



Physical Address: 501 South Main Street

Mailing Address: PO Box 228

Rhome, Texas 76078

Telephone: 817-636-2462

[www.cityofrhome.com](http://www.cityofrhome.com) | [citysecretary@cityofrhome.com](mailto:citysecretary@cityofrhome.com)

## NOTICE OF REGULAR MEETING OF THE RHOME PLANNING & ZONING COMMISSION

Meeting Date: Monday, February 7, 2022

Regular Session Meeting Time: 6:00pm

**Meeting Location:** Rhome Community Center, 261 North School Road, Rhome, TX 76078

**LIVE Streaming:** In an effort to be as accessible as possible, we will be

Live Streaming the meeting using GoToMeeting.

Please call 1-872-240-3412 / Access Code 198-268-885

### Regular Session – 6:00pm

#### Call to Order and Establish a Quorum

#### Public Presentations and Input

*The Commission is not permitted to take action on or discuss any presentations made to the Commission at this time concerning an item not listed on the agenda. The Commission will hear comments on specific agenda items during this designated time.*

*If you are attending the meeting via **Live Streaming**, and you would like to make a Public Presentation, you must email Shannon Montgomery at [citysecretary@cityofrhome.com](mailto:citysecretary@cityofrhome.com) prior to **4:00pm on the day of meeting** to be recognized.*

*If you are attending the meeting **in person**, sign up forms will be available at the meeting to fill out and submit prior to meeting start time.*

#### Regular Agenda – Old Business

A. Discussion and any necessary action regarding the minutes of the December 6, 2021 Planning & Zoning Commission.

#### Public Hearing

B. Rhome Planning & Zoning to conduct a Public Hearing to consider a text amendment to the City of Rhome Zoning Code that will delete the Specific Use Permit requirement for carports and allow carports to be a permitted use within the SF ES-10, SF ES-5, SF ES-3, SF 30, SF 25, SF 20, SF 15, SF 12, SF 10, SF 8.4, SF 7.2, SF 6, and SF 5 zoning districts.

#### Regular Agenda – New Business

C. Discussion and any necessary action considering a recommendation to Council regarding a text amendment to the City of Rhome Zoning Code that will delete the Specific Use Permit requirement for carports and allow carports to be a permitted use within the SF ES-10, SF ES-5, SF ES-3, SF 30, SF 25, SF 20, SF 15, SF 12, SF 10, SF 8.4, SF 7.2, SF 6, and SF 5 zoning districts.

#### Future Agenda Items

**Adjourn**

**A quorum of Council Members may be present at this meeting**

*\*Pursuant to the Open Meetings Act, Chapter 551, Section 551.071 of the Texas Government Code, the Planning & Zoning Commission may convene into executive session at any time during the meeting if any of them need to seek advice from the City Attorney concerning any item on this agenda, to discuss pending and contemplated litigation, or a settlement offer, or to discuss a matter in which the duty of the city's attorney to the City under the Texas Disciplinary Rules of Professional Conduct of the State Board of Texas clearly conflicts with Chapter 551.*

*The Planning & Zoning Commission may vote and / or act upon each of the items listed in this Agenda. Except for Public Presentation and Input and items in the Agenda designated as public hearing or otherwise designated for public input, there will be no public input during the course of this meeting without express authorization from the presiding officer.*

*This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to the meeting. Please contact City Hall at 817-636-2462 for further information.*

**CERTIFICATION:** I do hereby certify that the above Planning & Zoning Commission Agenda was posted on the designated bulletin board located at City Hall, 501 South Main Street, Rhome, Texas no later than 6pm on February 4, 2022.



