

ORDINANCE NO. 3551

AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF NORTH RICHLAND HILLS BY AMENDING SECTION 118-472 OF CHAPTER 118 OF THE NORTH RICHLAND HILLS CODE OF ORDINANCES AS THEY PERTAIN TO RESIDENTIAL USES ON TRACTS 6A, 6B, AND 7 OF THE TOWN CENTER ZONING DISTRICT; ESTABLISHING A PENALTY; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE; AND FOR PUBLICATION.

WHEREAS, In March 2011, modifications were made to the Town Center Zoning District (the "District") regulating plan and zoning standards to address density caps for residential uses on certain tracts in Home Town; and

WHEREAS, the use on a 4.5 acre tract identified as Tract 6a and 6b located southwest of the North Richland Hills Library and bounded by Parker Boulevard, Grand Avenue, and Hawk Avenue (the "Property") within the District is limited to public and commercial uses; and

WHEREAS, the proposed amendments to allow residential uses on the Property will facilitate the discussion and consideration of related special use permit requests within the District for viable economic development opportunities within the city; and

WHEREAS, after conducting a public hearing, the Planning and Zoning Commission 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:

Section 1: THAT the Comprehensive Zoning Ordinance and Code of Ordinances of the City of North Richland Hills be amended by modifying Section 118-472

Town Center Density Restrictions of Chapter 118 of the North Richland Hills Code of Ordinances to read in part as follows:

“Sec. 118-472. – Town Center Density Restrictions

...

Tract 6a and 6b (4.5 acres) – A maximum of 120 residential units allowed, a maximum of 60 of which may be apartment units. Special Use Permit approval required for any residential units. Apartment units limited to Tract 6a only. No limit on commercial space.

...”

- Section 2: 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 3: 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 4: Any person, firm or corporation violating any provision of the Subdivision Regulations 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 5: 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 subdivisions 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 6: 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 7: This ordinance shall be in full force and effect immediately following publication as required by Section 6 hereof.

AND IT IS SO ORDAINED.

Passed on this 10th day of December, 2018.

CITY OF NORTH RICHLAND HILLS

By: _____
Oscar Trevino, Mayor

ATTEST:

Alicia Richardson, City Secretary

Approved as to form and legality:

Maleshia McGinnis, City Attorney