit (S), according to the most current adopted Land Use Chart for Heavy Commercial districts and Retail districts, then the requirements set forth by Chapter 90 of the City Code for Specific Use Permits shall remain in full effect. This Planned Development does not relieve any requirements set for by the City Code except for the following:
  - A. The following land use is permitted by right within the PD District shown on **Exhibit A**:
    1. Outside Storage and Display (Incidental Use)

**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 CLAUSE**

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.  
RESERVATION OF RIGHTS AND REMEDIES FOR ACCRUED VIOLATIONS**

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 CLAUSE**

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 CLAUSE**

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

**SECTION 9.  
EFFECTIVE DATE**

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.

**APPROVED AND ADOPTED** at a regular meeting of the Richland Hills City Council on July 8, 2024, by a vote of \_\_\_\_\_ ayes, \_\_\_\_\_ nays, and \_\_\_\_\_ abstentions.

**APPROVED:**

\_\_\_\_\_  
THE HONORABLE MAYOR CURTIS BERGTHOLD

**ATTEST:**

\_\_\_\_\_  
LINDSAY RAWLINSON, CITY SECRETARY

**APPROVED AS TO FORM:**

\_\_\_\_\_  
JAMES DONOVAN, CITY ATTORNEY



**ORDINANCE NO. 1316-16**

**AN ORDINANCE AMENDING CHAPTER 90 OF THE CITY CODE, AS AMENDED, THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF RICHLAND HILLS, BY CHANGING THE ZONING OF CERTAIN PROPERTIES, SPECIFICALLY BLOCK 2, LOTS 1, 2, 4, 5, 6 AND 7 OF THE MIDWAY INDUSTRIAL PARK ADDITION TO THE CITY OF RICHLAND HILLS, TARRANT COUNTY, TEXAS, CURRENTLY ZONED AS R (RETAIL), TO PD (PLANNED DEVELOPMENT) TO ALLOW FOR BOTH HEAVY COMMERCIAL AND RETALI USES; PROVIDING FOR THE AMENDMENT OF THE OFFICIAL ZONING MAP TO REFLECT SUCH CHANGES; 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**, a change in the zoning of the properties listed below was requested by persons or entities having a proprietary interest in those properties; and

**WHEREAS**, a public hearing was held by the Planning and Zoning Commission on July 11, 2016, and thereafter by the City Council on July 18, 2016, 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  
PROPERTY RE-ZONED**

THAT, Chapter 90, as amended, is hereby amended by rezoning the property located at \_\_\_\_\_ [address], being more fully described as Block 2, Lots 1, 2, 4, 5, 6, and 7, Midway Industrial PK Addition, City of Richland Hills, Texas, from R (Retail) to PD (Planned Development), with uses permitted as set forth in Section 4 of this Ordinance.

**SECTION 2  
ACCORDANCE WITH COMPREHENSIVE PLAN AND PURPOSES OF ZONING**

The City Council finds that the changes to the zoning districts, boundaries, regulations and uses as herein established have been made in accordance with the City's zoning code and comprehensive plan for the purpose of promoting the health, safety, morals and general welfare of the community. They have been designed to efficiently plan, control and organize development, lessen congestion in the streets, secure safety from fire, panic, flood and other dangers, provide adequate light and air, prevent overcrowding of land, avoid undue concentration of population, and facilitate the adequate provision of transportation, water, sewerage, parks and other public requirements. They have been made after a full and complete hearing with reasonable consideration among other things of the character of the district and its peculiar suitability for the particular uses and with a view of conserving the value of the buildings and encouraging the most appropriate use of land throughout the community.

**SECTION 3  
DIRECTION TO AMEND THE OFFICIAL ZONING MAP**

The City Secretary is hereby directed to amend the official zoning map to reflect the changes in uses approved herein.

**SECTION 4  
PROPERTY SUBJECT TO ZONING ORDINANCE**

The use of the properties hereinabove described shall be subject to all the applicable regulations set forth in the PD Site Plan attached hereto as Exhibit "A." In addition, the Planned Development created herein shall be specifically subject to the regulations applicable to both the Heavy Commercial zoning district and the Retail zoning district:

1. All Permitted (P) uses, according to the most current adopted Land Use chart for Heavy Commercial districts and Retail districts, are hereby permitted.
2. If a proposed land use is allowed by Specific Use Permit (S), according to the most current adopted Land Use chart for Heavy Commercial districts and Retail districts, then the requirements set forth by Chapter 90 of the City Code for Specific Use Permits shall remain in full effect. This Planned Development does not relieve any requirements set forth by the City Code.

This Planned Development may be modified as set forth in Section 6.07.04 of the Comprehensive Zoning Ordinance. The Planned Development must further comply with all other applicable and pertinent ordinances of the City of Richland Hills, Texas.

