

**ORDINANCE NO. 3433  
SUP 2016-03**

**AN ORDINANCE OF THE CITY OF NORTH RICHLAND HILLS, TEXAS,  
AMENDING THE ZONING ORDINANCE OF THE CITY OF NORTH  
RICHLAND HILLS BY APPROVING A SPECIAL USE PERMIT TO  
AUTHORIZE A SECONDHAND DEALER BUSINESS TO BE LOCATED  
AT 7520 N.E. LOOP 820; 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 Zoning Ordinance of the City of North Richland Hills requires the issuance of a Special Use Permit for a secondhand dealer use in all zoning districts

**WHEREAS,** the tenant of the property located at 7520 N.E. Loop 820 has filed an application for a Special Use Permit to allow a secondhand dealer business; and

**WHEREAS,** the Planning and Zoning Commission of the City of North Richland Hills, Texas held a public hearing on September 15, 2016, and the City Council of the City of North Richland Hills, Texas, held a public hearing on October 10 with respect to the Special Use Permit 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 approval of a Special Use Permit on 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 Special Use Permit 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 is hereby amended by approving a special use permit to authorize a secondhand dealer business on Lot 5A, Block 1, North Hills Village Addition, North Richland Hills, Tarrant County, Texas, commonly referred to as 7520 N.E. Loop 820.

Section 2: The City Council finds that the information submitted by the applicant pursuant to the requirements of the Zoning Ordinance is sufficient to approve the Special Use Permit in accordance with the requirements hereof, subject to the following conditions:

1. *Permitted use.* A special use permit is authorized for a Secondhand Dealer. The floor area of the use shall not exceed 50,000 square feet.
2. *Building and operational standards.* The following criteria shall apply to the building space and use.
  - a. The floor plan of the space must comply with the plan as shown in Exhibit "B", attached hereto, and incorporated for all purposes.
  - b. The premises shall be used solely for the purpose of selling goods used for furnishing the home, including, but not limited to items normally associated with antiques stores and design studios.
  - c. Booth spaces must be delineated by moveable, non-permanent structures such as doors with bracketed stands or large furniture items. Structures that permanently attach to existing walls, floors, or ceilings are prohibited.
  - d. The business operation must use a centralized cashier or payment area to collect payment for goods and services directly from customers.
  - e. The storage of crates, boxes, merchandise, or other items on the exterior of the building shall be prohibited.
  - f. The provisions of Section 118-717 of the City Code, Incidental Outdoor Display, shall not apply to the

Secondhand Dealer use. Incidental Outdoor Display shall be prohibited for such use.

3. *Landscaping improvements.* The property owner shall submit a landscape plan and irrigation plan, prepared by a Registered Landscape Architect, which conforms to the concept plan as shown in Exhibit "C", attached hereto and incorporated for all purposes. The landscape plan shall demonstrate compliance with Chapter 114 Vegetation, Article III, Landscaping and Buffering Regulations, of the Code of Ordinances as related to parking lot landscaping and landscape setbacks along IH Loop 820 and City Point Drive frontage. All landscaping and irrigation improvements shall be installed by March 31, 2017.
4. *Building lighting.* All outdoor lighting on the entire property listed as Lot 5A, Block 1, North Hills Village, shall be reviewed by staff for conformance to Section 118-728 of the City Code and replaced with conforming light fixtures as necessary prior to the issuance of a Certificate of Occupancy for a Secondhand Dealer. The use of neon or LED strip lighting is prohibited on all parts of the building.
5. *Refuse container screening.* Any refuse container shall be screened in accordance to the standards described in Section 118-874 of the Zoning Ordinance.
6. *Expiration.* The Special Use Permit shall expire three (3) years from the effective date of this ordinance. If the secondhand dealer business is still in operation at the time of expiration, the business shall be considered a legal non-conforming use and may continue operation subject to the standards described in Section 118-153 of the Zoning Ordinance.

Section 3: That the official 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 special use permit, 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: 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 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 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 7: 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 8: 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 9: 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 10: This ordinance shall be in full force and effect immediately after passage.

**AND IT IS SO ORDAINED.**

PASSED AND APPROVED on the 10th day of October, 2016.

**CITY OF NORTH RICHLAND HILLS**

By: \_\_\_\_\_  
Oscar Trevino, Mayor

ATTEST:

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Alicia Richardson, City Secretary

Approved as to form and legality:

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Maleshia Farmer, City Attorney

Approved as to content:

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Clayton Comstock, Planning Manager