

ORDINANCE NO. 1486-23

AN ORDINANCE AMENDING CHAPTER 90 OF THE CITY CODE, AS AMENDED, THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF RICHLAND HILLS; AMENDING ARTICLE 3 TO ALLOW FOR CERTAIN ALCOHOL RELATED USES TO BE AN AUTHORIZED USE BY RIGHT OR BY SPECIFIC USE PERMIT WITHIN SPECIFIED ZONING DISTRICTS, AND TO ESTABLISH CONDITIONAL DEVELOPMENT STANDARDS FOR CERTAIN ALCOHOL RELATED USES, AND TO AMEND ARTICLE 8 TO ADD DEFINITIONS FOR CERTAIN ALCOHOL RELATED USES; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Richland Hills is a home rule city 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, pursuant to Chapter 211 of the Local Government Code, the City has adopted a Comprehensive Zoning Ordinance and map regulating the location and use of buildings, other structures and land for business, industrial, residential or other purposes, and providing for a method to amend said ordinance and map for the purpose of promoting the public health, safety, morals and general welfare, all in accordance with a comprehensive plan; and

WHEREAS, a public hearing was held by the Planning and Zoning Commission on September 26, 2023 and thereafter by the City Council on October 9, 2023 and October 23, 2023, with respect to the proposed use changes described herein; and

WHEREAS, all requirements of law dealing with notice to other property owners, publication and all procedural requirements have been complied with in accordance with the Comprehensive Zoning Ordinance and Chapter 211 of the Local Government Code; and

WHEREAS, the City Council of the City does hereby deem it advisable and in the public interest to amend Chapter 90 of the City Code, as amended, as described herein; and

WHEREAS, the proposed change is consistent with the City's comprehensive land use plan.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RICHLAND HILLS, TEXAS, THAT:

**SECTION 1.
ZONING TEXT AMENDMENT**

Chapter 90, Article 3, Section 3.02 “Use Chart” is hereby amended to allow the uses detailed in the attached hereto **Exhibit A** to be inserted into the Use Chart under “Nonresidential Uses” alphabetically.

**SECTION 2.
ZONING TEXT AMENDMENT**

Chapter 90, Article 3, Section 3.02.01 “Conditional Development Standards” is hereby amended by adding subsection (A)(21) to read as follows:

- The sale of alcoholic beverages within 300 feet of a church, public school or public hospital is prohibited.
- Must have all required state and local licenses and permits, and the exterior structure must comply with development regulations for the applicable zoning district.

**SECTION 3.
ZONING TEXT AMENDMENT**

Chapter 90, Article 8, “Definitions” is hereby amended to the following definitions in alphabetical order:

Brewery. A facility that (1) manufactures, bottles, packages, and labels malt liquor, ale, and beer; or (2) sells finished products to wholesalers/distributors; and/or (3) performs any other activity authorized by Chapter 12, Brewer’s Permit, of the Texas Alcoholic Beverage Code, as amended.

Brewpub. A facility that (1) manufactures, brews, bottles, cans, packages, and labels malt liquor, ale, and beer; (2) sells or offers without charge malt liquor, ale or beer produced by the brewpub to ultimate consumers for consumption on or off the premises; and/or (3) performs any other activity authorized by Chapter 74, Brewpub License, of the Texas Alcoholic Beverage Code, as amended.

Package Liquor Store. A building or premises where the primary use is the retail sale of vinous (wine) or spirituous alcoholic beverages for off-premises consumption.

Tap Room. An establishment having as its principal or predominant use the retail sales of malt liquor, ale, or beer for consumption on or off the premises, and that derives less than 75 percent (75%) of the establishment’s gross revenue from the sale of malt liquor, ale, or beer from on-premises consumption.

Wine Bar. An establishment having as its principal or predominant use the retail sales of wine for consumption on or off the premises, and that derives less than 75 percent (75%) of the establishment's gross revenue from the sale of wine from on-premises consumption.

Winery. A facility that (1) ferments juices from grapes and/or other fruit; (2) blends wines; (3) manufactures, bottles, labels, and packages wine; and/or (4) performs any other activity authorized by Chapter 16, Winery Permit, of the Texas Alcoholic Beverage Code, as amended.

SECTION 4. ORDINANCE CUMULATIVE

This Ordinance shall be cumulative of all other ordinances of the City of Richland Hills affecting zoning and land use, and shall not repeal any of the provisions of such ordinances except in those instances where provisions of such ordinances are in direct conflict with the provisions of this Ordinance.

SECTION 5. RESERVATION OF RIGHTS AND REMEDIES FOR ACCRUED VIOLATIONS

All rights or remedies of the City are expressly saved as to any and all violations of Chapter 90, as amended, or any other ordinance affecting zoning and land use 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, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 6. PROVISIONS SEVERABLE

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections 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 7. PENALTY CLAUSE

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. In addition,

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 may be subjected to such civil penalties as authorized by law.

**SECTION 8.
PUBLICATION CLAUSE**

The City Secretary of the City of Richland Hills is hereby directed to publish caption, penalty clause, and effective date clause in the official newspaper as/if required by law.

**SECTION 9.
EFFECTIVE DATE**

This Ordinance shall be in full force and effect from and after its passage, and it is so ordained.

APPROVED AND ADOPTED at a regular meeting of the Richland Hills City Council on October 23, 2023, by a vote of _____ ayes, _____ nays, and _____ abstentions.

APPROVED:

The Honorable Mayor Edward Lopez

ATTEST:

Lindsay Rawlinson, City Secretary

Section 3.02. - Use Chart

	Residential							Nonresidential					Special		Parking	
	SF-E Single-Family Residential Estate	SF-10 Single-Family Residential	SF-7 Single-Family Residential	MF-1 Two-Family (Duplex) Residential	MF-2 Multiple-Family Residential Medium Density	MF-3 Multiple-Family Residential High Density	MH Manufactured Home (HUD Code)	P Professional Office	R Retail	LC Light Commercial	HC Heavy Commercial	I Industrial	BP Business Park	MX Mixed Use	Entertainment District Overlay	Minimum Requirement (see Section 8(F) Parking Requirement Based on Use)
	Nonresidential Uses															
Brewery											S	S	S			1 space per 1,000 square feet
Brewpub								S	S	S	S		S	S	S	1 space per 1,000 square feet
Package Liquor Store								S	S	S	S		S	S	S	1 Space per 300 square feet
Tap Room								S	S	S	S		S	S	S	Standalone: 1 space for each 100 square feet In-line: 1 space per 200 square feet
Wine Bar								S	S	S	S		S	S	S	Standalone: 1 space for each 100 square feet
Winery											S	S	S			1 space per 1,000 square feet