

ORDINANCE NO. 3XXX

AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF NORTH RICHLAND HILLS BY AMENDING CHAPTER 118, ARTICLE VII PARKING AND LOADING REGULATIONS, OF THE NORTH RICHLAND HILLS CODE OF ORDINANCES AS THEY PERTAIN TO PERMEABLE PARKING SURFACES ON PUBLIC PROPERTY WITHIN A FLOODPLAIN; ESTABLISHING A PENALTY; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES AND REPEAL OF CONFLICTING PROVISIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City may at times desire to utilize floodplain corridors for passive recreation activities such as walking, hiking, biking, and nature watching; and

WHEREAS, convenient vehicle parking for such passive recreational activities may be necessary to expand access to the community; and

WHEREAS, paved surfaces are neither permitted nor encouraged in floodplain areas; and

WHEREAS, permeable parking surfaces help reestablish a more natural hydrologic balance and reduce runoff volume by trapping and slowly releasing precipitation into the ground instead of allowing it to flow into storm drains and out to receiving waters as effluent. This same process also reduces the peak rates of discharge by preventing large, fast pulses of precipitation through the stormwater system; and

WHEREAS, permeable parking surfaces can reduce the concentration of some pollutants; and

WHEREAS, by slowing down the process, permeable parking surfaces can cool down the temperature of urban runoff, reducing the stress and impact on the stream or lake environment; and

WHEREAS, after appropriate notice and public hearing, the Planning and Zoning Commission of the City of North Richland Hills, Texas has forwarded a recommendation to the City Council for amendment of the City's zoning ordinance as set forth herein; and,

WHEREAS, notice has been given and public hearings held as required for amendments to the zoning ordinance;

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

Section 1: The Comprehensive Zoning Ordinance and Code of Ordinances of the City of North Richland Hills be amended by revising Section 118-831(f) (Minimum parking requirements) of Chapter 118 of the North Richland Hills Code of Ordinances to add sub-subsection (11) to read as follows:

“ ...

Sec. 118-831. – Minimum parking requirements.

...

(f) *Development standards.*

...

(11) *Exception for city-owned property within floodplain.* Parking, driving, and maneuvering areas located on city-owned property within a FEMA-designated floodplain zone and used for passive open space recreation may be constructed of permeable parking surfaces such as permeable asphalt, permeable concrete, permeable pavers, or flexible base. Flexible base must meet minimum testing standards established by the Texas Department of Transportation and be approved by the City Engineer.

...”

Section 2: Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed Two Thousand Dollars (\$2,000). Each day any such violation shall be allowed to continue shall constitute a separate violation and be punishable hereunder.

Section 3: This Ordinance shall be cumulative of all provisions of the Code of Ordinances of the City of North Richland Hills, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event conflicting provisions of such ordinances and such Code are hereby repealed.

Section 4: 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 phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional or otherwise invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity 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 invalid phrase, clause, sentence, paragraph or section.

Section 5: 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 in the Code of Ordinances of the City of North Richland Hills 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 6: 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 7: This ordinance shall be in full force and effect upon publication as required by Section 6 herein.

AND IT IS SO ORDAINED.

Passed on this 25th day of January, 2021.

CITY OF NORTH RICHLAND HILLS

By: _____
Oscar Trevino, Mayor

ATTEST:

Alicia Richardson, City Secretary
Chief Governance Officer

Approved as to content:

Clayton Comstock, Planning Director

Approved as to form and legality:

Maleshia McGinnis, City Attorney