**SECTION 5  
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 6  
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 7  
RESERVATION OF RIGHTS AND REMEDIES FOR ACCRUED VIOLATIONS**

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 8  
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 9  
PUBLICATION**

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

**SECTION 10  
EFFECTIVE DATE**

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 19<sup>th</sup> DAY OF JULY, 2016.

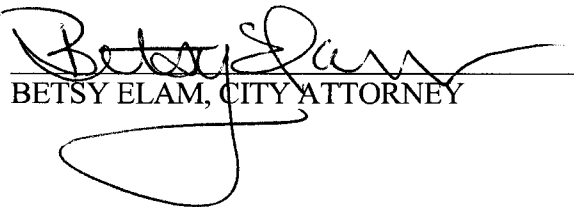
  
\_\_\_\_\_  
THE HONORABLE MAYOR BILL AGAN

ATTEST:

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

EFFECTIVE DATE: July 24, 2016

APPROVED AS TO FORM AND LEGALITY:

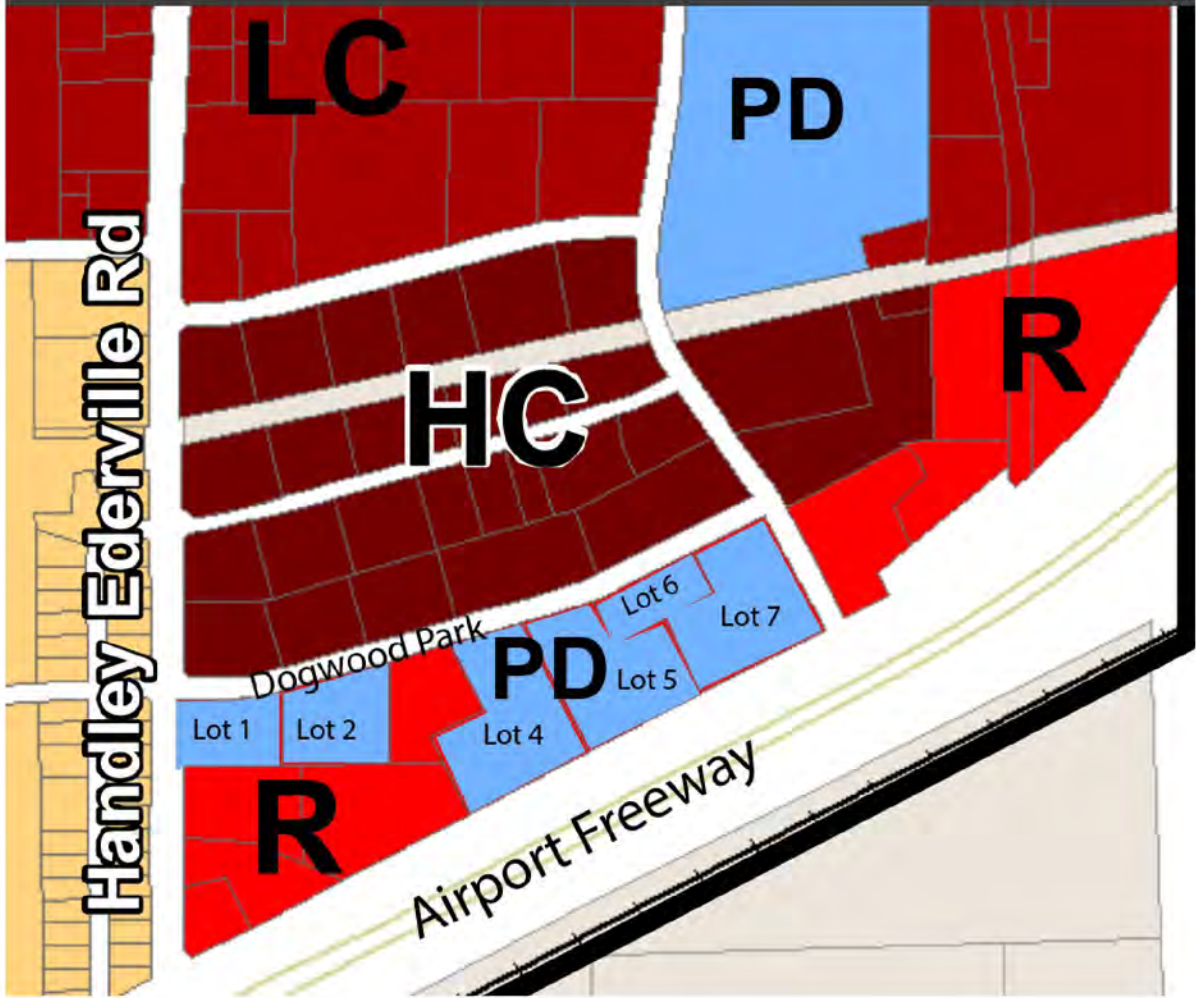
  
\_\_\_\_\_  
BETSY ELAM, CITY ATTORNEY



# Exhibit A

## Property Descriptions

- 1. MIDWAY INDUSTRIAL PK ADDITION Block 2 Lot 1 PLAT 388-196-96
- 2. MIDWAY INDUSTRIAL PK ADDITION Block 2 Lot 2
- 3. MIDWAY INDUSTRIAL PK ADDITION Block 2 Lot 4
- 4. MIDWAY INDUSTRIAL PK ADDITION Block 2 Lot 5
- 5. MIDWAY INDUSTRIAL PK ADDITION Block 2 Lot 6
- 6. MIDWAY INDUSTRIAL PK ADDITION Block 2 Lot 7