\_\_\_\_\_  
Cynthia Northrop, City Administrator

I certify that the attached notice and agenda of items to be considered by the Rhome Planning & Zoning Commission was removed by me from the designated bulletin board located at City Hall, 501 South Main Street, Rhome, Texas, on the \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_, Title: \_\_\_\_\_



501 South Main | PO Box 228

Rhome, Texas 76078

Telephone: 817-636-2462

[www.cityofrhome.com](http://www.cityofrhome.com) | [citysecretary@cityofrhome.com](mailto:citysecretary@cityofrhome.com)

## MINUTES OF RHOME REGULAR PLANNING & ZONING COMMISSION MEETING

Meeting Date: Monday, December 6, 2021

Regular Session Meeting Time: 6:00pm

Meeting Location: Rhome Community Center, 261 North School Road, Rhome, TX 76078

### **Call to Order and Establish a Quorum**

Chair Knight called the meeting to order at 6:00pm and called roll to establish a quorum of Commissioners present.

#### **Commissioners Present:**

Chair Steve Knight

Commissioner Christy Nerren

Vice Chair Thomas Cannon

Commissioner Kristy King

#### **City Staff Present:**

City Administrator Cynthia Northrop

Interim City Secretary LeAnn Gallman

### **Public Presentations and Input**

*The Commission is not permitted to take action on or discuss any presentations made to the Commission at this time concerning an item not listed on the agenda. The Commission will hear comments on specific agenda items during this designated time.*

No Public Presentations were made.

### **Regular Agenda – Old Business**

#### **A. Discussion and any necessary action regarding the Minutes of November 1, 2021 Planning & Zoning Commission Regular Session**

Motion made by Chair Knight, seconded by Commissioner Cannon, to approve the Minutes of the November 1, 2021 Planning & Zoning Commission Regular Meeting as presented.

Chair Knight asked for a roll-call vote:

Chair Knight: Aye

Vice Chair Cannon: Aye

Commissioner Nerren: Aye

Commissioner King: Aye

Motion carried unanimously.

### **Public Hearing**

- B.** Rhome Planning & Zoning Commission to conduct a Public Hearing to consider a request for a Carport Legal property being acres: .423, Lot: 9, Blk: C, Subd: CHISHOLM CREEK PH2, Abst: A-554 J MOFFATT, also known as 217 Cheyenne Trail N, Rhome, Texas 76078.

Chair Knight opened the Public Hearing at 6:07 pm.

Responses re: 217 Cheyenne Trail N.:

- Mr. and Mrs. Mike Goodgion – IN FAVOR (217 Cheyenne Trail N)
- Elaine Priest – OPPOSED (216 Cheyenne Trail N)

C. Rhome Planning & Zoning commission to conduct a Public Hearing to consider a request for a Carport Legal property being acres: 0.154, Lot: 48, Blk: 4, Subd: Crown Point PH1, Abst: A-280 EJ TADLOCK, also known as 116 Troxell Blvd, Rhome, Texas 76078.

Responses re: 116 Troxell Blvd:

- Mr. and Mrs. Wesley Dingler – IN FAVOR (116 Troxell Blvd)
- Chris Williams – IN FAVOR (101 St. James Ct.)
- Marvin Schuh/Echo Associates – OPPOSED (113 Troxell Blvd)

Chair Knight closed the Public Hearing at 6:16 pm.

### **Regular Agenda – New Business**

D. Discussion and any necessary action considering a recommendation to Council regarding a request for a Carport Legal property being acres: Acres: .423, Lot: 9, Blk: C, Subd: CHISHOLM CREEK PH2, Abst: A-554 J MOFFATT, also known as 217 Cheyenne Trail N, Rhome, Texas 76078

City Administrator provided background information on the Ordinances that pertain to Carports and that the initial request did not meet the ordinance requirements on the side. Chair Knight asked the property owners if they would be willing to meet both the side and rear set back requirements and they replied in the affirmative. After discussion amongst the Commissioners, Kristi King made a motion to deny the Carport request and Chair Knight seconded the motion. Chair Knight asked for a roll-call vote:

Chair Knight:	Aye
Vice Chair Cannon:	Aye
Commissioner Nerren:	Aye
Commissioner King:	Aye

The vote was unanimous to deny the Carport Request.

