



**ORDINANCE NO. 709-2020-10**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF VENUS, JOHNSON AND ELLIS COUNTIES, TEXAS REZONING A PARCEL OF LAND LOCATED AT 101 S. MAIN STREET, CONTAINING APPROXIMATELY 0.2 ACRES, FROM SINGLE-FAMILY RESIDENTIAL (R-1) TO RESTRICTED COMMERCIAL (C-1); PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000) FOR EACH OFFENSE; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.**

**WHEREAS**, the City of Venus ("City") is a Type A General Law municipality located in Johnson and Ellis Counties, Texas, created in accordance with the provisions of the TEXAS LOCAL GOVERNMENT CODE, Title 2, Chapter 6, and operating pursuant to enabling legislation of the State of Texas; and

**WHEREAS**, the City Council of the City of Venus, Texas (the "City"), is authorized and empowered by law, in accordance with Chapter 211 of the Texas Local Government Code, to adopt zoning regulations governing the use of land within the City; and

**WHEREAS**, the owner of the tract of land described in Section 2 (the "Property"), requested a change in zoning of the Property from Single-Family Residential (R-1) to Restricted Commercial (C-1); and

**WHEREAS**, all legal notices, requirements and conditions having been complied with, the case to rezone the Property came before the Planning and Zoning Commission; and

**WHEREAS**, after public notices were given in compliance with State law and public hearings were conducted, and after considering the information submitted at those public hearings and all other relevant information and materials, the Planning and Zoning Commission has recommended approval of the zoning change; and

**WHEREAS**, after complying with all legal notices, requirements, and conditions, a public hearing was held before City Council at which the City Council considered, among other things, the character of the land and its suitability for particular uses, with a view of encouraging the most appropriate use of land in the City, and does hereby find that the zoning approved hereby accomplishes such objectives; and

**WHEREAS**, the proposed change is consistent with the intent of the City's plans for future land use, and the City Council has determined that the change in zoning from its current Single-Family

Residential (R-1) to Restricted Commercial (C-1) is necessary and appropriate for the orderly development of land and serves the interests of the public health, safety and welfare.

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

**SECTION 1: Findings Incorporated.** The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

**SECTION 2:** The property is located at 101 S. Main Street, containing approximately 0.2 acres, situated in the City of Venus and more particularly described and depicted in **Exhibit A**, is hereby rezoned from Single-Family Residential (R-1) to Restricted Commercial (C-1).

**SECTION 3:** The City Secretary is directed to update the City's official zoning map to reflect the change enacted by this Ordinance.

**SECTION 4: No Vested Interest/Repeal.** No developer or property owner shall acquire any vested interest in this Ordinance or in any other specific regulations contained herein.

**SECTION 5: Unlawful Use of Property.** It shall be unlawful for any person, firm, entity or corporation to make use of the Property in some manner other than as authorized by this Ordinance, and it shall be unlawful for any person, firm, entity or corporation to construct on said premises any building that is not in conformity with the permissible uses and restrictions under this Ordinance.

**SECTION 6: Penalty.** Any person, firm, corporation or entity violating this Ordinance or any provision of the Chapter 34 – Zoning of the Venus Code of Ordinances, as they exist or may be amended, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined a sum not exceeding Two Thousand Dollars (\$2,000.00). Each continuing day's violation under this Ordinance shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude the City from filing suit to enjoin the violation. The City retains all legal rights and remedies available to it pursuant to local, state and federal law.

**SECTION 7: Severability.** Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.


**SECTION 8: Savings/Repealing Clause.** All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

**SECTION 9: Effective Date.** This Ordinance shall become effective from and after its adoption and publication as required by law.

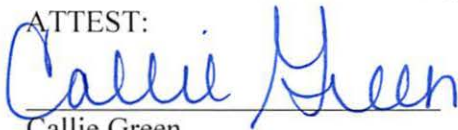
**PASSED AND APPROVED** by the City Council of the City of Venus, Texas, on this the 12<sup>th</sup> day of October, 2020.



**APPROVED:**

  
MAYOR JAMES L. BURGESS

**ATTEST:**

  
Callie Green  
City Secretary

**APPROVED AS TO FORM:**

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Timothy A. Dunn  
City Attorney

## **EXHIBIT A**

**Property (including any improvements):**

Being all of that certain lot, tract or parcel of land situated in the City of Venus, Johnson County, Texas and being the North One-half of Lots 16, 17 and 18, Block 35 according to the Official Map of the City of Venus, Texas, as prepared by F. W. Kane, Civil Engineer and recorded in Volume 64, Page 640 of the Deed Records of Johnson County, Texas, and being that same certain tract of land conveyed to Jimmy Baze and Brenda K. Baze by the deed recorded in Volume 1802, Page 336 of the Real Property records of Johnson County, Texas and being more particularly described by metes and bounds as follows:

**BEGINNING** at a capped (stamped "RPLS 5614") 1/2 inch iron rod set for the reestablished northeast corner of said Lot 18, Block 35, said capped 1/2 inch iron rod set at the intersection of the southerly line of First Street with the westerly line of Main Street;

**THENCE** South 20 degrees 21 minutes 37 seconds East, along the easterly line of said lot 18, Block 35, and the westerly line of Main Street, a distance of 70.01 feet to a capped (stamped "RPLS 5614") 1/2 inch iron rod set for the reestablished southeast corner of said Baze tract;

**THENCE** South 70 degrees 34 minutes 43 seconds West, along the southerly line of said Baze tract and generally along a fence line, a distance of 150.02 feet to a capped (stamped "RPLS 5614") 1/2 inch iron rod set for the reestablished southwest corner of said Baze tract, said capped 1/2 inch iron rod set on the westerly line of said Lot 16, Block 35;

**THENCE** North 20 degrees 21 minutes 37 seconds West, along the westerly line of said Lot 16 and along the westerly line of said Baze tract a distance of 70.01 feet to a capped (stamped "RPLS 5614") 1/2 inch iron rod set for the reestablished northwest corner of said Baze tract, and said capped 1/2 inch iron rod set on the southerly line of First Street;

**THENCE** North 70 degrees 34 minutes 43 seconds East, along the northerly line of said Lots 16, 17 and 18, Block 35, and along the northerly line of said Baze tract, and along the southerly line of First Street, a distance of 150.02 feet to the POINT OF BEGINNING and containing 0.24 acres of land, more or less.

