

**ORDINANCE NO. 3595
ZONING CASE ZC 2019-09**

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 51.945 ACRES OF LAND LOCATED AT 4400 CITY POINT DRIVE FROM NR-PD (NONRESIDENTIAL PLANNED DEVELOPMENT AND C-1 (COMMERCIAL) TO NR-PD (NONRESIDENTIAL PLANNED DEVELOPMENT); PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING FOR SEVERABILITY; ESTABLISHING A PENALTY; PROVIDING FOR SAVINGS; 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 property located at 4400 City Point Drive (the "Property") has filed an application to rezone the Property from its present classification of NR-PD (Nonresidential Planned Development) and C-1 (Commercial) to NR-PD (Nonresidential Planned Development); and

WHEREAS, the Planning and Zoning Commission of the City of North Richland Hills, Texas held a public hearing on July 18, 2019, and the City Council of the City of North Richland Hills, Texas, held a public hearing on August 12, 2019, with respect to the zoning change 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 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 Zoning Ordinance of the City of North Richland Hills is hereby amended by rezoning the Property and approving a Nonresidential Planned Development as provided herein on a 51.945-acre tract of land described as Lot 2, Block 1, Lot 1R1, Block 2, and Lot 1, Block 3, City Point Addition; and Tract 9W1A4, William Wallace Survey, Abstract 1606, commonly referred to as 4400 City Point Drive, as described and shown on **Exhibit “A,”** attached hereto and incorporated for all purposes.

Section 2: The City Council finds that the information submitted by the applicant pursuant to the requirements of the Zoning Ordinance is sufficient to herein approve the nonresidential planned development in accordance with the requirements of the Nonresidential Planned Development (NR-PD) district Land Use and Development Regulations, set forth in **Exhibit “B,”** and the Site Plan Exhibits, set forth in **Exhibit “C,”** both of which are attached hereto and incorporated for all purposes.

Section 3: That the following standards are hereby added to the Land Use and Development Regulations, set forth in **Exhibit “B”**:

Energy Efficiency. All construction within City Point must conform to the 2018 International Energy Conservation Code.

Residential Building Fronts. The ground story floor elevation must be a minimum of eighteen inches (18”) above the elevation of the front sidewalk.

Section 4: Any reference to building products or materials, as defined by applicable building codes, and as set forth in **Exhibit “B,”** are enforceable to the extent agreed to by the Property Owner, or otherwise as allowed by law. Regulations regarding building products or materials for this NR-PD shall be set forth and agreed to in a separate document between the City and the Property Owner, and his successors or assigns.

- Section 5: That the official zoning map of the City of North Richland Hills is amended and the Planning Director is directed to revise the official zoning map to reflect the approved Nonresidential Planned Development (NR-PD) zoning, as set forth above.
- Section 6: The use of the property described above shall be subject to all applicable and pertinent ordinances of the City of North Richland Hills, all applicable regulations contained in the Building and Land Use Regulations for the C-1 Commercial zoning district, and the additional zoning standards as set forth in **Exhibit “B.”**
- Section 7: 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 8: 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 9: 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 10: 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 11: 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 12: 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 13: This ordinance shall be in full force and effect immediately following publication as required by Section 12 hereof.

AND IT IS SO ORDAINED.

PASSED AND APPROVED on this 12th day of August, 2019.

CITY OF NORTH RICHLAND HILLS

By: _____
Oscar Trevino, Mayor

ATTEST:

Alicia Richardson, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Maleshia B. McGinnis, City Attorney

APPROVED AS TO CONTENT:

Clayton Comstock, Planning Director

