

ORDINANCE NO. 728

AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF KENNEDALE, TEXAS, BY CHANGING THE ZONING CLASSIFICATION OF CERTAIN PROPERTIES WITHIN THE CITY OF KENNEDALE, BEING APPROXIMATELY 0.40 ACRES OF LAND WITHIN 100 FEET OF THE NORTHEASTERN BOUNDARY LINE FOR THE PROPERTY LOCATED AT 731 E KENNEDALE PARKWAY, LOTS 15 (BAL 15), 16 (BAL 16), 16C AND 16D, CA BOAZ SUBDIVISION IN THE JB RENFRO SURVEY, CITY OF KENNEDALE, TARRANT COUNTY, TEXAS FROM "C-2" COMMERCIAL DISTRICT TO "R-3" RESIDENTIAL DISTRICT; 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 Kennedale, 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, the requested change in zoning classification is consistent with the City's Comprehensive Plan and any applicable adopted plans and the City Council has weighed plan goals, policies, and strategies and finds that the requested change provides a public benefit; and

WHEREAS, the requested change in zoning classification protects the existing character of neighboring properties and uses, and does not cause significant adverse impacts on surrounding properties; and

WHEREAS, the requested change in zoning classification will not result in significant adverse fiscal or economic impacts on the City; and

WHEREAS, a public hearing was duly held by the Planning and Zoning Commission of the City of Kennedale, Texas, on May 13, 2021, and by the City Council

of the City of Kennedale, Texas, on May 18, 2021, 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 Chapter 211 of the Local Government Code; and

WHEREAS, the City Council of the City of Kennedale, Texas, does hereby deem it advisable and in the public interest to amend the Unified Development Code, as amended, as described herein.

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

SECTION 1.

The Unified Development Code, as amended, is hereby amended so that the permitted uses in the hereinafter described area shall be altered, changed and amended as shown and described below:

Approximately 0.40 acres of land within 100 feet of the northeastern boundary line of 731 E Kennedale Parkway, Lots 15 (Bal 15), 15A, 16 (Bal 16), 16C and 16D, CA Boaz Subdivision in the J B Renfro Survey, City of Kennedale, Tarrant County, Texas, as depicted on the illustration attached hereto as Exhibit "A" and incorporated herein for all purposes of this ordinance, is hereby rezoned from "C-2" Commercial District to "R-3" Residential District.

SECTION 2.

The zoning districts 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; and 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. The recitals of this Ordinance are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein, and the City Council further finds that all special review criteria and general review criteria of the Unified Development Code, including section 22.7, have been reviewed and the change in zoning classification complies with all applicable review criteria.

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 hereinabove described shall be subject to all the applicable regulations contained in the Unified Development Code, as amended, and all other applicable and pertinent ordinances of the City of Kennedale, Texas.

SECTION 5.

This Ordinance shall be cumulative of the Unified Development Code, as amended, and all other ordinances of the City of Kennedale, Texas, affecting zoning and land use, and shall not repeal any of the provisions of such ordinances except in those instances where provisions of such ordinances are in direct conflict with the provisions of this Ordinance.

SECTION 6.

All rights or remedies of the City of Kennedale, Texas, are expressly saved as to any and all violations of the Unified Development Code, as amended, 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, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the Courts.

SECTION 7.

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 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 phrases, clauses, sentences, paragraphs, or sections 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 phrase, clause, sentence, paragraph, or section.

SECTION 8.

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists 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 9.

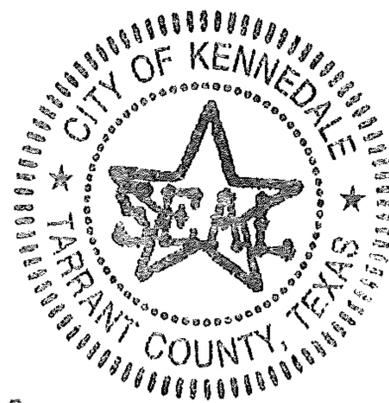
The City Secretary of the City of Kennedale is hereby directed to publish the caption, Section 1, penalty clause, publication clause and effective date clause of this Ordinance in every issue of the official newspaper of the City of Kennedale for two days

or one issue of the newspaper if the official newspaper is a weekly newspaper as authorized by Section 3.10 of the City of Kennedale Charter.

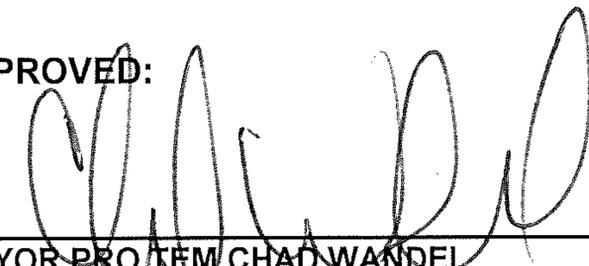
SECTION 10.

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.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF KENNEDALE, TEXAS, ON THE 18TH DAY OF MAY 2021.