# Memorandum

To: City of Richland Hills Planning and Zoning Commission

From: JP Ducay, Director of Planning and Development Services

Date: June 25, 2024

Subject: Special Exceptions for Nonconforming structures Text Amendments

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## **Agenda Item:**

Consider Ordinance 1505-24 amending Chapter 90 “Zoning”, Section 1.06 “Nonconforming uses, structures and lots” and Section 6.13 “Zoning Special Exception” in order to update processes pertaining to the expansion of legal-nonconforming structures.

## **PUBLIC HEARING**

## **Background Information:**

According to the City’s Zoning Code, the term “legal nonconforming” is described as uses, structures, or lots that in whole or part are not in conformance with current zoning standards, but were legally established at a prior date at which time they were in conformance with applicable standards. The code goes on to state that such uses, structures or lots may be maintained or potentially altered subject to the provisions of this subsection. However, the provisions of this code limit the ability for such structure to expand.

Approximately sixty percent (60%) of existing housing market in Richland Hills was built between 1950-1969. Over time, new zoning districts have been overlaid on top of these older areas. In many cases, the structures and or lots are inherently not in conformance with current regulations. The Zoning code is currently written in a way that limits the ability for such structures to expand. According to Chapter 90 “Zoning”, Section 1.06 “Nonconforming uses, structures and lots”:

Buildings or structures that do not conform to the area regulations or development standards in this Ordinance but where the uses are deemed conforming shall not increase the gross floor area greater than ten percent from the date when the building became nonconforming. The expansion must be conforming.

The City Attorney has interpreted this language to mean any expansion that is not in conformance with current regulations is expressly prohibited and no variance processes can be requested. Subsequently, City Staff is proposing to amend this language in order to lesson the limitations and update the processes pertaining to the expansion of legal-nonconforming structures. Text amendment documents have been attached for your reference.

**Financial Considerations:**

N/A

**Legal Review:**

The City Attorney has reviewed the draft ordinance.

**Board/Citizen Input:**

N/A

**Attachments:**

Chapter 90 "Zoning" Text Amendments  
Ordinance 1505-24

**Council Action Requested:**

Motion to approve Ordinance 1505-24 amending Chapter 90 "Zoning", Section 1.06 "Nonconforming uses, structures and lots" and Section 6.13 "Zoning Special Exception" in order to update processes pertaining to the expansion of legal-nonconforming structures.

*The following Code does not display images or complicated formatting. Codes should be viewed online. This tool is only meant for editing.*

## **§ 1.06 Nonconforming uses, structures and lots.**

### **90-1.06.01 Intent of Provisions.**

#### **(A) Existence of nonconformities.**

- (1) The purpose of this section is to establish provisions for the allowance and potential alteration of uses, lots, and/or structures that do not conform to currently applicable standards or regulations, but that were in conformance with standards in place at the time of their inception, and have been rendered nonconforming due to a change in the applicable standards and regulations.
  - (a) Nonconformities occur in three general categories, or combinations thereof:
    1. Nonconforming lots as described in subsection 1.06.02.(A)(1) below. For example, a nonconforming lot can be nonconforming as to lot area or dimension requirement.
    2. Nonconforming structures as described in subsection 1.06.02.(A)(1) below. For example, a nonconforming structure can be nonconforming as to a dimension requirement, masonry requirement, or landscaping requirement.
    3. Nonconforming uses are uses as described in subsection 1.06.02.(A)(1) below. For example, a nonconforming use can be the actual use, or the parking requirement associated with that particular use.
- (2) It is the declared intent of this section that nonconforming uses and structures eventually be eliminated and be required to comply with the regulations of the Zoning Ordinance, having due regard for the property rights of the person affected, the public welfare, and the character of the surrounding area.

