

ORDINANCE 609

AN ORDINANCE AMENDING ORDINANCE NO. 40, AS AMENDED, THE ZONING ORDINANCE OF THE CITY OF KENNEDALE, TEXAS BY REZONING CERTAIN PROPERTY WITHIN THE CITY LIMITS OF THE CITY OF KENNEDALE FROM "AG" AGRICULTURAL DISTRICT TO "R-2" and "R-3" SINGLE FAMILY RESIDENTIAL DISTRICT; PROVIDING FOR THE AMENDMENT OF THE OFFICIAL ZONING MAP TO REFLECT SUCH CHANGES; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING FOR A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of Kennedale, Texas is a Home Rule municipality acting under its charter adopted by the electorate pursuant to Article XI 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, for the purpose of promoting the public health, safety, morals and general welfare, all in accordance with a comprehensive plan; and

WHEREAS, SOS Renovations, having a proprietary interest in the property described below, has requested a zoning change as described below; AND

WHEREAS, the City Council has determined that the current Agricultural zoning designation is no longer suitable for said property, given the character of surrounding development; and

WHEREAS, a public hearing was duly held by the Planning & Zoning Commission on the 20th day of October 2016 and by the City Council of the City of Kennedale on the 21st day of November 2016 with respect to the zoning 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 Chapter 211 of the Local Government Code; and

WHEREAS, the City Council does hereby deem it advisable and in the public interest to amend the City's Zoning Ordinance as described herein.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KENNEDALE, TEXAS:

SECTION 1.

The Comprehensive Zoning Ordinance is hereby amended so that the zoning classification and the uses in the hereinafter described area shall be changed and or restricted as shown and described below:

The south half-acre of an approximately 1.5-acre tract in the W. E. Haltom Survey, Tarrant County, Texas, being that same property conveyed by Warranty Deed from Donna Kay Geter to SOS Renovations LLC, instrument number D213282537 ("the Property"), more particularly described on Exhibit "A" attached hereto and incorporated herein, is rezoned from "AG" Agricultural zoning district to "R-2" Single family residential zoning district, and the remainder of the property is rezoned from "AG" Agricultural zoning district to "R-3" Single family residential zoning district.

SECTION 2.

The zoning districts and boundaries as herein established have been made in accordance with the comprehensive plan for the purpose of promoting the health, safety, morals and general welfare of the community. They have been designed to lessen congestion in the streets, to secure safety from fire, panic, flood and other dangers, to provide adequate light and air, to prevent overcrowding of land, to avoid undue concentration of population, to facilitate the adequate provisions 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.

The City Secretary is hereby directed to amend the official zoning map to reflect the changes in classifications approved herein.

SECTION 4.

The use of the properties hereinabove described shall be subject to all the applicable regulations contained in the Comprehensive Zoning Ordinance and all other applicable and pertinent ordinances of the City of Kennedale, Texas.

SECTION 5.

This Ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances of the City of Kennedale, Texas (1991), as amended, including but not limited to all Ordinances of the City of Kennedale affecting zoning and land use, and shall not repeal any of the provisions of such ordinances except in those instances where provisions of such

SECTION 6.

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists 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.

SECTION 7.

All rights or remedies of the City of Kennedale Texas are expressly saved as to any and all violations of any ordinances governing zoning or of any amendments thereto 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 8.

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.

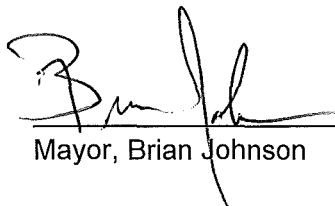
SECTION 9.

The City Secretary of the City of Kennedale is hereby directed to publish the caption, Section 1, penalty clause, publication clause and effective date clause of this ordinance in every issue of the official newspaper of the City of Kennedale for two days or one issue of the newspaper if the official newspaper is a weekly newspaper as authorized by Section 3.10 of the City of Kennedale Charter.

SECTION 10.

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.

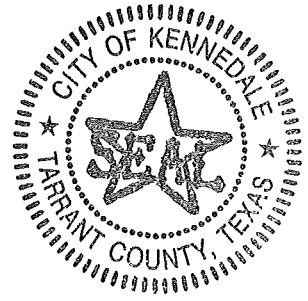
PASSED AND APPROVED ON THIS 21ST DAY OF NOVEMBER, 2016.



Mayor, Brian Johnson

ATTEST:

Leslie Galloway
City Secretary, Leslie Galloway



EFFECTIVE: 11-25-16

APPROVED AS TO FORM AND LEGALITY:

WKO
City Attorney, Wayne K. Olson

Exhibit "A"

Legal Description

Metes and Bounds Description Attached as Exhibit A to Warranty Deed Filed in Tarrant County, Texas, D206017824

ATTACHMENT A

TRACT I

Being all that certain lot, tract or parcel of land located in the W.E. HALTOM SURVEY ABSTRACT 731, Tarrant County, Texas and being the same land described in Deed to Thurman R. Henry and wife, Barbara Henry, recorded in Volume 4051, Page 444, Deed Records, Tarrant County, Texas and being more particularly described as follows:

Thence North 89 deg. 57 min. 17 sec. West, along the said common line of the W.E. Haltom Survey, Abstract 731 and the W.E. Haltom Survey, Abstract 1791, a distance of the 114.69 feet to a ½ inch diameter iron rod set at the most Southernly Southeast corner of a tract of land described in Deed to Jerry J. Floyd and Wife, Penny L. Floyd, recorded in Volume 13154, Page 409, Deed Records, Tarrant County, Texas;

THENCE North, a distance of 568.80 feet to a 3/8 inch diameter iron rod found at the "ell" corner of said Floyd tract;

THENCE South 89 deg. 57 min. 17 sec. East, a distance of 114.69 feet to a ½ inch diameter rod with plastic cap stamped "Landes & Assoc." at the most Northerly Southeast corner of said Floyd tract, said point being in the West line of said Lot 1, Block 1, K.I.S.D. Addition;

THENCE South (basis of bearing derived from aforementioned Deed to Henry), along the West line of said Lot 1, Block 1, KISD, Addition, a distance of 568.80 feet to the PLACE of BEGINNING and containing 1.500 acres of land.

TRACT II

Easement estate from Merle M. Caruthers and wife, Dorothy A. Caruthers to Thurman R. Henry and wife, Barbara Henry in deed recorded in Volume 4051, Page 447, Deed Records, Tarrant County, Texas, described as follows:

BEGINNING at a point 171.7 feet E. and 2640 feet S. of the NW corner of said Haltom Survey, thence East 50 feet;

THENCE N 568.17 feet to a point for corner;

THENCE West 50 feet to a pin for corner;

THENCE South 568.17 feet to the Point of Beginning

A.P.N. 04469569