E. Discussion and any necessary action considering a recommendation to Council regarding a request for a Carport Legal property being acres: Acres 0.154, Lot: 48, Blk: 4, Subd: Crown Point PH1, Abst: A-280 EJ TADLOCK, also known as 116 Troxell Blvd, Rhome, Texas 76078

City Administrator provided background information on the request that it met the side property setback but not the front ROW. Chair Knight asked the property owners if they would be willing to meet both the side and the front setback required by Ordinance and he replied in the affirmative after confirming it would be 5 ft from the sidewalk. After brief discussion, Vice Chair Cannon made a motion to recommend approval of the Carport request to the Council and Commissioner Nerren with confirmation that the property owner would stay 5 ft back from the sidewalk. Chair Knight asked for a roll-call vote:

Chair Knight:	Aye
Vice Chair Cannon:	Aye
Commissioner Nerren:	Aye
Commissioner King:	Aye

The motion passed unanimously to recommend approval of the Carport Request to the Council.

**Future Agenda Items**

There were no future agenda items requested.

Chair Knight adjourned the meeting at 6:44 pm.

---

Steve Knight,  
Chair

---

Shaina Odom  
City Secretary



Agenda Commentary

Meeting Date: February 7, 2022

Department: Zoning Administrator

Contact: Cynthia Northrop

Agenda Item: C. Discussion and any necessary action considering a recommendation to Council regarding a text amendment to the City of Rhome Zoning Code that will delete the Specific Use Permit requirement for carports and allow carports to be a permitted use within the SF ES-10, SF ES-5, SF ES-3, SF 30, SF 25, SF 20, SF 15, SF 12, SF 10, SF 8.4, SF 7.2, SF 6, and SF 5 zoning districts.

Type of Item:  Ordinance  Resolution  Contract/Agreement  Public Hearing  Plat  Discussion & Direction  Other

Summary-Background:

In an effort to streamline the process and save money, staff brought the idea of changing the procedure for approving carports from going through a Specific Use Permit to handling the permits administratively similar to how we currently process Accessory Building permits. Because the procedure is both in our Municipal Code of Ordinances (Chapter 3) and our Zoning Ordinances (Chapter 14), the process will be a two-step process.

Step 1 - At the January 13, 2022 Council Meeting, Council approved moving the process solely into an administrative process similar to Accessory Structures, keeping intact the current requirements (found in Chapter 3.03.056) which include; carport must be 10 ft off the side property line, 5 ft off the front/back property line and its "appearance is in conformity with that of the residential structure to which it is attached or which it serves," acknowledging that it is somewhat objective, but specific at the same time.

Step 2 – The second step will remove the Specific Use Permit process from Chapter 14 – Zoning Ordinance. Because it is in the Zoning Ordinance, removing the SUP process will require a Public Hearing in P&Z and in a subsequent City Council meeting (February 24, 2022).

The action before the P&Z is to make a recommendation to remove the SUP process for Carports from Chapter 14. This action will effectively complete the updating of how the city processes permits for Carports to make it similar to Accessory Structures thereby streamlining the process and saving money and time.

Funding Expected:  Revenue  Expenditure  N/A
Budgeted Item:  Yes  No  N/A
GL Account: \_\_\_\_\_ Amount: \_\_\_\_\_
Legal Review Required:  Yes  No Date Completed: \_\_\_\_\_
Engineering Review:  FD Review:  PD Review:  PW Review:

Supporting Documents Attached: Memo from legal. YouTube video of Jan. 13 Council meeting discussion at 1:04:54 - https://www.youtube.com/watch?v=BJ3usgs2B7A

---

**Recommendation:**

Staff recommends P&Z approval to recommend to Council to remove the SUP permitting process from Chapter 14 of the Zoning Ordinance.

---

Memorandum

To: Cynthia Northrop, City Administrator, City of Rhome

From: James Donovan, TOASE

Date: January 10, 2022

Re: Code of Ordinance Update for Carport regulations and assigned duties of the City Secretary

### **Carports**

Currently, carports are governed by the City's zoning ordinance, requiring a specific use permit (SUP) be obtained prior to a resident being able to construct a carport. City staff wishes to forgo the notice and hearing requirements associated with the SUP process in order to allow residences a simpler process to have carports approved and constructed.

