

**ORDINANCE NO. 3408
ZONING CASE ZC 2016-02**

AN ORDINANCE OF THE CITY OF NORTH RICHLAND HILLS, TEXAS AMENDING THE ZONING ORDINANCE OF THE CITY OF NORTH RICHLAND HILLS, AND THE ZONING MAP OF THE CITY OF NORTH RICHLAND HILLS, TEXAS BY AMENDING PLANNED DEVELOPMENT 36 OF THE CITY OF NORTH RICHLAND HILLS FOR THE PURPOSE OF APPROVING THE SITE PLAN FOR 1A, 1B, 2, 3, 4, 5, 6R AND 7R, BLOCK 1, WAL-MART NRH ADDITION LOCATED IN THE 9000-9100 BLOCKS OF NORTH TARRANT PARKWAY, INCLUDING ADJACENT PARCELS ON DAVIS BOULEVARD AND PRECINT LINE ROAD; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of North Richland Hills, Texas is a home-rule municipality located in Tarrant County, Texas acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the Zoning Ordinance of the City of North Richland Hills regulates and restricts the location and use of buildings, structures, and land for trade, industry, residence, and other purposes, and provides for the establishment of zoning districts of such number, shape, and area as may be best suited to carry out these regulations; and

WHEREAS, The City Council of the City of North Richland Hills previously approved Planned Development 36; and

WHEREAA, Planned Development 36 requires Planning and Zoning Commission and the City Council approval of all site plans for development on the property within the zoning district; and

WHEREAS, the owner of a portion of Planned Development 36 has requested approval of a site plan for development of a portion of the property; and

WHEREAS, the Planning and Zoning Commission of the City of North Richland Hills, Texas held a public hearing on April 21, 2016, and the City Council of the City of North Richland Hills, Texas, held a public hearing on May 16, 2016 with respect to the zoning change described herein; and

WHEREAS, the City has complied with all requirements of Chapter 211 of the Local Government Code, the Zoning Ordinance of the City of North Richland Hills, and all other laws dealing with notice, publication, and procedural requirements for the rezoning of the Property; and

WHEREAS, upon review of the application, and after such public hearing, the City Council finds that granting the request herein furthers the purpose of zoning as set forth in the Zoning Ordinance of the City of North Richland Hills and that the zoning change should be granted, subject to the conditions imposed herein.

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

Section 1: THAT the Zoning Ordinance of the City of North Richland Hills and Planned Development 36 of the City of North Richland Hills are hereby revised for the purpose of approving a revised site plan attached hereto as Exhibit A, for Lots 1A, 1B, 2, 3, 4, 5, 6R, and 7R, Block 1, Wal-Mart Addition in the City of North Richland Hills, Tarrant County, Texas, located in the 9000-9100 blocks of North Tarrant Parkway, including adjacent parcels on Davis Boulevard and Precinct Line Road for the purposes of new construction on Lot 7R.

Section 2: The City Council finds that the information submitted by the applicant pursuant to the requirements of the Zoning Ordinance and Planned Development 36 is sufficient to approve the revised site plan attached hereto as Exhibit "A" and incorporated for all purposes.

Section 3: That the official zoning map of the City of North Richland Hills is amended and the Planning Manager is directed to revise the official zoning map to and Planned Development 36, as set forth above.

Section 4: The use of the Property described above shall be subject to the restrictions, terms and conditions set forth in the Planned Development 36 and the Site Plan attached as Exhibit "A". Unless otherwise provided in Exhibit "A", the Property shall be governed by all applicable regulations contained in the Building and Land Use Regulations and all other applicable and pertinent ordinances of the City of North Richland Hills.

Section 5: The zoning district as herein established has been made in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals and general welfare of the community.

Section 6: This Ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances of the City of North Richland Hills, Texas, as

amended, except when 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 7: 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 section, paragraph, sentence, clause, or phrase 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 sections, paragraphs, sentences, clauses, and phrases of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional section, paragraph, sentence, clause or phrase.

Section 8: Any person, firm or corporation violating any provision of the Zoning Ordinance and the zoning map of the City of North Richland Hills as amended hereby shall be deemed guilty of a misdemeanor and upon final conviction thereof fined in an amount not to exceed Two Thousand Dollars (\$2,000.00). Each day any such violation shall be allowed to continue shall constitute a separate violation and punishable hereunder.

Section 9: 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 governing zoning 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 10: 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 11: This ordinance shall be in full force and effect immediately after passage.

AND IT IS SO ORDAINED.

PASSED AND APPROVED on the 16th day of May, 2016.

CITY OF NORTH RICHLAND HILLS

By: _____
Oscar Trevino, Mayor

ATTEST:

Alicia Richardson, City Secretary

Approved as to form and legality:

Cara Leahy White, Assistant City Attorney

Approved as to content:

Clayton Comstock, Planning Manager