

ORDINANCE NO. 1237-2019

**AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF RIVER OAKS AS AMENDED BY ORDINANCE NO, 1158-2017 BY CHANGING THE ZONING CLASSIFICATION OF CERTAIN PROPERTY BEING LOTS 1A1A & 1A1B BLOCK E IN THE WESTSIDE ACRES ADDITION FORMERLY LOCATED IN THE CITY OF FORT WORTH THAT IS NOW LOCATED WITHIN THE CITY OF RIVER OAKS PURSUANT TO A JOINT ORDINANCE AGREEMENT NUMBERS 1212-2018 OF THE CITY OF RIVER OAKS AND 23504-12-2018 OF THE CITY OF FORT WORTH BY ADJUSTING THE BOUNDARY BETWEEN THE CITY OF FORT WORTH AND THE CITY OF RIVER OAKS ON DECEMBER 11, 2018 AND BEING APPROXIMATELY 0.321 ACRES OF LAND FROM A FORT WORTH SINGLE FAMILY ZONING DISTRICT TO A "CF" COMMUNITY FACILITIES ZONING DISTRICT; REVISING THE OFFICIAL ZONING MAP IN ACCORDANCE THEREWITH; 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 amended by Ordinance # 766-07 as amended by Ordinance # 883-2011 as amended by Ordinance 920-2012 as amended by Ordinance # 1158-2017 as the Comprehensive Zoning Ordinance of the City of River Oaks; and

**WHEREAS**, this property has been replatted as being Lot 5R, Block E, Westside Acres Addition being approximately 1.28 acres of land and being considered best suited for a Community Facilities Zoning District in the City of River Oaks since its use is as a public school facility; and

**WHEREAS**, Castleberry Independent School District has submitted an application for replatting and once replatted it necessitates the rezoning of the property to "CF" Community Facilities in order to permit the use of the property collectively for a school facility; and

**WHEREAS**, the City Council of the City of River Oaks does hereby deem it advisable and in the best interest of the city to amend the Comprehensive Zoning Ordinance to change the zoning classification of **LOTS 1A1A & 1A1B BLOCK E IN THE WESTSIDE ACRES ADDITION** , from a Single-Family Zoning District and create an "CF" Community Facilities Zoning District (Zoning Case # PZ 2019-0004) on the property as herein described being approximately 0.321 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 July 15, 2019; and

**WHEREAS**, the City Council of the City of River Oaks, Texas held a public hearing on July 23, 2019 with respect to the zoning change 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 rezoning of the property.

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

**SECTION 1.**

Ordinance No. 600 as amended by Ordinance # 766-07 as amended by Ordinance # 883-2011 as amended by Ordinance # 920-2012 as amended by Ordinance # 1060-2015 as amended by Ordinance # 1158-2017 is hereby amended by rezoning property containing approximately 0.321 acres of land, located within the Westside Acres Addition and being more fully described as:

**LOTS 1A1A & 1A1B BLOCK E IN THE WESTSIDE ACRES ADDITION AS REPLATTED BY BEING MORE FULLY DESCRIBED AS LOT 5R, BLOCK E, WESTSIDE ACRES ADDITION AND IS APPROXIMATELY 1.28 ACRES OF LAND USED AS A PUBLIC SCHOOL FACILITY;**

from a Single-Family Zoning District to an “CF” Community Facilities Zoning District as deemed by the City Council to be suited for use as a public school facility and is otherwise specified in the River Oaks Zoning Ordinance as adopted and amended, in Section 7-“CF” Community Facilities District of the River Oaks Comprehensive Zoning Ordinance.

**SECTION 2.**

The official zoning map of the City of River Oaks is hereby amended and the Zoning Administrator is hereafter directed to revise the zoning map to reflect the amendments as set forth above.

### **SECTION 3.**

The use of the property described above shall be subject to all the applicable requirements and regulations contained in the Zoning Ordinance and shall also be subject to the conditions and restrictions set forth in this ordinance. The Council finds and determines that no Concept Plan or land study is required.

### **SECTION 4.**

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 5.**

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 6.**

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 7.**

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 as amended by Ordinance # 766-07 as amended by Ordinance #

883-2011 as amended by Ordinance 920-2012 as amended by Ordinance # 1060-2015 as amended by Ordinance # 1158-2017 adopted and became effective on August 31, 2017 and since was codified into the River Oaks Code of Ordinances in Chapter 14 Exhibit A or of 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 8.**

The City Secretary of the City of River Oaks is hereby directed to publish in the official newspaper the caption, penalty clause, and effective date clause of this ordinance one (1) time after the adoption of this ordinance in accordance with Chapter 5, Section 5.02(c) of the Charter of the City of River Oaks.


**SECTION 9.**

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 23<sup>rd</sup> DAY OF JULY 2019.**

  
MAYOR HERMAN EARWOOD

**ATTEST:**

  
CITY SECRETARY