

ORDINANCE # 1145-2017

AN ORDINANCE AMENDING ORDINANCE NO. 600, AS AMENDED BY ORDINANCE 1060-2015 ON APRIL 24, 2015 (EFFECTIVE DATE) AS "THE ZONING ORDINANCE OF THE CITY OF RIVER OAKS, TEXAS," AS PREVIOUSLY AMENDED UNDER ORDINANCE # 600 BY ORDINANCE NO. 651-04 ON AUGUST 24, 2004, AND AS AMENDED BY ORDINANCE # 699-05 AS ADOPTED ON OCTOBER 25, 2005 AND AS AMENDED BY ORDINANCE # 741-06 ON JULY 25, 2006 THEREBY AMENDING SECTION 1, NUMBER 12, "ADDITIONAL SETBACK REQUIREMENTS" BY CHANGING THE OPEN SPACE REQUIREMENTS UNDER 12(b) FOR THE SOUTH SIDE PROPERTY LINE FROM 8-FEET TO 7 ½ -FEET FOR THE PROPERTY DESCRIBED AS BEING LOT 11 IN BLOCK 1, PARK ADDITION OTHERWISE KNOWN AS 5237 PARK DR. AND CONTAINING 0.043 ACRES OF LAND; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; PROVIDING A PENALTY FOR VIOLATIONS HEREOF; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of River Oaks 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 Code; and

WHEREAS, the City of River Oaks has heretofore adopted Ordinance No. 600 as the Comprehensive Zoning Ordinance of the City of River Oaks; and

WHEREAS, the City of River Oaks has heretofore adopted Ordinance # 651-04 that rezoned the property at A 37 Tract 12 & 9B in the Britton D. Alford Survey otherwise known as 420 Roberts Cut Off; and

WHEREAS, A 37 Tract 12 & 9B in the Britton D. Alford Survey otherwise known as 420 Roberts Cut Off of the City of River Oaks was rezoned to "MF-PD" (Multi-Family District with a Planned Development Overlay) as adopted in Ordinance # 651-04 dated August 24, 2004; and

WHEREAS, the City Council in accordance to Section 212.005, Texas Local Government Code, approved the replat of A37 Tract 12 & 9B in the Britton D. Alford Survey otherwise known as 420 Roberts Cut Off into individually platted lots in the B.D. Alford Survey, Abstract 37 now described as Lots 1-21, Block 1 of the Park Addition, City of River Oaks, Tarrant County, Texas and containing 2.341 acres of Land; and

WHEREAS, the proposed development as provided for in Ordinance # 741-06 necessitated a change of the south end of the property of the side yard setbacks only applicable to Lot 11 after the fact as plotted on "Exhibit A" (Final Survey from Delta Surveying dated November 2, 2016) and therefore necessitates being amended to accommodate the orderly development of town homes as originally proposed; and

WHEREAS, Section 18 of the River Oaks Zoning Ordinance permits Planned Development Districts to accommodate innovation by modifying regulations to better accomplish the City's development goals; and

WHEREAS, the City Council of the City of River Oaks does hereby deem it advisable and in the public interest to amend the side yard setback requirement for only the south side of the property of Lot 11 otherwise known as 5237 Park Drive in Block 1 of The Park Addition, City of River Oaks, Tarrant County, Texas and containing 0.043 acres of Land (the "Subject Property") subject to the conditions and restrictions set forth in this ordinance; and

WHEREAS, the Planning and Zoning Commission of the City of River Oaks, Texas held a public hearing on March 27, 2017 and the City Council of the City of River Oaks, Texas held a public hearing on March 28, 2017 with respect to the zoning amendment 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 amending of the City Zoning Ordinance.

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

SECTION 1

Changing Number 12, "Additional Setback Requirements" to now read as follows, hereby amends Ordinance No. 600, the Comprehensive Zoning Ordinance as amended by Ordinance # 651-04 as amended by Ordinance # 699-05 as amended by Ordinance # 741-06 with the adoption of this Ordinance:

"12. **Additional Setback Requirements:** For this property at Block 1, Lot 11 otherwise known as 5237 Park Drive in Block 1 of The Park Addition, City of River Oaks, Tarrant County, Texas and containing 0.043 acres of Land (the "Subject Property") the following open space setback requirements shall be applicable:

(b) Second Side Yard Setbacks (South Side): There shall also be an open space side yard of **not less than 8-feet on the south side of the property** measured from the side property line to the nearest part of the building(s), structure or sign, measured perpendicularly to the property line **except that Block 1, Lot 11 otherwise known as 5237 Park Drive in Block 1 of The Park Addition, City of River Oaks, Tarrant County, Texas and containing 0.043 acres of Land there shall be an open space side yard of not less than 7 ½ feet."**

SECTION 2.

The use of the property described above shall be subject to all the applicable requirements and regulations contained in the Zoning Ordinance, for "MF" Multi-Family Zoning District except for those specified and contained herein this Ordinance and as is revised in Exhibit "A" attached hereto for all purposes. In the event the provisions contained in the Zoning Ordinance, for "MF" Multi-Family conflict with the provisions of this ordinance as adopted, the provisions of this ordinance for this "subject property" only shall apply. The Council finds and determines that no Concept Plan or land study is required.

SECTION 3.

CUMULATIVE CLAUSE

This Ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances of the City of River Oaks, 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 4.

SEVERABILITY CLAUSE

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

SECTION 5.

PENALTY CLAUSE

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 6.

SAVINGS CLAUSE

All rights and remedies of the City of River Oaks are expressly saved as to any and all violations of the provisions of Ordinance No. 600 or any ordinances governing zoning 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 7.

PUBLICATION CLAUSE

The City Secretary of the City of River Oaks is hereby directed to publish in the official newspaper the caption, penalty clause, savings clause, publication clause and effective

date clause of this ordinance one (1) time after the adoption of this ordinance as authorized by Chapter 5, Section 5.02(c) of the Charter of the City of River Oaks.

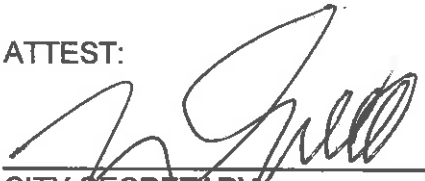
SECTION 8.

EFFECTIVE DATE

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 THE 28TH DAY OF MARCH 2017.


MAYOR. HERMAN EARWOOD

ATTEST:

CITY SECRETARY