### **90-1.06.02 Establishment of Legal Nonconforming Status.**

- (A) Existence. For purposes of interpretation of this subsection, any uses, structures, or lots that in whole or part are not in conformance with current zoning standards shall be considered as follows:
  - (1) Legal nonconforming. Those uses, structures, or lots that in whole or part are not in conformance with current zoning standards, but were legally established at a prior date at which time they were in conformance with applicable standards. Such uses, structures or lots may be maintained or potentially altered subject to the provisions of this subsection.
  - (2) Illegal status. Those uses, structures, or lots that in whole or part are not in conformance with current zoning standards and were not in conformance with applicable standards at the time of their inception shall not be considered legal nonconforming, but shall be considered illegal uses, structures, or lots and shall not be approved for any alteration or expansion, and shall undertake necessary remedial measures to reach conformance with current standards, or be discontinued.
- (B) Time of adoption. Any use, platted lot, or structure that is a lawful use at the time of the adoption of any amendment to this Ordinance but by such amendment is placed in a district wherein such use, platted lot, or structure is not otherwise permitted shall be deemed legal nonconforming.

**90-1.06.03 Burden of Demonstration.** The burden of establishing that any nonconformity is a legal nonconformity as defined in this subsection shall be borne by the owner or proponent of such nonconformity.

**90-1.06.04** Continuing Lawful Use of Property and Existence of Structures.

(A) Discontinuance of nonconforming use.

- (1) If a nonconforming use shall cease operations for a period of more than six months, then such nonconforming use shall be deemed to be permanently discontinued. Unless the board of adjustment reinstates the nonconforming rights pursuant to section 6.10 Reinstatement of Nonconforming Rights of this Ordinance, such a use shall not be instituted on that parcel or other parcel in any district that does not permit the discontinued use.
- (2) For the purpose of this paragraph, to "cease operations" shall mean to intentionally terminate operations of the nonconforming use. Any nonconforming use that does not involve a permanent type of structure or operation and that is moved from the premises shall be considered to have been discontinued, regardless of intent.

(B) Reinstatement of nonconforming use rights. An owner and/or operator of a nonconforming use that has been deemed permanently abandoned pursuant to subsection (A) above, may request that the nonconforming rights to the use be reinstated pursuant to section 6.10 Reinstatement of Nonconforming Rights of this Ordinance.

(C) Prohibited expansion or reoccupation. A nonconforming use or structure shall not be expanded, reoccupied with another nonconforming use, or increased as of the effective date of this Ordinance except as provided in section 1.06.06. below.

(D) Existing platted lots are conforming lots. Any existing lot platted prior to May 6, 2014, which was legally conforming, shall be deemed a conforming lot.

**90-1.06.05** Changing Uses and Nonconforming Rights.

- (A) Nonconforming use to conforming use. Any nonconforming use may be changed to a conforming use, and once such change is made, the use shall not be changed back to a nonconforming use.
- (B) Nonconforming use to another nonconforming use. A nonconforming use may not be changed to another nonconforming use.
- (C) Conforming use in a nonconforming structure. Where a conforming use is located in a nonconforming structure, the use may be changed to another conforming use by the process outlined in section 1.06.06. below.

**90-1.06.06** Expansion of Nonconforming Uses and Structures. An expansion of a nonconforming use or structure is allowed in accordance with the following:

(A) Nonconforming use expansion in existing building.

- (1) A nonconforming use located within a building may be extended throughout the existing building, provided:
  - (a) No structural alteration may be made on or in the building except those required by law to preserve such building in a structurally sound condition; and
  - (b) The number of dwelling units or rooms in a nonconforming residential use shall not be increased so as to exceed the number of dwelling units or rooms existing at the time said use became a nonconforming use.
- (2) Nonconforming use within a building shall not be extended to occupy any land outside the

building.

- (B) Off-street loading, parking, and landscaping requirements. Requirements for parking and landscaping for a nonconforming structure shall be as stated in the supplementary ordinances.
- (C) Residential lot exemption. The minimum residential lot areas for the various zoning districts shall be in accordance with their respective districts, except that a lot having less area than herein required that was an official "lot of record" prior to May 6, 2014 may be used for a single-family dwelling.
- (D) Nonconforming building expansion with conforming uses. Buildings or structures **that in whole or part are not in conformance with current zoning standards, but were legally established at a prior date at which they were in conformance with applicable standards may expand the structure in conformance with current area regulations or development standards in this ordinance by right. If the expansion request furthers the nonconformity, a special exception shall be requested in accordance with section 6.13.01.** ~~not increase the gross floor area greater than ten percent from the date when the building became nonconforming. The expansion must be conforming.~~
- (E) Reuse of abandoned or vacant buildings by conforming uses allowed. Buildings or structures that have been vacant or abandoned for more than six months and do not meet the current area regulations or development standards shall be allowed to be reoccupied only by a conforming use.

**90-1.06.07** Restoration of Nonconforming Structures.

- (A) Total destruction. If a nonconforming structure is destroyed by fire, the elements, or other cause, it may not be rebuilt except to conform to the provisions of this Ordinance.
- (B) Partial destruction. In the case of partial destruction of a nonconforming structure up to 51 percent of its total appraised value as determined by the Appraisal District, reconstruction will be permitted, but the existing square footage or function of the nonconforming structure cannot be expanded.

