

## ORDINANCE NO. 3128

**AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF NORTH RICHLAND HILLS BY AMENDING SECTIONS 118-1 AND 118-631 OF THE NORTH RICHLAND HILLS CODE OF ORDINANCES; ADDING DEFINITIONS AND RESTRICTING THE LOCATION OF DRIVE THROUGH BUILDINGS OF LESS THAN 1400 SQUARE FEET AND ALTERNATIVE FINANCIAL ESTABLISHMENTS; PROVIDING FOR SEVERABILITY; PROVIDING A PENALTY FOR VIOLATIONS; PROVIDING A SAVINGS CLAUSE; AND PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER.**

**WHEREAS**, the City Council has received the recommendations of the Planning and Zoning Commission concerning the matters herein dealt with, which recommendations were made after the holding of a public hearing before said Commission on such matters; and

**WHEREAS**, notice has been published of the time and place of a public hearing held before the City Council concerning the changes herein made, which public hearing has been duly held; and,

**WHEREAS**, the City Council has determined that the amendment to the Comprehensive Zoning Ordinance herein made is in the best interest of the health, safety and general welfare of the citizens of the City of North Richland Hills; **NOW, THEREFORE**,

**BE IT ORDAINED BY THE CITY COUNCIL OF NORTH RICHLAND HILLS, TEXAS:**

**SECTION 1.** That Section 118-1 of the Code of Ordinances of the City of North Richland Hills, Texas, is hereby amended by adding the following definitions:

**<sup>A</sup>Sec. 118-1. Definitions**

...

*Alternative Financial Establishment* means a check cashing business, payday advance or loan business, money transfer business or car title loan business.

*Bank or Financial Institution* means an establishment, open to the public, for the deposit, custody, loan, exchange or issue of money, the extension of credit and/or facilitating the transmission of funds and that is licensed by the appropriate state or federal agency as a bank, savings and loan association, or credit union. This includes business activities listed under SIC Codes 60 and 61 but excludes pawnshops, check cashing businesses, payday advance/loan businesses, money transfer businesses and car title loan businesses.

*Car Title Loan Business* means an establishment that makes small, short-term consumer loans that leverage the equity value of a car or other collateral where the title to such vehicle is owned free and clear by the loan applicant any an existing liens on the car or vehicle cancel the application, and where failure to repay the loan or make interest payments to extend the loan allows the lender to take possession of the car of vehicle. This excludes state or federally-chartered banks, savings and loan associations, or credit unions engaged primarily in the business of making longer term loans and which make loans that leverage the total equity value of a car or vehicle as collateral.

*Check Cashing Business* means an establishment that provides to the customer an amount of money that is equal to the face of the check or the amount specified in the written authorization for an electronic transfer of money, less any fee charged for the transaction, and where there is an agreement not to cash the check or execute an electronic transfer of money for a specified period of time, the business of cashing checks, warrants, drafts, money orders or other commercial paper serving the same purpose for compensation by any person or entity other than a retail seller engaged primarily in the business of selling consumer goods, including consumables to retail buyers, that cashes checks or money orders or issues money orders or money transfers for a minimum flat fee as a service that is incidental to its main purpose or business. This definition excludes a state or federally-chartered bank, savings and loan associations, credit union, pawnshop, grocery store or gas station so long as the gas station does not conduct more than 100 such transactions within any calendar month.

*Money Transfer Business* means an establishment, other than a bank or financial institution that engages in or facilitates the transmission of funds to or from a location outside the United States and its territories for a fee.

*Payday Advance or Loan Business* means an establishment that makes small consumer loans, usually backed by postdated check or authorization to make an electronic debit against an existing financial account, where the check or debit is held for an agreed upon term or until the applicant's next payday, and then cashed unless the customer repays the loan to reclaim such person's check.®

**SECTION 2.** THAT Sec. 118-631 of the North Richland Hills Code of Ordinances be amended by amending Subsection G of the Table of Permitted Uses to allow drive through buildings of less than 1400 square feet only with a special use permit in the CS (Community Services), HC (Heavy Commercial), I1 (Light Industrial) and I2 (Heavy Industrial) zoning districts.

**SECTION 3.** THAT Sec. 118-631 of the North Richland Hills Code of Ordinances be amended by amending Subsection G of the Table of Permitted Uses to allow Alternative Financial Establishments only with a special use permit in the I2 (Heavy Industrial) District.

#### **SECTION 4. Severability.**

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and section of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section 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 phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

#### **SECTION 5. Penalty.**

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

#### **SECTION 6. Savings.**

All rights and remedies of the City of North Richland Hills are expressly saved as to any and all violations of the provision of any other ordinances regulating solicitation or canvassing activities 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 7. Publication.**

The City Secretary of the City of North Richland Hills is hereby directed to publish the caption and penalty of this ordinance in the official City newspaper.

**AND IT IS SO ORDAINED.**

**PASSED AND APPROVED** on this 14th day of February, 2011.

**CITY OF NORTH RICHLAND HILLS**

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

**ATTEST:**

\_\_\_\_\_  
Patricia Hutson, City Secretary

**APPROVED AS TO FORM AND LEGALITY:**

\_\_\_\_\_  
George A. Staples, City Attorney

**APPROVED AS TO CONTENT:**

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John Pitstick, Planning & Development Director