

ORDINANCE NO. 3563

AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF NORTH RICHLAND HILLS BY AMENDING SECTIONS 118-1, 118-631, AND 118-633 OF CHAPTER 118 OF THE NORTH RICHLAND HILLS CODE OF ORDINANCES AS THEY PERTAIN TO BLOOD PLASMA COLLECTION FACILITIES; ESTABLISHING A PENALTY; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES AND REPEAL OF CONFLICTING PROVISIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council desires to ensure that blood plasma collection facilities are appropriately located within the community and sensitive to the neighborhood context; and,

WHEREAS, after a study, review, and discussion of blood plasma collection facilities determined the need for a definition and development standards if such establishments were to locate in the city; and

WHEREAS, the Planning and Zoning Commission has after conducting a public hearing has made its recommendation for the following amendment to the zoning ordinance; and,

WHEREAS, after appropriate notice and public hearing, the Planning and Zoning Commission of the City of North Richland Hills, Texas has forwarded a recommendation to the City Council for amendment of the City's zoning ordinance as set forth herein; and,

WHEREAS, notice has been given and public hearings held as required for amendments to the zoning ordinance;

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

Section 1: The Comprehensive Zoning Ordinance and Code of Ordinances of the City of North Richland Hills be amended by adding the following definition to

Section 118-1 (Definitions) of Chapter 118 of the North Richland Hills Code of Ordinances:

“ ...

Blood plasma collection facility means a building or area used primarily for the performance of plasmapheresis, which is the procedure whereby whole blood is removed from the plasma donor by venipuncture or phlebotomy, the plasma is separated from the whole blood for sale or transfer, and the formed elements of the blood are returned to the donor. This definition does not include “blood bank” as defined by Texas Health and Safety Code Section 162.001.

...”

Section 2: The Comprehensive Zoning Ordinance and Code of Ordinances of the City of North Richland Hills be amended by adding the “Blood plasma collection facility” land use in Section 118-631(a) (Table of Permitted Uses) of Chapter 118 of the North Richland Hills Code of Ordinances to read as follows:

“ ...

[#] = Conditions. Reference Section 118-633 for specific conditions to listed uses. P = Permitted by Right S = Special Use Permit Required [Blank] = Not Permitted NP = Not Permitted B = Defers to Base Zoning District A = Ancillary	SECTION 118-631: TABLE OF PERMITTED USES													
	Conditions	NON-RESIDENTIAL DISTRICTS								TOWN CENTER			Freeway	
		O-1	LR	C-1	C-2	OC	I-1	I-2	U	AG	Edge	General		Center
G. RETAIL AND SERVICE USES														
Blood plasma collection facility			S	S		S	S							B

...”

Section 3: The Comprehensive Zoning Ordinance and Code of Ordinances of the City of North Richland Hills be amended by adding the following to Section 118-633 (Legend for section 118-631; special land use regulations) of Chapter 118 of the North Richland Hills Code of Ordinances to read as follows:

“ ...

(28) Blood plasma collection facilities must comply with the following standards.

- a. A blood plasma collection facility must not be located within one-half mile radius of another facility.
- b. A blood plasma collection facility must not be located within 500 feet of a residence, religious assembly, public or private school, public park, or day care center. The distance is measured along the property lines of the street fronts and from front door to front door, and in direct line across intersections.
- c. The minimum number of off-street parking spaces is one space per bed plus one space per 200 square feet of administrative and office space.
- d. The facility must have its primary driveway access on an arterial roadway, as identified on the Thoroughfare Plan.
- e. Facilities must be located in a building or space that contains an automatic sprinkler system for fire protection purposes.
- f. The minimum floor area for the facility is ten thousand (10,000) square feet.
- g. Facilities must include a waiting and departure area of at least five hundred (500) square feet in area to accommodate all customers. Customers are not permitted to queue outside of the facility.
- h. Separate restroom facilities for customers and staff must be provided.
- i. Hours of operation are limited to 9 AM to 7 PM Monday through Saturday and 12 PM to 7 PM Sunday.
- j. Facilities must develop and follow a management plan for handling litter, security, and loitering. A copy of the plan must be provided to the City.
- k. Cash transactions between the facility and customers are prohibited.

...”

Section 4: Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed Two Thousand Dollars (\$2,000). Each day any such violation shall be allowed to continue shall constitute a separate violation and be punishable hereunder.

Section 5: This Ordinance shall be cumulative of all provisions of the Code of Ordinances of the City of North Richland Hills, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances

and such Code, in which event conflicting provisions of such ordinances and such Code are hereby repealed.

Section 6: It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional or otherwise invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity 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 invalid phrase, clause, sentence, paragraph or section.

Section 7: All rights and remedies of the City of North Richland Hills are expressly saved as to any and all violations of the provisions of any ordinances in the Code of Ordinances of the City of North Richland Hills 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, 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 8: The City Secretary is hereby authorized and directed to cause the publication of the descriptive caption and penalty clause of this ordinance two times.

Section 9: This ordinance shall be in full force and effect upon publication as required by Section 8 herein.

AND IT IS SO ORDAINED.

Passed on this 28th day of January, 2019.

CITY OF NORTH RICHLAND HILLS

By: _____
Oscar Trevino, Mayor

ATTEST:

Alicia Richardson, City Secretary

Approved as to content:

Clayton Comstock, Planning Director

Approved as to form and legality:

Maleshia McGinnis, City Attorney