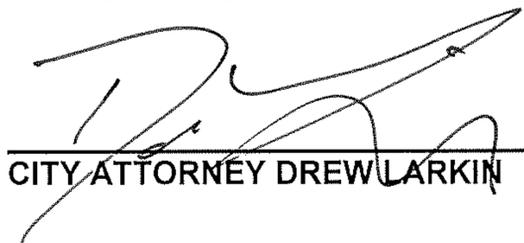
APPROVED:


MAYOR PRO TEM CHAD WANDEL

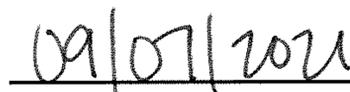
ATTEST:


CITY SECRETARY LESLIE E. GALLOWAY

APPROVED AS TO FORM AND LEGALITY:


CITY ATTORNEY DREW LARKIN

EFFECTIVE DATE:



ORDINANCE NO. _____
EXHIBIT A



THANK YOU for your legal submission!

Your legal has been submitted for publication. Below is a confirmation of your legal placement. You will also receive an email confirmation.

ORDER DETAILS

Order Number:
IPL0039698
Order Status:
Submitted
Classification:
Legals & Public Notices
Package:
FTW - Legal Ads
Final Cost:
522.46
Payment Type:
Account Billed
User ID:
IPL0019782

ACCOUNT INFORMATION

CITY OF KENNEDALE IP
405 MUNICIPAL DR
KENNEDALE, TX 76060-2249
817-360-0522
rericson@cityofkennedale.com
CITY OF KENNEDALE

TRANSACTION REPORT

Date
September 2, 2021 9:24:25 AM EDT
Amount:
522.46

SCHEDULE FOR AD NUMBER IPL00396980

September 6, 2021
Fort Worth Star-Telegram
September 7, 2021
Fort Worth Star-Telegram

PREVIEW FOR AD NUMBER IPL00396980

PUBLIC NOTICE
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CITY OF KENNEDALE ORDINANCE NO. 728 AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF KENNEDALE, TEXAS, BY CHANGING THE ZONING CLASSIFICATION OF CERTAIN PROPERTIES WITHIN THE CITY OF KENNEDALE, BEING APPROXIMATELY 0.40 ACRES OF LAND WITHIN 100 FEET OF THE NORTHEASTERN BOUNDARY LINE FOR THE PROPERTY LOCATED AT 731 E KENNEDALE PARKWAY, LOTS 15 (BAL 15), 16 (BAL 16), 16C AND 16D, CA BOAZ SUBDIVISION IN THE JB RENFRO SURVEY, CITY OF KENNEDALE, TARRANT COUNTY, TEXAS FROM "C-2" COMMERCIAL DISTRICT TO "R-3" RESIDENTIAL DISTRICT; 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. // THE UNIFIED DEVELOPMENT CODE, AS AMENDED, IS HEREBY AMENDED SO THAT THE PERMITTED USES IN THE HEREINAFTER DESCRIBED AREA SHALL BE ALTERED, CHANGED AND AMENDED AS SHOWN AND DESCRIBED BELOW: APPROXIMATELY 0.40 ACRES OF LAND WITHIN 100 FEET OF THE NORTHEASTERN BOUNDARY LINE OF 731 E KENNEDALE PARKWAY, LOTS 15 (BAL 15), 15A, 16 (BAL 16), 16C AND 16D, CA BOAZ SUBDIVISION IN THE J B RENFRO SURVEY, CITY

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W0000000
Publication Dates

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Sun News - Myrtle Beach
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AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
19300	129693	Print Legal Ad - IPL0039698		\$522.46	1	182 L

Attention: Melissa Dailey
 CITY OF KENNEDALE
 405 MUNICIPAL DR
 KENNEDALE, TX 760602249

Copy of ad content
 is on the next page

THE STATE OF TEXAS COUNTY OF TARRANT

Before me, a Notary Public in and for said County and State, this day personally appeared Amanda Grisham, Bid and Legal Coordinator for the Star-Telegram, published by the Star-Telegram, Inc. at Fort Worth, in Tarrant County, Texas; and who, after being duly sworn, did depose and say that the attached clipping of an advertisement was published in the above named paper on the listed dates:

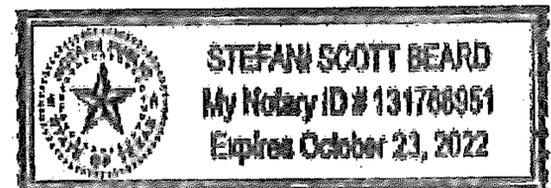
No. of Insertions: 2
 Beginning Issue of: 09/06/2021
 Ending Issue of: 09/07/2021

Amanda Grisham

Sworn to and subscribed before me this 8th day of September in the year of 2021

Stefani Beard

Notary Public in and for the state of Texas, residing in Dallas County



Extra charge for lost or duplicate affidavits.
 Legal document please do not destroy!

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IPL0039698
Sep 6-7 2021