

ORDINANCE NO. 3448

AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF NORTH RICHLAND HILLS BY AMENDING SECTION 118-631 OF CHAPTER 118 OF THE NORTH RICHLAND HILLS CODE OF ORDINANCES AS THEY PERTAIN TO QUICK SERVICE RESTAURANTS; 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 2015 North Richland Hills Citizen Survey indicated that 52% of residents desire more full-service restaurants in their area of the city and 12% of residents desire more drive-through restaurants; and

WHEREAS, the physical characteristics of quick service restaurants and drive through service can affect the scale and quality of development compatible with the character of the community; and

WHEREAS, the expansion of quick service restaurants should be monitored in order to establish an optimal mix of commercial, restaurant, retail, and office establishments that best serve the varied needs of residents and consumers; and

WHEREAS, the City Council desires to ensure that quick service restaurants are appropriately located within the community and sensitive to the neighborhood context; 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;

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 the "Restaurant,

quick service” land uses in Section 118-631(a) Table of Permitted Uses of Chapter 118 of the North Richland Hills Code of Ordinances to read as follows:

“ ...

[#] = Conditions. Reference Section 118-633 for specific conditions to listed uses. P = Permitted by Right S = Special Use Permit Required [Blank] = Not Permitted NP = Not Permitted B = Defers to Base Zoning District A = Ancillary		SECTION 118-631: TABLE OF PERMITTED USES													
	Conditions	NON-RESIDENTIAL DISTRICTS								TOWN CENTER				Freeway	
		O-1	LR	C-1	C-2	OC	I-1	I-2	U	AG	Edge	General	Center		Core
G. RETAIL AND SERVICE USES															
Restaurant, quick service	26	S	S	S	S	S	S	S					S	S	B

...”

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 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 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 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 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 after publication as required by Section 6 hereof.

AND IT IS SO ORDAINED.

Passed on this 13th day of February, 2017.

CITY OF NORTH RICHLAND HILLS

By: _____
Oscar Trevino, Mayor

ATTEST:

Alicia Richardson, City Secretary

Approved as to form and legality:

Maleshia Farmer, City Attorney

Approved as to content:

Clayton Comstock, Planning Manager