

# Memorandum

To: Honorable Mayor Edward Lopez and Members of the Richland Hills City Council  
From: Kay Duffy  
Date: August 13, 2018  
Subject: Potential Zoning Map Amendment for the property at 2625 Handley Ederville

---

## **City Council Action**

Public hearing and consideration of an ordinance authorizing a zoning map amendment for the property at 2526 Handley Ederville Rd.

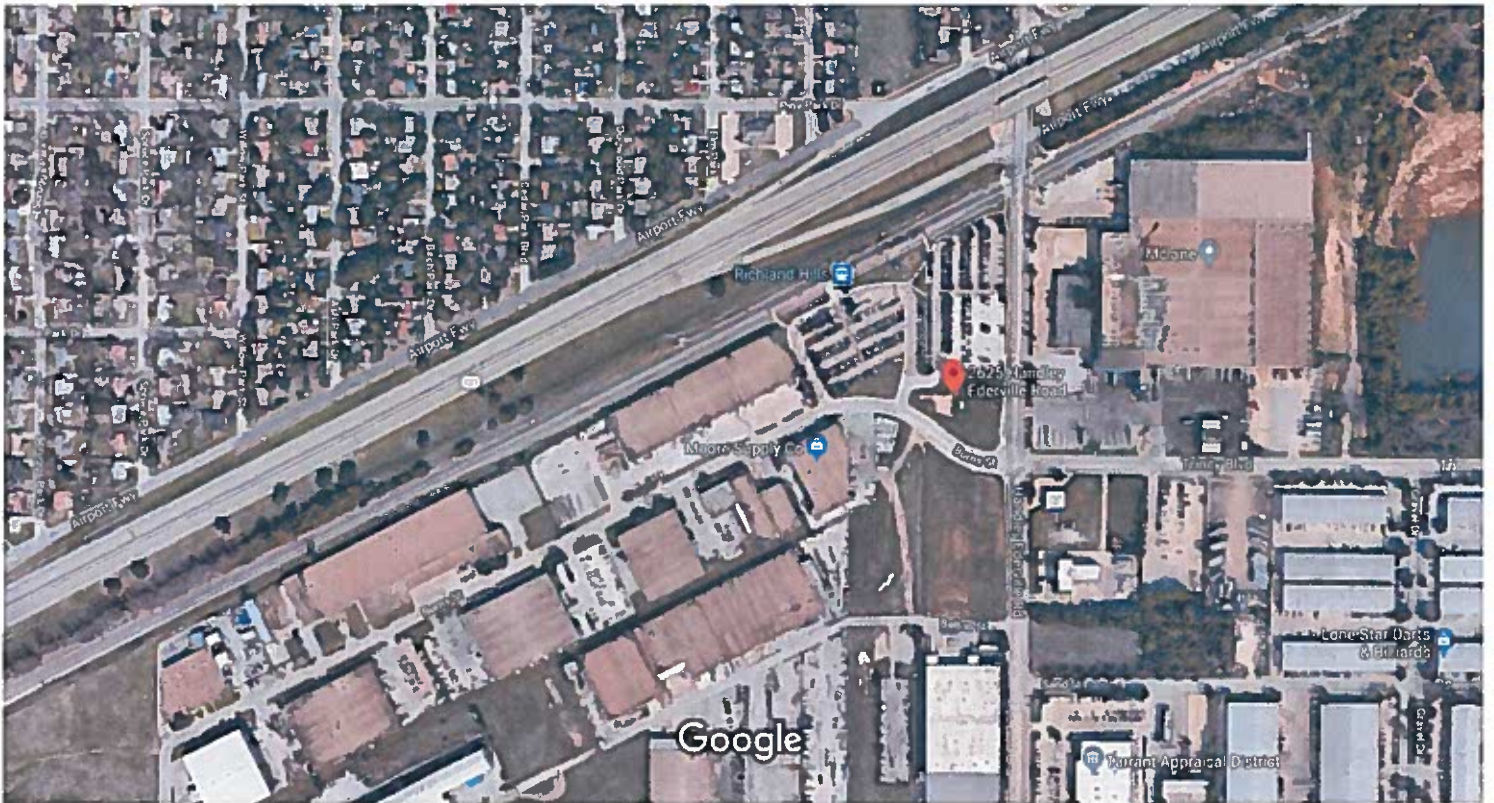
## **Background Information**

In a joint meeting in May, the Richland Hills Planning & Zoning Commission and this Council voted to rezone the train station to EDO – Entertainment District Overlay. At that time P&Z asked that the property at 2526 Handley Ederville, a piece of vacant land immediately adjacent to the south side of the train station parking lot, also be considered for the new overlay district. The commission considered the item in a public hearing on July 24 and voted to recommend rezoning the property to the new EDO designation.

**Staff Contacts:** Kay Duffy, Development Manager, [kduffy@richlandhills.com](mailto:kduffy@richlandhills.com)

**Attachments:** Property Map  
Draft Ordinance

Google Maps 2625 Handley Ederville Rd



Imagery ©2018 Google, Map data ©2018 Google 200 ft



2625 Handley Ederville Rd  
Richland Hills, TX 76118



**ORDINANCE NO. 1360-18**

**AN ORDINANCE AMENDING CHAPTER 90 OF THE CITY CODE, AS AMENDED, THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF RICHLAND HILLS, BY AMENDING ARTICLE 2 TO CHANGE THE ZONING OF RICHLAND INDUSTRIAL PARK, LOT 29R; 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 PENALTY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY 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 City Council on August 13, 2018, 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;**

**SECTION 1  
PROPERTY RE-ZONED**

THAT, Chapter 90, as amended, is hereby amended by rezoning the property located at 2625 Handley-Ederville Road, Richland Hills, Texas, as shown on Exhibit "A", Richland Industrial Park Lot 29R of the Richland Industrial Park Addition, City of Richland Hills, Texas, being more fully described in Exhibit "A" and "B", from MX (Mixed Use) to EDO (Entertainment District Overlay).

**SECTION 2  
ACCORDANCE WITH COMPREHENSIVE PLAN AND PURPOSES OF ZONING**

The City Council finds that the changes to the zoning districts, boundaries, regulations and uses as herein established have been made in accordance with the City's zoning code and comprehensive plan for the purpose of promoting the health, safety, morals and general welfare of the community. They have been designed to efficiently plan, control and organize development, lessen congestion in the streets, secure safety from fire, panic, flood and other dangers, provide adequate light and air, prevent overcrowding of land, avoid undue concentration of population, and facilitate the adequate provision of transportation, water, sewerage, parks and other public requirements. They have been made after a full and complete hearing with reasonable consideration among other things of the character of the district and its peculiar suitability for the particular uses and with a view of conserving the value of the buildings and encouraging the most appropriate use of land throughout the community.

**SECTION 3  
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 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  
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. 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 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**

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 8  
PUBLICATION**

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.

PASSED AND APPROVED ON THIS 13<sup>th</sup> DAY OF AUGUST, 2018.

\_\_\_\_\_  
THE HONORABLE MAYOR EDWARD LOPEZ

ATTEST:

\_\_\_\_\_  
CATHY BOURG, CITY SECRETARY

EFFECTIVE DATE: \_\_\_\_\_

APPROVED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
BETSY ELAM, CITY ATTORNEY

**EXHIBIT "A"**

[Insert Entertainment District Overlay Boundary Map Exhibit "A"]

**EXHIBIT "B"**

[Insert Full Legal Description]