In order to accomplish this, two chapters of the Code must be amended, chapters 3 and 14. The intent would be to move carport regulations out of the zoning ordinance and into chapter 3, Building Regulations. Doing so will allow future carport requests to be processed administratively, similar to accessory structures, without Council review unless some waiver is required. This will also eliminate the need for noticing the SUP request for P&Z and Council and will save associated legal noticing fees (Public Hearing Notices, Legal Notices, etc.)

The end result of relocating the carport regulations would be:

- 1) Carports would be allowed by right in residential zoning districts.
- 2) Future carport requests would be handled by staff as part of a building permit review.
- 3) All design regulations (set-backs, size, etc.) would also be located in chapter 3 of the Code.
- 4) Anyone wishing to have a carport that didn't meet the design standards set forth in chapter 3 could appeal to Council for a waiver (similar to a zoning variance without the noticing required).

To accomplish this, a zoning text amendment ordinance must be passed to remove the carport regulations from the zoning ordinance. This will require newspaper notice and public hearings before the P&Z and Council. Chapter 3 would be amended in conjunction with this zoning text amendment through a conventional ordinance.

### **City Secretary**

Throughout the City's Code there are multiple instances assigning duties to the City Secretary that should be duties assigned to the City Administrator. Two ordinances would be needed to address every instance this change would have to be made across the Code. One ordinance for chapters 1-13 and 15 (assuming every chapter has a reference that needs to be changed), and one ordinance for any changes to the zoning ordinance (Chapter 14). The reason for



the separate zoning ordinance is that it will be a text amendment that requires notice and public hearings.

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

**AN ORDINANCE AMENDING SECTIONS 32 AND 34 OF EXHIBIT A OF CHAPTER 14 “ZONING” OF THE CODE OF ORDINANCES, CITY OF RHOME, TEXAS TO REVISE THE SECTIONS TO AMEND THE REGULATIONS GOVERNING CARPORTS; PROVIDING A CUMULATIVE CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PUBLICATION CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Rhome is a Type-A general law municipality located in Wise County, created in accordance with the provisions of Chapter 6 of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

**WHEREAS**, the City Council desires to amend the Zoning Ordinance to allow carports to be a permitted use within all residential zoning districts; and

**WHEREAS**, a public hearing was held by the Planning and Zoning Commission on February 7, 2022, and thereafter by the City Council on February 24, 2022, 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

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

**SECTION 1.**

Section 32 “Sup Or "S" - Specific Use Permits”, Exhibit A of Chapter 14 “Zoning” of the Code of Ordinances, City of Rhome, Texas is hereby amended to delete subsection “E. Regulations governing construction of carports in single-family residential zoning districts.

**SECTION 2.**

Section 34.2 “Primary Residential Uses”, Exhibit A of Chapter 14 “Zoning” of the Code of Ordinances, City of Rhome, Texas is hereby amended to have Carports be permitted uses, listed as “P” in the SF ES-10, SF ES-5, SF ES-3, SF 30, SF 25, SF 20, SF 15, SF 12, SF 10, SF 8.4, SF 7.2, SF 6, and SF 5 zoning districts.

### **SECTION 3.**

This Ordinance shall be cumulative of all provisions and ordinances of the Code of Ordinances of the City of Rhome, Texas, as amended, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event the conflicting provisions of such ordinances and such Code are hereby repealed.

### **SECTION 4.**

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.**

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 guilty of a misdemeanor and, upon conviction, shall be fined an amount not to exceed \$2,000.00. Each day that a violation continues shall be deemed a separate offense.

### **SECTION 6.**

All rights and remedies of the City of Rhome, Texas are expressly saved as to any and all violations of the City's Zoning Ordinance, as amended, 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 7.**

The City Secretary of the City of Rhome, Texas is hereby directed to publish at least twice in the official newspaper of the City of Rhome, Texas, the caption and the penalty clause of this Ordinance in accordance with Section 52.011 of the Local Government Code.

### **SECTION 8.**

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 on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

CITY OF RHOME, TEXAS

By: \_\_\_\_\_  
Jo Ann Wilson, Mayor

ATTEST:

\_\_\_\_\_  
Shaina Odom, City Secretary

APPROVED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
Carvan E. Adkins, City Attorney