

**ORDINANCE NO. 3409
SUP 2015-06**

**AN ORDINANCE OF THE CITY OF NORTH RICHLAND HILLS, TEXAS,
AMENDING THE ZONING ORDINANCE OF THE CITY OF NORTH
RICHLAND HILLS BY APPROVING A SPECIAL USE PERMIT TO
AUTHORIZE CONSTRUCTION OF A DETENTION POND IN TO BE
LOCATED AT 7601 DOUGLAS LANE; PROVIDING THAT THIS
ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES;
PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY
FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE;
PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE
DATE**

WHEREAS, the City of North Richland Hills, Texas is a home-rule municipality located in Tarrant County, Texas 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, the Zoning Ordinance of the City of North Richland Hills regulates and restricts the location and use of buildings, structures, and land for trade, industry, residence, and other purposes, and provides for the establishment of zoning districts of such number, shape, and area as may be best suited to carry out these regulations; and

WHEREAS, the Zoning Ordinance of the City of North Richland Hills requires the issuance of a Special Use Permit for the construction of a detention or retention pond; and

WHEREAS, the owner of the property located at 7601 Douglas Lane has filed an application for a Special Use Permit to allow construction of a detention pond associated with the development of a single-family residential subdivision in accordance with the standards required for detention ponds; and

WHEREAS, the Planning and Zoning Commission of the City of North Richland Hills, Texas held a public hearing on April 21, 2016, and the City Council of the City of North Richland Hills, Texas, held a public hearing on May 16, 2016 with respect to the Special Use Permit described herein; and

WHEREAS, the City has complied with all requirements of Chapter 211 of the Local Government Code, the Zoning Ordinance of the City of North Richland Hills, and all other laws dealing with notice, publication, and procedural requirements for the approval of a Special Use Permit on the property; and

WHEREAS, upon review of the application, and after such public hearing, the City Council finds that granting the request herein furthers the purpose of zoning as set forth in the Zoning Ordinance of the City of North Richland Hills and that the Special Use Permit should be granted, subject to the conditions imposed herein.

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

Section 1: THAT the Zoning Ordinance of the City of North Richland Hills is hereby amended by approving a special use permit to authorize a detention pond to be constructed in accordance with standards as provided herein on an approximately 8.00 acre tract of land, known as Smith Farm Addition, Lot 6, Block 2, North Richland Hills, Tarrant County, Texas, commonly referred to as 7601 Douglas Lane.

Section 2: The City Council finds that the information submitted by the applicant pursuant to the requirements of the Zoning Ordinance is sufficient to approve the Special Use Permit in accordance with the requirements hereof, subject to the following conditions:

1. *Permitted use.* A special use permit is authorized for a detention pond.
2. *Engineering approval.* Construction of the detention pond is subject to final approval of the engineering plans by the Development Review Committee and the City Engineer.
3. *Landscaping.* The detention pond must be landscaped in accordance with Chapter 114, Vegetation, of the Code of Ordinances. The landscape plan, attached as Exhibit "A" and incorporated herein for all purposes, is subject to final approval by the Development Review Committee.
4. *Maintenance agreement.* The owner must execute a detention/retention storage facility maintenance agreement in conjunction with the approval of the subdivision plat for the property.

Section 3: That the official map of the City of North Richland Hills is amended and the Planning Manager is directed to revise the official zoning map to reflect the approved special use permit, as set forth above.

Section 4: The use of the property described above shall be subject to all applicable regulations contained in the Building and Land Use Regulations and all other applicable and pertinent ordinances of the City of North Richland Hills.

- Section 5: This Ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances of the City of North Richland Hills, Texas, as amended, except when the provisions of this Ordinance are in direct conflict with the provisions of such ordinances and such code, in which event the conflicting provisions of such ordinances and such code are hereby repealed.
- Section 6: 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 section, paragraph, sentence, clause, or phrase 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 sections, paragraphs, sentences, clauses, and phrases of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional section, paragraph, sentence, clause or phrase.
- Section 7: Any person, firm or corporation violating any provision of the Zoning Ordinance and the zoning map of the City of North Richland Hills as amended hereby 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: All rights and remedies of the City of North Richland Hills are expressly saved as to any and all violations of the provisions of any ordinances governing zoning 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, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.
- Section 9: The City Secretary is hereby authorized and directed to cause the publication of the descriptive caption and penalty clause of this ordinance two times.
- Section 10: This ordinance shall be in full force and effect immediately after passage.

AND IT IS SO ORDAINED.

PASSED AND APPROVED on the 16th day of May, 2016.

CITY OF NORTH RICHLAND HILLS

By: _____
Oscar Trevino, Mayor

ATTEST:

Alicia Richardson, City Secretary

Approved as to form and legality:

Cara Leahy White, Assistant City Attorney

Approved as to content:

Clayton Comstock, Planning Manager