

ORDINANCE NO. 3451

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 TOWNHOMES IN TRACTS 3A AND 3B OF THE TOWN CENTER ZONING DISTRICT; ESTABLISHING A PENALTY; PROVIDING FOR SEVERABILITY AND PROVIDING FOR PUBLICATION.

WHEREAS, on February 13, 2017, the City Council approved Ordinance No. 3446, which authorized a special use permit for twenty-two single-family cottage lots less than 40 feet wide in the Home Town Canal District; and,

WHEREAS, as part of the special use permit approval, Arcadia, the developer of Home Town Canal District, agreed to reduce the maximum number of townhomes allowed on Tracts 3A and 3B from 94 units to 73 units; and,

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

“ ...

Tract 3a & 3b – (25 acres) Maximum of 73 townhomes allowed, no apartment units allowed, single family detached required fronting the Lakes, no limit on single family detached homes.

...

- 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of such ordinances and such code, in which event the conflicting provisions of such ordinances and such code are hereby repealed.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 Comprehensive 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 6th day of March, 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