

ORDINANCE NO. 744

AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT CODE OF THE CITY OF KENNEDALE, TEXAS, BY CHANGING THE ZONING CLASSIFICATION OF CERTAIN PROPERTY WITHIN THE CITY OF KENNEDALE, BEING APPROXIMATELY 0.612 ACRES LOCATED AT 7100 HUDSON VILLAGE CREEK ROAD AND 4349 DANNY LANE, BEING TRACT 2818 OF W.H. HUDSON SURVEY, CITY OF KENNEDALE, TARRANT COUNTY, TEXAS FROM "MH" MOBILE HOME DISTRICT TO "I" INDUSTRIAL 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, the City Council has determined that the "I" Industrial District is the most suitable zoning district for the property described below, in accordance with the comprehensive land use plan, and with the standards in the Unified Development Code; 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 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 Kennedale, Texas, on January 19, 2023 and by the City Council of the City of Kennedale, Texas, on February 21, 2023, 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, THAT:

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 0.61 acres located at 7100 Hudson Village Creek Road, Tract2B18 of the W.H. Hudson Survey, Abstract No. 716, City of Kennedale, Tarrant County, Texas on the illustration attached hereto as Exhibit "A" and incorporated herein for all purposes of this Ordinance, is hereby rezoned from "MH" Mobile Home District to "I" Industrial 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, 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 all provisions of ordinances and of the City of Kennedale, Texas Unified Development Code, except when 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 6.

It is hereby declared to be the intention of the City Council that in the event the sections, paragraphs, sentences, clauses, or phrases 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 7.

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). Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 8.

All rights and remedies of the City of Kennedale are expressly saved as to any and all violations of the provisions 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 9.

The City Secretary of the City of Kennedale is hereby directed to publish this ordinance as required by law.

SECTION 10.

This Ordinance shall be in full force and effect from and after the date of its passage and publication as required by law, and it is so ordained.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF KENNEDALE, TEXAS, ON THIS 21st DAY OF FEBRUARY 2023.

APPROVED:


MAYOR JAN JOPLIN

ATTEST:


CITY SECRETARY RAEANNE BYINGTON

APPROVED AS TO FORM AND LEGALITY:

CITY ATTORNEY CARVAN E. ADKINS





Reference No: 2210127100 G.F. No: ATD-15-6000152200569K
 Title Co: ALAMO TITLE
 Purchaser: AYA HOUSING LLC

PROPERTY DESCRIPTION

All that certain lot, tract or parcel of land situated in the W/4, HUDSON SURVEY, Acreage No. 716, Tarrant County, Texas, and being all of that same tract of land conveyed to Robert R. Stone, as recorded in Volume 7116, Page 2051, Deed Records, Tarrant County, Texas, and being more particularly described by metes and bounds as follows: Bearings computed to said deed:
 BEGINNING at a found 1/2 inch iron rod for corner, same being in the north line of said Hudson Village Creek Road (also known as County Road No. 2039);
 THENCE South 89 degrees 52 minutes 13 seconds West, along the north line of said Hudson Village Creek Road, a distance of 20.05 feet to a found 1/2 inch iron rod for corner;
 THENCE North 01 degrees 30 minutes 52 seconds West, a distance of 158.73 feet to a set capped 5/8 inch iron rod in asphalt for corner;
 THENCE South 89 degrees 58 minutes 30 seconds West, a distance of 169.78 feet (170.01 feet by deed) to a set capped 5/8 inch iron rod for corner, same being in the east line of Danny Lane;
 THENCE North 01 degrees 37 minutes 21 seconds West, along the east line of said Danny Lane, a distance of 123.76 feet (123.80 feet by deed) to a found railroad spike in asphalt for corner;
 THENCE South 01 degrees 32 minutes 00 seconds East, a distance of 282.42 feet to the POINT OF BEGINNING and containing 0.612 acres of land.

STANDARD CONSTRUCTION

1. THE PLAT, IN WHOLE OR IN PART, REPRESENTS THE SURVEY OF THE PROPERTY DESCRIBED HEREIN, AND THE SURVEY WAS MADE ON THE GROUNDS UNDER THE SUPERVISION AND CONTROL OF THE SURVEYOR. THE SURVEYOR HAS REVIEWED THE RECORDS OF THE LAND RECORDS, DEEDS, AND THE SURVEY RECORDS OF THE PROPERTY DESCRIBED HEREIN, AND HAS FOUND THAT THE SAME ARE CORRECT AND ACCURATE. THE SURVEYOR HAS ALSO REVIEWED THE RECORDS OF THE LAND RECORDS, DEEDS, AND THE SURVEY RECORDS OF THE PROPERTY DESCRIBED HEREIN, AND HAS FOUND THAT THE SAME ARE CORRECT AND ACCURATE. THE SURVEYOR HAS ALSO REVIEWED THE RECORDS OF THE LAND RECORDS, DEEDS, AND THE SURVEY RECORDS OF THE PROPERTY DESCRIBED HEREIN, AND HAS FOUND THAT THE SAME ARE CORRECT AND ACCURATE.

PROLINE
 SURVEYING LTD.
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 PH# 817-224-1148 info@prolinesurveyors.com

LEGEND	EXPLANATION
(Symbol)	BOUNDARY LINE
(Symbol)	EXISTING UTILITY
(Symbol)	PROPOSED UTILITY
(Symbol)	WOOD BOX
(Symbol)	CONCRETE

This survey is hereby accepted and approved.

Purchaser _____

Purchaser _____

Date _____



DATE: 10-13-2022
 DRAWN BY: PW
 STATE SEAL MUST BE OBTAINED FROM ORIGINAL SURVEYOR