

City Manager's Office

City of Richland Hills, Texas

Memorandum

To: Honorable Mayor Edward Lopez and members of the Richland Hills City Council

From: Candice Edmondson, Assistant City Manager

Date: March 25, 2019

Subject: Zoning Text Amendment – Food Processing

Council Action Requested:

Consider approval of a zoning text amendment to add food processing as an allowed use in the City of Richland Hills and to add a definition of the new classification to the zoning ordinance

Background Information:

Staff was recently approached by TexPac Protein Products, a food processing company, interested in relocating their business to Richland Hills. The City's Zoning Ordinance does not have an approved use for food processing establishments; therefore, a zoning text amendment to add food processing as an allowed use would be required before TexPac could move their operations to the city. In addition, a definition for food processing would also need to be added to the Zoning Ordinance.

TexPac Protein Products is a hide processing and trading company based in Fort Worth since 1992. The company recently expanded to include a propriety by-product conversion process that effectively and efficiently adapts discarded product from food processors. This discarded product is converted into an oil and powder substance that is used as an ingredient in pet food. TexPac is interested in moving their new food processing business to Richland Hills and has already identified an existing location within the Business Park district.

Several cities within the DFW Metroplex allow food processing in certain industrial and commercial districts. Food processing uses can range from packaged goods (i.e. candy, chips, canned goods, etc.) to raw meat processing.

In considering food processing as an allowed use within Richland Hills, staff recommends City Council consider the Business Park and Industrial districts and/or other commercial zones. The use could be added as either a Permitted (P) use or as a use that is allowed with an approved Specific Use Permit (SUP). An SUP would provide the Planning & Zoning Commission and City Council more input during the approval process.

If City Council decides to approve food processing as an allowed use, staff proposes the following definition be added to the Zoning Ordinance:

Food Processing: A process by which agricultural products are transformed into food, or food product in one form is transformed into another form, for consumption by humans or animals.

Financial Considerations:

None

Board/Citizen Input:

The Planning & Zoning Commission considered the SUP request at a public hearing on February 26, 2019 and recommended approval 5-0 to allow food processing with an approved SUP in the Light Commercial, Heavy Commercial, Business Park and Industrial Districts and adopting the proposed definition.

Attachments:

Proposed Ordinance

Staff Contact:

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ORDINANCE NO. 1385-19

AN ORDINANCE AMENDING CHAPTER 90 OF THE CITY CODE, AS AMENDED, THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF RICHLAND HILLS, BY AMENDING ARTICLE 3 TO ALLOW FOR FOOD PROCESSING TO BE AN AUTHORIZED USE WITHIN SPECIFIED ZONING DISTRICTS BY WAY OF A SPECIFIC USE PERMIT, AND BY AMENDING ARTICLE 8 TO ADD A DEFINITION OF FOOD PROCESSING ; 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 public hearing was held by the Planning and Zoning Commission on February 26, 2019, and thereafter by the City Council on March 25, 2019, 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
ZONING TEXT AMENDMENT**

THAT, Chapter 90, Article 3, Section 3.02 "Use Chart" is hereby amended to allow Food Processing as an authorized use by way of a specific use permit in the LC – Light Commercial, HC – Heavy Commercial, I – Industrial, and BP – Business Park zoning districts.

**SECTION 2
ZONING TEXT AMENDMENT**

THAT, Chapter 90, Article 8, Section 8.01 “Defined Terms” is hereby amended to add the following term: “*Food Processing*. A process by which agricultural products are transformed into food, or food product in one form is transformed into another form, for consumption by humans or animals.”

**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
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 4
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 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
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 7
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 8
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 25th DAY OF MARCH, 2019.

THE HONORABLE MAYOR EDWARD LOPEZ

ATTEST:

CATHY BOURG, CITY SECRETARY

EFFECTIVE DATE: _____

APPROVED AS TO FORM AND LEGALITY:

BETSY ELAM, CITY ATTORNEY