

**ORDINANCE NO. 3450  
CASE SUP 2017-01**

**AN ORDINANCE OF THE CITY OF NORTH RICHLAND HILLS, TEXAS, AMENDING THE COMPREHENSIVE PLAN AND THE COMPREHENSIVE ZONING ORDINANCE BY APPROVING A SPECIAL USE PERMIT TO ALLOW A RETENTION POND ON PROPOSED LOT CA-C3, BLOCK C, THE HOMETOWN CANAL DISTRICT, PHASE 5A; 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 City Council has previously passed an ordinance adopting a Comprehensive Land Use Plan Map as the primary document on which to base all zoning, platting, and other land use decisions; and

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

**WHEREAS,** the owner of the property located in the Hometown Canal District (the "Property") has filed an application for a Special Use Permit to allow a retention pond on Lot CA-C3, Block C, The Hometown Canal District, Phase 5A; and

**WHEREAS,** the Planning and Zoning Commission of the City of North Richland Hills, Texas held a public hearing on March 16, 2017, and the City Council of the City of North Richland Hills, Texas, held a public hearing on March 27, 2017, 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 rezoning 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 zoning change should be granted, subject to the conditions imposed herein and exhibits attached hereto.

**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 on Lot CA-C3, Block C, The Hometown Canal District, Phase 5A, located in the 8800 block of Bridge Street.

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 site plan and other exhibits as shown in Exhibit "A" and subject to the following standards:

1. *Permitted use.* A special use permit is authorized for a retention pond.
2. *Engineering approval.* Construction of the retention pond is subject to final approval of the engineering plans, including safety measures, by the Development Review Committee and City Engineer.
3. *Landscaping.* The retention pond must be landscaped in accordance with Chapter 114 – Vegetation of the Code of Ordinances and the Town Center Zoning District. The landscape plan documents is subject to final approval by the Development Review Committee and Town Center Architect and must be consistent in concept with the plans provided herein and attached hereto as Exhibit A.
4. *Retention pond criteria.* The following design criteria apply to the retention pond:
  - a) Pond outlet structures shall be located at least 50 feet from a property line.

- b) Retention basin side slopes shall be 4H:1V below normal pool depth and 5H:1V above.
  - c) The minimum depth of the retention basin shall be four feet from the normal pool elevation to the bottom between the toe of slopes. The maximum depth of a retention basin shall be no greater than ten feet.
5. *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 following publication as required by Section 9 hereof.

**AND IT IS SO ORDAINED.**

PASSED on this 27th day of March, 2017.

**CITY OF NORTH RICHLAND HILLS**

By: \_\_\_\_\_  
Oscar Trevino, Mayor

ATTEST:

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Alicia Richardson, City Secretary

APPROVED AS TO FORM AND LEGALITY:

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Maleshia Farmer, City Attorney

APPROVED AS TO CONTENT:

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Clayton Comstock, Planning Manager