

**ORDINANCE NO. 3381
CASE NUMBER TR-2015-02**

AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF NORTH RICHLAND HILLS BY AMENDING SECTIONS 118-1, 118-631, 118-633, AND 118-718 OF CHAPTER 118 OF THE NORTH RICHLAND HILLS CODE OF ORDINANCES AS THEY PERTAIN TO CONCRETE BATCH PLANTS, FUEL SALES, AND SECONDARY LIVING UNITS; ESTABLISHING A PENALTY; PROVIDING FOR SEVERABILITY AND PROVIDING FOR PUBLICATION.

WHEREAS, the Planning & Zoning Commission has 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 & 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 amending Section 118-1 of Chapter 118 of the North Richland Hills Code of Ordinances to add and/or revise the following definitions:

" ...

Convenience store. A retail store, not a grocery store, where a limited amount of prepackaged food items are primarily sold as a quick service facility.

...

Fuel sales. Any building, land area, or other premises or portion thereof, used or intended to be used for the retail dispensing or sales of vehicle fuel. Vehicle fuel includes gasoline, diesel, natural gas, LPG, or any other fuel intended for automobiles, trucks, vans, and other motor vehicles.

...

Service station. An establishment for the retail sales of petroleum products and automotive accessories which may include minor automotive service and repair only as an incidental activity to such retail sales, but not including the overhaul of major automobile components, body work, or repair of heavy trucks.

..."

Section 2: THAT the Comprehensive Zoning Ordinance and Code of Ordinances of the City of North Richland Hills be amended by adding the "Fuel sales" land use to Section 118-631(a) Table of Permitted Uses of Chapter 118 of the North Richland Hills Code of Ordinances, as shown on Exhibit A attached hereto and incorporated herein.

Section 3: THAT the Comprehensive Zoning Ordinance and Code of Ordinances of the City of North Richland Hills be amended by amending the "Service station" and "Convenience store" land uses in Section 118-631(a) Table of Permitted Uses of Chapter 118 of the North Richland Hills Code of Ordinances, as shown on Exhibit A attached hereto and incorporated herein.

Section 4: THAT the Comprehensive Zoning Ordinance and Code of Ordinances of the City of North Richland Hills be amended by deleting the "Asphalt or concrete batching plant - permanent" land use from Section 118-631(a) Table of Permitted Uses of Chapter 118 of the North Richland Hills Code of Ordinances.

Section 5: THAT the Comprehensive Zoning Ordinance and Code of Ordinances of the City of North Richland Hills be amended by adding the following to Section 118-633 of Chapter 118 of the North Richland Hills Code of Ordinances:

"(25) Asphalt or concrete batch plant – temporary. The use must comply with the following performance standards in all zoning districts.

- a. Permit required. The city engineer must authorize the location of the batch plant. Copies of all State and Federal permits must be submitted to the City.
- b. Duration of permit. A permit for a temporary batch plant is valid for 90 days. One 30-day extension maybe granted. Not more than one permit may be issued for the same site or project within any twelve-month period.

- c. Location. The temporary batch plant must only furnish concrete, asphalt, or both to the specific project for which the temporary permit is issued. The placement of a temporary batch plant for a private project is restricted to the site of the project. No portion of the batch plant or its operation may be located on a public street.
- d. Setbacks. All equipment must be setback at least 600 feet from all habitable residential structures, public or private schools, and day care centers. The setback is measured in a direct line from the structure or building to the closest batch plant equipment.
- e. Hours of operation. The batch plant may operate during the hours as permitted by Section 98-61 of the North Richland Hills Code of Ordinances.
- f. Operation. The temporary batch plant must be operated in a manner that eliminates unnecessary dust, noise, and odor (as illustrated by, but not limited to, covering trucks, hoppers, chutes, loading and unloading devices, and mixing operations) and maintains access roads and the temporary batch plant site with maximum control to keep it free of dust by watering those areas with an adequate water sprinkling system or, if necessary, by water truck.
- g. Other applicable laws. The temporary batch plant site must comply with all other applicable City, State, and Federal laws.
- h. Revocation. The city engineer may terminate or revoke a permit if the temporary batch plant or site fails to comply with any of the standards of this section.”

Section 6: THAT the Comprehensive Zoning Ordinance and Code of Ordinances of the City of North Richland Hills be amended by adding the following to Section 118-718(f) of Chapter 118 of the North Richland Hills Code of Ordinances:

“Sec. 118-718. Accessory buildings and structures.

...

- (5) *Special use permit provision.* Modifications to or deviations from the standards related to the connection to the primary residence, architecture, or maximum total floor area may be approved through approval of a special use permit.”

Section 7: Any person, firm or corporation violating any provision of the comprehensive zoning ordinance as amended by this ordinance 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: 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 phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional or otherwise invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity 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 invalid phrase, clause, sentence, paragraph or section.

Section 9: The City Secretary is hereby authorized and directed to cause the publication of the descriptive caption and penalty clauses of this ordinance as an alternative method of publication provided by law.

Section 10: This ordinance shall be in full force and effect immediately upon passage.

AND IT IS SO ORDAINED.

PASSED AND APPROVED on this 9th day of November, 2015.

CITY OF NORTH RICHLAND HILLS

By: _____
Oscar Trevino, Mayor

ATTEST:

Alicia Richardson, City Secretary

APPROVED AS TO FORM AND LEGALITY:

George A. Staples, City Attorney