**90-1.06.08** Movement of Nonconforming Structures.

- (A) Relocation of a nonconforming structure within a platted lot. Nonconforming structures may be relocated within the same platted lot.
- (B) Compliance. Nonconforming structures shall comply with all setback and screening requirements once relocated.

**90-1.06.09** Completion of Structures. Nothing herein contained shall require any change in the plans, construction, or designated use of the following:

- (A) Approved building. A building or structure for which a building permit has been issued or a site plan approved prior to May 6, 2014.
- (B) Building in the approval process. A building or structure for which a complete application for a building permit was accepted by the building official on or before the effective date of these regulations, provided however, that such building permit shall comply with all applicable ordinances in effect on the date such application was filed.

[Ord. No. 1273-14, § 1(Exh. A), 5-6-2014]

*The following Code does not display images or complicated formatting. Codes should be viewed online. This tool is only meant for editing.*

## **§ 6.13 Zoning Special Exception.**

### **90-6.13.01 Purpose and Applicability.**

- (A) Purpose. The board of adjustment is authorized to hear and decide a special exception to the Zoning Ordinance that are not permitted by right in a particular district because of potential adverse effect, but which if controlled in the particular instance as to its relationship to the neighborhood and to the general welfare, may be permitted by the board of adjustment, where specifically authorized by subsection (D) below, and in accordance with the substantive and procedural standards of the Zoning Ordinance.
- (B) Zoning special exception defined. A special exception is an allowed variation from the Zoning Ordinance, but is differentiated from a variance as the term is used in this Zoning Ordinance by the following:
  - (1) No hardship required. A special exception does not require a finding of an undue hardship.
  - (2) Specifically allowed and pre-determined by the Zoning Ordinance. Approval of a special exception by the board of adjustment is specifically provided for and defined in this Zoning Ordinance.
- (C) Requests for a zoning special exception.
  - (1) The board of adjustment may grant a special exception in accordance to the provisions of subsection (D) below upon written request of the property owner.
  - (2) The zoning administrator shall process and review a special exception.
- (D) Zoning special exception authorized. When in the board of adjustment judgment, the public convenience and welfare will be substantially served and the appropriate use of the neighboring property will not be substantially injured, the board of adjustment may, in specific cases, after public notice and public hearing and subject to appropriate conditions and safeguards, authorize the following special exceptions to the regulations herein established:
  - (1) Parking.
    - (a) A reduction in the number of on-site parking spaces may be granted in the nonresidential districts and for all nonresidential uses located in residential districts. Documentation justifying the reduction must be presented.
    - (b) Parking spaces may be located off-site and counted toward the parking requirements if the following requirements are met:
      - 1. Parking spaces are within 300 feet, measured by a straight line from the nearest point of the land on which the use served is located to the nearest point of the separated off-site parking space;
      - 2. A safe and accessible pedestrian connection from the parking area to the use is available; and
      - 3. A written agreement shall be drawn to the satisfaction of the city attorney and executed by all parties concerned assuring the continued availability of the off-site parking facilities for the use they are intended to serve.
  - (2) The board may issue a special exception to grant nonconforming status for a structure that did not

conform to this Ordinance when it was constructed or established, if the board finds:

- (a) The nonconformity was clearly and specifically shown in plans and specifications duly submitted to obtain a city permit;
- (b) Before the work was done, neither the owner, the designer, the surveyor, the contractor nor any other person assisting with the work knew about the nonconformity;
- (c) The nonconformity was clearly covered by the city permit (the same permit for which the plans and specifications were submitted), and the permit was otherwise regularly issued;
- (d) After learning of the nonconformity, the owner promptly conferred with the administrative official and voluntarily halted any further nonconforming work;
- (e) The item will cause no health or safety hazard and no significant impact upon another person or property; and
- (f) The item can be brought into conformity with this Ordinance within the time period specified in the special exception, at a modest or reasonable cost.

1. Exception: Bringing the item into conformity need not be required if the board finds that the impact of the item on other persons or properties is either nil or extremely small.

(3) The board may issue a special exception to buildings or structures that in whole or part are not in conformance with the current zoning standards, but were legally established at a prior date at which they were in conformance with applicable standards that are now requesting to further the nonconformity by way of expansion.

1. Furthering the nonconformity may include but is not limited to encroaching into any existing setbacks or exceeding or further exceeding the minimum lot coverage requirement in attempt to expand a nonconforming structure.
2. At no time may the Board grant this special exception where the requested encroachment into existing setback exceeds the encroachment present at the time the nonconformity was established. Any setback not encroached upon may not be encroached by way of this special exception.
3. At no time may the Board grant this special exception where the requested building height exceeds the building height present at the time the nonconformity was established. A building height in conformance with current zoning standards may not be increased by way of this special exception.
4. A special exception may be issued for a building expansion where the current building size is below the required square footage and the requested expansion will not bring the building size into conformance.

