

ORDINANCE NO. 2017-074

AN ORDINANCE OF THE CITY OF ALEDO AMENDING ORDINANCE NO. B-2008-03, THE ALEDO ZONING ORDINANCE, AS AMENDED BY REZONING CERTAIN PROPERTY WITHIN THE CITY LIMITS OF THE CITY OF ALEDO; REVISING THE OFFICIAL ZONING MAP TO REFLECT SUCH CHANGES; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Aledo, Texas ("City") is a Type A general law municipality located in Parker County, created in accordance with the provisions of Chapter 6 of the Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, pursuant to Chapter 211 of the Local Government Code, the City has adopted Ordinance No. B-2008-03, as amended, which is 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, a person or entity having a proprietary interest in a tract of real property, being more particularly described in the attached Exhibit A, has filed an application to rezone the property from its present classification of "R-1" Single Family Residential to "DBD" Downtown Business District; and

WHEREAS, the City's Planning and Zoning Commission held a public hearing on February 14, 2017, and the City Council held a public hearing on February 23, 2017, with respect to the requested zoning change referenced above and described herein; and

WHEREAS, the City Council has determined that a Downtown Business (DBD) district is the most appropriate zoning district to facilitate the development of this property, and finds

that the zoning change is in conformance with the purposes established in Section 2 of Ordinance No. B-2008-03 and does hereby deem it advisable and in the public interest to amend the City's Zoning Ordinance as described herein; and

WHEREAS, the City has complied with all requirements of Chapter 211 of the Local Government Code, and *all* other laws dealing with notice, publication and procedural requirements for the adoption of these zoning regulations.

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

SECTION 1.

The City of Aledo's Zoning Ordinance is hereby amended so that the zoning classification and the uses in the following described area shall be changed as follows:

The property more particularly described on Exhibit A attached hereto and incorporated herein, shall be changed from its existing classification of "R-1" Single Family Residential to "DBD" Downtown Business District for use consistent with the standards and uses within the "DBD" Downtown Business District.

SECTION 2.

The zoning district established herein has been made in accordance with a comprehensive land use plan for the purpose of promoting the health, safety, morals, and general welfare of 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 property described above shall be subject to all the applicable regulations contained in the Zoning Ordinance and all other applicable and pertinent ordinances of the City of Aledo, Texas.

SECTION 5.

This Ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances of the City of Aledo, Texas, as amended, except where 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.

All rights and remedies of the City of Aledo, Texas, are expressly saved as to any and all violations of the provisions of any other ordinances and of the Code of Ordinances of the City of Aledo which 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 and of such Code, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 7.

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.

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 Aledo is hereby directed to publish in the official newspaper of the City of Aledo, the caption, penalty clause, and effective date clause once as authorized by Chapter 52 of the Local Government Code.

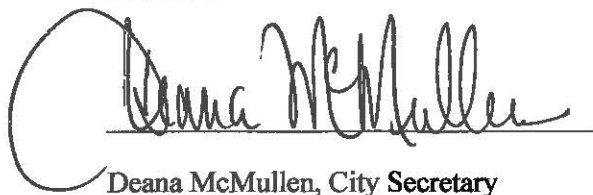
SECTION 10.

This Ordinance shall be in full force and effect from and after its passage, and it is so ordained. Passed and approved this the 2nd day of February 2017.



Kit Marshall, Mayor

ATTEST:


Deana McMullen, City Secretary

APPROVED AS TO FORM AND LEGALITY:

CITY ATTORNEY

ATTACHMENT "A"
Ordinance 2017-074

A request for a zoning change from Single-Family Residential District (R-1) to Downtown Business District (DB) for 1.313 acres, described as a portion of lots 20 and 21, block 23 and a portion of Lot 19, block 22, Original Town of Aledo, also known as the Parsons Table, 200 FM 1187 S., an addition to the City of Aledo, Parker County, Texas according to plat recorded in volume 18, page 400 deed records, Parker County, Texas, and 1,170 un-platted acres situated in the RC Eddleman Survey, Abst. No. 438 and the Heirs of Francisco Sanchez Survey Abst. 2346 City of Aledo, Parker County, Texas.