

**ORDINANCE NO. 3431
ZONING CASE ZC 2016-09**

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 REZONING A 0.397 ACRE TRACT OF PROPERTY LOCATED IN THE 7500 BLOCK OF DAVIS BOULEVARD FROM AG(AGRICULTURAL) TO LR(LOCAL RETAIL) ZONING; AMENDING THE COMPREHENISVE LAND USE PLAN MAP; 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 has previously passed an ordinance adopting a Comprehensive Land Use Plan Map as the primary document on which to base all zoning, platting, and other land use decisions; and

WHEREAS, the Comprehensive Land Use Plan Map provides guidance for future development in conformance with the adopted Comprehensive Land Use Plan; and

WHEREAS, the owner of the property containing approximately 0.413 acres of land described and shown in Exhibit "A" attached hereto, located in the 7500 block of Davis Boulevard (the "Property") has filed an application to rezone the Property from its present classification of AG (agricultural) to LR (local retail); and

WHEREAS, the Planning and Zoning Commission of the City of North Richland Hills, Texas held a public hearing on September 1, 2016, and the City Council of the City of North Richland Hills, Texas, held a public hearing on September 26, 2016 with respect to the zoning change described herein; and

WHEREAS, the City Council has determined that an amendment to the Comprehensive Land Use Plan Map, as provided herein, redesignating the below described property from AG (agricultural) to LR(local retail) land use is appropriate and is in accordance with the growth goals, objectives and planning principals set forth in the Comprehensive Land Use Plan; 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 rezoning 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 Comprehensive Land Use Plan Map is hereby amended to redesignate a 0.413-acre tract of land within the Stephen Richardson Survey, Abstract No. 1266, Tarrant County, Texas, located within the 7500 block of Davis Boulevard as described and shown on Exhibit "A" attached hereto and incorporated for all purposes, from AG (agricultural) to LR (local Retail).

Section 2: That the Zoning Ordinance of the City of North Richland Hills is hereby amended by rezoning a 0.413-acre tract of land within the Stephen Richardson Survey, Abstract No. 1266, Tarrant County, Texas, located within the 7500 Block of Davis Boulevard as described and shown on Exhibit "A" attached hereto and incorporated for all purposes from AG (agricultural) to LR (local retail).

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 reflect the approved LR (Local Retail) zoning, as set forth above.

Section 4: The use of the property described above shall be subject to 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: The Planning Manager is directed to revise the Comprehensive Land Use Plan Map to reflect the revised land use and designations as set forth above.
- Section 7: 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 8: 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 9: 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 10: 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 11: 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 12: This ordinance shall be in full force and effect immediately after passage.

AND IT IS SO ORDAINED.

PASSED AND APPROVED on the 26th day of September, 2016.

CITY OF NORTH RICHLAND HILLS

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