- (E) The board of adjustment may impose conditions. In granting special exceptions under this section, the board of adjustment may impose such conditions as are necessary to protect adjacent property owners and to ensure the public health, safety and general welfare, including but not limited to conditions specifying the period during which the nonconforming use may continue to operate or exist before being brought into conformance with the provisions of this Ordinance.
- (F) Concurring vote of 75 percent required. Pursuant to V.T.C.A., Local Government Code § 211.009(c), the concurring vote of 75 percent of the members of the board of adjustment is necessary to grant a special exception.

[Ord. No. 1273-14, § 1(Exh. A), 5-6-2014; Ord. No. 1296-15, § 2(Exh. A), 8-18-2015]

**ORDINANCE NO. 1505-24**

**AN ORDINANCE OF THE CITY OF RICHLAND HILLS, TEXAS AMENDING CHAPTER 90 "ZONING", SECTION 1.06 "NONCONFORMING USES, STRUCTURES AND LOTS" AND SECTION 6.13 "ZONING SPECIAL EXCEPTION" IN ORDER TO UPDATE PROCESSES PERTAINING TO THE EXPANSION OF LEGAL-NONCONFORMING STRUCTURES; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; 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**, 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**, the City has previously adopted ordinance provisions regulating nonconforming uses, structures, and lots; and

**WHEREAS**, a public hearing was held at a meeting of the Planning and Zoning Commission on June 25, 2024, and of the City Council on July 8, 2024, with respect to the proposed use changes described herein; and

**WHEREAS**, the City Council finds that this ordinance is in the best interests of the citizens of the City of Richland Hills.

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

**SECTION 1.**

**§ 1.06 Nonconforming uses, structures and lots.**

**90-1.06.01** Intent of Provisions.

(A) Existence of nonconformities.

(1) The purpose of this section is to establish provisions for the allowance and potential alteration of uses, lots, and/or structures that do not conform to

currently applicable standards or regulations, but that were in conformance with standards in place at the time of their inception, and have been rendered nonconforming due to a change in the applicable standards and regulations.

(a) Nonconformities occur in three general categories, or combinations thereof:

1. Nonconforming lots as described in subsection 1.06.02.(A)(1) below. For example, a nonconforming lot can be nonconforming as to lot area or dimension requirement.
2. Nonconforming structures as described in subsection 1.06.02.(A)(1) below. For example, a nonconforming structure can be nonconforming as to a dimension requirement, masonry requirement, or landscaping requirement.
3. Nonconforming uses are uses as described in subsection 1.06.02.(A)(1) below. For example, a nonconforming use can be the actual use, or the parking requirement associated with that particular use.

(2) It is the declared intent of this section that nonconforming uses and structures eventually be eliminated and be required to comply with the regulations of the Zoning Ordinance, having due regard for the property rights of the person affected, the public welfare, and the character of the surrounding area.

**90-1.06.02 Establishment of Legal Nonconforming Status.**

(A) Existence. For purposes of interpretation of this subsection, any uses, structures, or lots that in whole or part are not in conformance with current zoning standards shall be considered as follows:

- (1) Legal nonconforming. Those uses, structures, or lots that in whole or part are not in conformance with current zoning standards, but were legally established at a prior date at which time they were in conformance with applicable standards. Such uses, structures or lots may be maintained or potentially altered subject to the provisions of this subsection.
- (2) Illegal status. Those uses, structures, or lots that in whole or part are not in conformance with current zoning standards and were not in conformance with applicable standards at the time of their inception shall not be considered legal nonconforming, but shall be considered illegal uses, structures, or lots and shall not be approved for any alteration or expansion, and shall undertake necessary remedial measures to reach conformance with current standards, or be discontinued.

(B) Time of adoption. Any use, platted lot, or structure that is a lawful use at the time of the adoption of any amendment to this Ordinance but by such amendment is placed in a district wherein such use, platted lot, or structure is not otherwise permitted shall be deemed legal nonconforming.

**90-1.06.03** Burden of Demonstration. The burden of establishing that any nonconformity is a legal nonconformity as defined in this subsection shall be borne by the owner or proponent of such nonconformity.

**90-1.06.04** Continuing Lawful Use of Property and Existence of Structures.

(A) Discontinuance of nonconforming use.

(1) If a nonconforming use shall cease operations for a period of more than six months, then such nonconforming use shall be deemed to be permanently discontinued. Unless the board of adjustment reinstates the nonconforming rights pursuant to section 6.10 Reinstatement of Nonconforming Rights of this Ordinance, such a use shall not be instituted on that parcel or other parcel in any district that does not permit the discontinued use.

(2) For the purpose of this paragraph, to "cease operations" shall mean to intentionally terminate operations of the nonconforming use. Any nonconforming use that does not involve a permanent type of structure or operation and that is moved from the premises shall be considered to have been discontinued, regardless of intent.

