

**ORDINANCE NO. 3424
SDP 2016-04**

AN ORDINANCE OF THE CITY OF NORTH RICHLAND HILLS, TEXAS, AMENDING THE COMPREHENSIVE PLAN AND THE ZONING ORDINANCE OF THE CITY OF NORTH RICHLAND HILLS BY APPROVING A SPECIAL DEVELOPMENT PLAN WITHIN THE TRANSIT ORIENTED DISTRICT FOR SMITHFIELD HEIGHTS ON APPROXIMATELY 15.05 ACRES LOCATED IN THE 6600 AND 6700 BLOCKS OF DAVIS BOULEVARD; ESTABLISHING A PENALTY; 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 owner of the property located in the 6600 and 6700 Block of Davis Boulevard has filed an application for a Special Development Plan (SDP) for consideration of waivers to the Transit Oriented Development Code applicable to the property; and

WHEREAS, notice of a hearing before the Planning and Zoning Commission was sent to real property owners within two hundred (200) feet of the property herein described at least ten (10) days before such hearing; and

WHEREAS, notice of a public hearing before the City Council was published in a newspaper of general circulation in the City at least fifteen (15) days before such hearing; and

WHEREAS, public hearings concerning the request from Wilson and Stonaker, L.L.C., for a SDP were held before both the Planning and Zoning Commission and the City Council; and

WHEREAS, the Planning and Zoning Commission made a recommendation concerning the SDP, which includes specific waivers to the Transit Oriented Development Code (TOD); and

WHEREAS, the City Council finds that the SDP and waivers to the TOD are made in accordance with the Comprehensive Plan and Zoning Ordinance of the City of North Richland Hills for the purposes provided in Texas Local Government Code Ch. 211; and

WHEREAS, the City Council has evaluated the SDP in accordance with the TOD and is of the opinion that the SDP herein effectuated furthers the purpose of zoning as set forth in the Zoning Ordinance of the City of North Richland Hills and promotes the health and general welfare and is in the best interest of the citizens of the City of North Richland Hills;

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

Section 1: That the recitals above are true and correct and made a part of this Ordinance for the purposes provided herein.

Section 2: That the Comprehensive Plan and the Zoning Ordinance of the City of North Richland Hills are hereby amended by approving the request for a Special Development Plan, including specific waivers to the Transit Oriented Development Code, for Smithfield Heights on an approximately 15.05 acre tract of land located in the 6600 and 6700 block of Davis Boulevard, as described and shown in Exhibit A, attached hereto, in accordance with the Concept Plan attached hereto as Exhibit B.

Section 3: Any person, firm or corporation violating any provision of the Zoning Ordinance of the City of North Richland Hills 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 4: 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 5: This ordinance shall be in full force and effect immediately after passage.

AND IT IS SO ORDAINED.

PASSED AND APPROVED on the 12th day of September, 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