

ORDINANCE NO. 2020-01-601

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF WHITE SETTLEMENT, BY CHANGING THE ZONING CLASSIFICATION OF CERTAIN PROPERTY WITHIN THE CITY, BEING APPROXIMATELY 2.25 ACRES OF LAND, KNOWN AS BAILEY ENTERPRISE ADDITION, BLOCK A, LOT 2, AND MORE COMMONLY KNOWN AS 9110 WEST FREEWAY, FROM "MF" MULTIFAMILY RESIDENTIAL DISTRICT TO "C-C" COMMERCIAL CORRIDOR DISTRICT; APPROVING A SPECIAL USE PERMIT FOR THE USE OF A PARKING LOT; PROVIDING FOR THE AMENDMENT OF THE OFFICIAL ZONING MAP TO REFLECT SUCH CHANGE; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR A PENALTY CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of White Settlement, Texas, is a home rule city 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; 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, a change in the zoning classification of the property listed below was requested by a person or entity having a proprietary interest in said property; and

WHEREAS, a public hearing was duly held by the Planning and Zoning Commission of the City of White Settlement, Texas, on December 10, 2019, and by the City Council of the City of White Settlement, Texas, on January 7, 2020, with respect to the zoning change 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 City Ordinances and Chapter 211 of the Local Government Code; and

WHEREAS, the City Council of the City of White Settlement, Texas, does hereby deem it advisable and in the public interest to amend the Zoning Ordinance, as amended, as described herein.

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

SECTION 1.

The Zoning Ordinance of the City of White Settlement, as amended, is hereby amended by rezoning the following property from "MF" Multifamily Residential District to "C-C" Commercial Corridor District:

2.25 acres of land, known as Bailey Enterprise Addition, Block A, Lot 2, and more commonly known as 9110 West Freeway (the "Property").

SECTION 2.

A special use permit is granted, and the site plan attached hereto as Exhibit "A" is approved, for the operation of a parking lot on the Property. In granting the special use permit, the city council finds and determines: (a) that the special use will establish only those uses permitted under the City's zoning ordinance; (b) that the location of proposed activities and improvements are clearly defined on a site plan attached hereto as Exhibit "A"; and (c) that the use will be wholly compatible with the use and permitted development of adjacent properties.

SECTION 3.

The zoning changes and boundaries 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 allowed and with a view of conserving the value of the buildings and encouraging the most appropriate use of land throughout the community.

SECTION 4.

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

SECTION 5.

The use of the property hereinabove described shall be subject to all the applicable regulations contained in the Zoning Ordinance of the City of White Settlement, as amended, and all other applicable and pertinent ordinances of the City of White Settlement, Texas.

SECTION 6.

This Ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances of the City of White Settlement, 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 7.

All rights and remedies of the City of White Settlement, Texas, are expressly saved as to any and all violations of the provisions of any ordinances governing zoning or land use 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 8.

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 invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such invalidity or 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 invalid or unconstitutional section, paragraph, sentence, clause or phrase.

SECTION 9.

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 10.

The City Secretary of the City of White Settlement, Texas, is hereby directed to publish this Ordinance in compliance with state law and the City's charter.

SECTION 11.

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 THIS 7th DAY OF January, 2020.



Ronald A. White
Ronald A. White, Mayor

Attest:

Amy Arnold
Amy Arnold, TRMC, CMC
City Secretary

APPROVED AS TO FORM AND LEGALITY:

Drew Larkin
Drew Larkin, City Attorney

EXHIBIT "A"
Site Plan

LOT 15

LOT 16

LOT 17

LOT 18