(B) Reinstatement of nonconforming use rights. An owner and/or operator of a nonconforming use that has been deemed permanently abandoned pursuant to subsection (A) above, may request that the nonconforming rights to the use be reinstated pursuant to section 6.10 Reinstatement of Nonconforming Rights of this Ordinance.

(C) Prohibited expansion or reoccupation. A nonconforming use or structure shall not be expanded, reoccupied with another nonconforming use, or increased as of the effective date of this Ordinance except as provided in section 1.06.06. below.

(D) Existing platted lots are conforming lots. Any existing lot platted prior to May 6, 2014, which was legally conforming, shall be deemed a conforming lot.

**90-1.06.05** Changing Uses and Nonconforming Rights.

(A) Nonconforming use to conforming use. Any nonconforming use may be changed to a conforming use, and once such change is made, the use shall not be changed back to a nonconforming use.

(B) Nonconforming use to another nonconforming use. A nonconforming use may not be changed to another nonconforming use.

(C) Conforming use in a nonconforming structure. Where a conforming use is located in a nonconforming structure, the use may be changed to another conforming use by the process outlined in section 1.06.06. below.

**90-1.06.06** Expansion of Nonconforming Uses and Structures. An expansion of a nonconforming use or structure is allowed in accordance with the following:

- (A) Nonconforming use expansion in existing building.
  - (1) A nonconforming use located within a building may be extended throughout the existing building, provided:
    - (a) No structural alteration may be made on or in the building except those required by law to preserve such building in a structurally sound condition; and
    - (b) The number of dwelling units or rooms in a nonconforming residential use shall not be increased so as to exceed the number of dwelling units or rooms existing at the time said use became a nonconforming use.
  - (2) Nonconforming use within a building shall not be extended to occupy any land outside the building.
- (B) Off-street loading, parking, and landscaping requirements. Requirements for parking and landscaping for a nonconforming structure shall be as stated in the supplementary ordinances.
- (C) Residential lot exemption. The minimum residential lot areas for the various zoning districts shall be in accordance with their respective districts, except that a lot having less area than herein required that was an official "lot of record" prior to May 6, 2014 may be used for a single-family dwelling.
- (D) Nonconforming building expansion with conforming uses. Buildings or structures **that in whole or part are not in conformance with current zoning standards, but were legally established at a prior date at which they were in conformance with applicable standards may expand the structure in conformance with current area regulations or development standards in this ordinance by right. If the expansion request furthers the nonconformity, a special exception shall be requested in accordance with section 6.13.01.** ~~not increase the gross floor area greater than ten percent from the date when the building became nonconforming. The expansion must be conforming.~~
- (E) Reuse of abandoned or vacant buildings by conforming uses allowed. Buildings or structures that have been vacant or abandoned for more than six months and do not meet the current area regulations or development standards shall be allowed to be reoccupied only by a conforming use.

**90-1.06.07** Restoration of Nonconforming Structures.

- (A) Total destruction. If a nonconforming structure is destroyed by fire, the elements, or other cause, it may not be rebuilt except to conform to the provisions of this Ordinance.

- (B) Partial destruction. In the case of partial destruction of a nonconforming structure up to 51 percent of its total appraised value as determined by the Appraisal District, reconstruction will be permitted, but the existing square footage or function of the nonconforming structure cannot be expanded.

**90-1.06.08** Movement of Nonconforming Structures.

- (A) Relocation of a nonconforming structure within a platted lot. Nonconforming structures may be relocated within the same platted lot.
- (B) Compliance. Nonconforming structures shall comply with all setback and screening requirements once relocated.

**90-1.06.09** Completion of Structures. Nothing herein contained shall require any change in the plans, construction, or designated use of the following:

- (A) Approved building. A building or structure for which a building permit has been issued or a site plan approved prior to May 6, 2014.
- (B) Building in the approval process. A building or structure for which a complete application for a building permit was accepted by the building official on or before the effective date of these regulations, provided however, that such building permit shall comply with all applicable ordinances in effect on the date such application was filed.

**§ 6.13 Zoning Special Exception.**

**90-6.13.01** Purpose and Applicability.

- (A) Purpose. The board of adjustment is authorized to hear and decide a special exception to the Zoning Ordinance that are not permitted by right in a particular district because of potential adverse effect, but which if controlled in the particular instance as to its relationship to the neighborhood and to the general welfare, may be permitted by the board of adjustment, where specifically authorized by subsection (D) below, and in accordance with the substantive and procedural standards of the Zoning Ordinance.
- (B) Zoning special exception defined. A special exception is an allowed variation from the Zoning Ordinance, but is differentiated from a variance as the term is used in this Zoning Ordinance by the following:
  - (1) No hardship required. A special exception does not require a finding of an undue hardship.
  - (2) Specifically allowed and pre-determined by the Zoning Ordinance. Approval of a special exception by the board of adjustment is specifically provided for and defined in this Zoning Ordinance.
- (C) Requests for a zoning special exception.

