

**ORDINANCE NO. 1504-24**

**AN ORDINANCE AMENDING CHAPTER 90 OF THE RICHLAND HILLS CODE, AS AMENDED, THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF RICHLAND HILLS, BY CHANGING THE ZONING OF CERTAIN PROPERTIES, SPECIFICALLY LOT A1A, BLOCK 2, MIDWAY INDUSTRIAL PK ADDITION, OTHERWISE KNOWN AS 2805 HANDLEY EDERVILLE, RICHLAND HILLS, TEXAS 76118, CURRENTLY ZONED AS R (RETAIL), TO PD (PLANNED DEVELOPMENT) WITH A BASE ZONING OF R (RETAIL) AND HC (HEAVY COMMERCIAL) TO ALLOW FOR HEAVY COMMERCIAL USES; PROVIDING FOR THE AMENDMENT OF THE OFFICIAL ZONING MAP TO REFLECT SUCH CHANGES; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; 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 change in the zoning of the properties listed below was requested by persons or entities having a proprietary interest in those properties; and

**WHEREAS**, a public hearing was held at a meeting of the Planning and Zoning Commission on June 25, 2024, and of the City Council on July 8, 2024, 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 of Richland Hills does hereby deem it advisable and in the public interest to amend Chapter 90 of the City Code, as amended, as described herein.

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

**SECTION 1.  
PROPERTY RE-ZONED**

Chapter 90, as amended, is hereby amended by rezoning the property located at Lot A1A, Block 2, Midway Industrial PK Addition, otherwise known as 2805 Handley Ederville, Richland Hills, Texas 76118, and being more particularly described on the attached **Exhibit A**, from R (Retail) to PD (Planned Development) with a base zoning of R (Retail) and HC (Heavy Commercial), with uses permitted as set forth in Section 3 of this Ordinance.

**SECTION 2.  
DIRECTION TO AMEND THE OFFICIAL ZONING MAP**

The City Secretary is hereby directed to amend the official zoning map to reflect the changes in uses approved herein.

**SECTION 3.  
PROPERTY SUBJECT TO ZONING ORDINANCE**

The use of the properties hereinabove described shall be subject to all the applicable regulations contained in the Comprehensive Zoning Ordinance and all other applicable and pertinent ordinances of the City of Richland Hills, Texas, for the zoning district into which they have been assigned. The Planned Unit Development district created herein affecting above-referenced properties shall be specifically subject to the regulations applicable to both the Retail zoning district and the Heavy Commercial zoning district:

1. All Permitted (P) uses, according to the most current adopted Land Use Chart for Heavy Commercial districts and Retail districts, are hereby permitted.
2. If a proposed land use is allowed by Specific Use Permit (S), according to the most current adopted Land Use Chart for Heavy Commercial districts and Retail districts, then the requirements set forth by Chapter 90 of the City Code for Specific Use Permits shall remain in full effect. This Planned Development does not relieve any requirements set for by the City Code except for the following:
  - A. The following land use is permitted by right within the PD District shown on **Exhibit A**:
    1. Outside Storage and Display (Incidental Use)

**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 6.  
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 7.  
SEVERABILITY CLAUSE**

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 5.  
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 in the official newspaper of the City the caption, penalty clause, and effective date clause of this Ordinance as required by law.

**SECTION 9.  
EFFECTIVE DATE**

This Ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

**APPROVED AND ADOPTED** at a regular meeting of the Richland Hills City Council on July 8, 2024, by a vote of \_\_\_\_\_ ayes, \_\_\_\_\_ nays, and \_\_\_\_\_ abstentions.

**APPROVED:**

\_\_\_\_\_  
THE HONORABLE MAYOR CURTIS BERGTHOLD

**ATTEST:**

\_\_\_\_\_  
LINDSAY RAWLINSON, CITY SECRETARY

# EXHIBIT A-1 Legal Description

Lot A1A, Block 2, MIDWAY INDUSTRIAL PARK ADDITION to the City of Richland Hills,  
Tarrant County, Texas, according to plat recorded under Clerk's File No.  
D216053273, Deed Records of Tarrant County, Texas.

Street Address: 2805 Handley Ederville Road      Richland Hills, Texas 76118