- (1) The board of adjustment may grant a special exception in accordance to the provisions of subsection (D) below upon written request of the property owner.
  - (2) The zoning administrator shall process and review a special exception.
- (D) Zoning special exception authorized. When in the board of adjustment judgment, the public convenience and welfare will be substantially served and the appropriate use of the neighboring property will not be substantially injured, the board of adjustment may, in specific cases, after public notice and public hearing and subject to appropriate conditions and safeguards, authorize the following special exceptions to the regulations herein established:
- (1) Parking.
    - (a) A reduction in the number of on-site parking spaces may be granted in the nonresidential districts and for all nonresidential uses located in residential districts. Documentation justifying the reduction must be presented.
    - (b) Parking spaces may be located off-site and counted toward the parking requirements if the following requirements are met:
      1. Parking spaces are within 300 feet, measured by a straight line from the nearest point of the land on which the use served is located to the nearest point of the separated off-site parking space;
      2. A safe and accessible pedestrian connection from the parking area to the use is available; and
      3. A written agreement shall be drawn to the satisfaction of the city attorney and executed by all parties concerned assuring the continued availability of the off-site parking facilities for the use they are intended to serve.
  - (2) The board may issue a special exception to grant nonconforming status for a structure that did not conform to this Ordinance when it was constructed or established, if the board finds:
    - (a) The nonconformity was clearly and specifically shown in plans and specifications duly submitted to obtain a city permit;
    - (b) Before the work was done, neither the owner, the designer, the surveyor, the contractor nor any other person assisting with the work knew about the nonconformity;
    - (c) The nonconformity was clearly covered by the city permit (the same permit for which the plans and specifications were submitted), and the permit was otherwise regularly issued;

- (d) After learning of the nonconformity, the owner promptly conferred with the administrative official and voluntarily halted any further nonconforming work;
  - (e) The item will cause no health or safety hazard and no significant impact upon another person or property; and
  - (f) The item can be brought into conformity with this Ordinance within the time period specified in the special exception, at a modest or reasonable cost.
    - 1. Exception: Bringing the item into conformity need not be required if the board finds that the impact of the item on other persons or properties is either nil or extremely small.
- (3) The board may issue a special exception to buildings or structures that in whole or part are not in conformance with the current zoning standards, but were legally established at a prior date at which they were in conformance with applicable standards that are now requesting to further the nonconformity by way of expansion.
- 1. Furthering the nonconformity may include but is not limited to encroaching into any existing setbacks or exceeding or further exceeding the minimum lot coverage requirement in attempt to expand a nonconforming structure.
  - 2. At no time may the Board grant this special exception where the requested encroachment into existing setback exceeds the encroachment present at the time the nonconformity was established. Any setback not encroached upon may not be encroached by way of this special exception.
  - 3. At no time may the Board grant this special exception where the requested building height exceeds the building height present at the time the nonconformity was established. A building height in conformance with current zoning standards may not be increased by way of this special exception.
  - 4. A special exception may be issued for a building expansion where the current building size is below the required square footage and the requested expansion will not bring the building size into conformance.
- (E) The board of adjustment may impose conditions. In granting special exceptions under this section, the board of adjustment may impose such conditions as are necessary to protect adjacent property owners and to ensure the public health, safety and general welfare, including but not limited to conditions specifying the period during which the nonconforming use may continue to operate or exist before being brought into conformance with the provisions of this Ordinance.

- (F) Concurring vote of 75 percent required. Pursuant to V.T.C.A., Local Government Code § 211.009(c), the concurring vote of 75 percent of the members of the board of adjustment is necessary to grant a special exception.

## **SECTION 2. ORDINANCE CUMULATIVE**

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 the is Ordinance are in direct conflict with the provisions of such Ordinances and such Code are hereby repealed.

## **SECTION 3. RESERVATION OF RIGHTS AND REMEDIES FOR ACCRUED VIOLATIONS**

That all rights and remedies of the City of Richland Hills are expressly saved as to any and all violations of the provisions of the City's parking regulations which 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, whether pending in court or not, under such Ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

## **SECTION 4. PROVISIONS SEVERABLE**

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. PENALTY CLAUSE**

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 Five Hundred Dollars (\$500.00) for each offense unless an offense herein details a different specific fine amount. 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.  
PUBLICATION CLAUSE**

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 7.  
EFFECTIVE DATE**

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

**APPROVED AND ADOPTED** at a regular meeting of the Richland Hills City Council on July 8, 2024, by a vote of \_\_\_\_\_ ayes, \_\_\_\_\_ nays, and \_\_\_\_\_ abstentions.

**APPROVED:**

\_\_\_\_\_  
THE HONORABLE MAYOR CURTIS BERGTHOLD

**ATTEST:**

\_\_\_\_\_  
LINDSAY RAWLINSON, CITY SECRETARY