

ORDINANCE NO. 16441-05-2005

AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE, ORDINANCE NO. 13896, AS AMENDED, SAME BEING AN ORDINANCE REGULATING AND RESTRICTING THE LOCATION AND USE OF BUILDINGS, STRUCTURES, AND LAND FOR TRADE, INDUSTRY, RESIDENCE OR OTHER PURPOSES, THE HEIGHT, NUMBER OF STORIES AND SIZE OF BUILDINGS AND OTHER STRUCTURES, THE SIZE OF YARDS AND OTHER OPEN SPACES, OFF-STREET PARKING AND LOADING, AND THE DENSITY OF POPULATION, AND FOR SUCH PURPOSES DIVIDING THE MUNICIPALITY INTO DISTRICTS OF SUCH NUMBER, SHAPE AND AREA AS MAY BE DEEMED BEST SUITED TO CARRY OUT THESE REGULATIONS AND SHOWING SUCH DISTRICTS AND THE BOUNDARIES THEREOF UPON "DISTRICT MAPS"; PROVIDING FOR INTERPRETATION, PURPOSE AND CONFLICT; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING FOR PUBLICATION AND NAMING AN EFFECTIVE DATE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH:

ZC-04-336 213.15 Ac. +/- West approximately 1 mile from the intersection of FM 156 & SH 114

Zoning Change:

From: "AG" Agricultural

To: "A-5" One-Family Residential

Description:

Tract - 1: 173.31 Ac. +/-

BEING a tract of land situated in the Guadalupe Cardinas Survey, Abstract No. 214, Denton County, Texas and being a portion of that certain tract of land described in deed to Ferbro Investments L.L.C., as recorded in County Clerk file No. 97-003605 of the Deed Records of Denton County, Texas, and being more particularly described as follows:

COMMENCING at a 1/2-inch iron rod found in the north right-of-way line of State Highway No. 114;

ZC-04-336 Continued

THENCE North 00 degrees 26 minutes 15 seconds East, passing an aluminum disk at 129.81 feet and continuing in all a total distance of 520.19 feet to the POINT OF BEGINNING;

THENCE North 00 degrees 26 minutes 15 seconds East, a distance of 1526.56 feet to a point in the southeasterly line of the Atchison, Topeka, and Santa Fe Railroad Company easement as recorded in Volume 0066, Page 0104, Deed Records of Denton County, Texas;

THENCE Northeasterly along the South line of said easement as follows:

North 45 degrees 00 minutes 06 seconds East, 1,725.59 feet to an angle point;

North 44 degrees 59 minutes 54 seconds West, 50.00 feet to a point, being the beginning of a non-tangent curve to the right;

Northeasterly along the arc of said curve to the right through a central angle of 16 degrees 00 minutes 13 seconds, having a radius of 5,654.65 feet, an arc length of 1,579.43 feet and a chord bearing and distance of North 52 degrees 43 minutes 32 seconds East, 1,574.30 feet to the end of said curve;

South 29 degrees 16 minutes 30 seconds East, a distance of 25.00 feet to a point, being the beginning of a non-tangent curve to the right; Northeasterly along the arc of said curve through a central angle of 02 degrees 31 minutes 58 seconds, having a radius of 5,629.65 feet, an arc length of 248.85 feet and a chord bearing and distance of North 61 degrees 59 minutes 29 seconds East, 248.83 feet to a point for the end of said curve, being the northwest corner of Payton Place Phase II, an addition to Denton County, Texas according to the plat recorded in Cabinet P, Page 50, Plat Records of Denton County, Texas;

THENCE South 00 degrees 16 minutes 05 seconds West, a distance of 3,868.81 feet to a point, being in the west line of a tract of land described in deed to Russell Richard Lowe, Trustee, as recorded in Volume 2766, Page 0971, Deed Records of Denton County, Texas;

THENCE North 89 degrees 10 minutes 37 seconds West, a distance of 2,663.34 feet to the **POINT OF BEGINNING and containing 7,549,497 square feet or 173.313 acres of land, more or less.**

ZC-04-336 Continued

Zoning Change:

From: "AG" Agricultural

To: "E" Neighborhood Commercial

Description:

Tract - 2: 40.02 Ac. +/-

BEING a tract of land situated in the Guadalupe Cardinas Survey, Abstract No. 214, Denton County, Texas and being a portion of that certain tract of land described in deed to Ferbro Investments L.L.C., as recorded in County Clerk file No. 97-003605 of the Deed Records of Denton County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2-inch iron rod found in the north right-of-way line of State Highway No. 114 and being the southwest corner of this property;

THENCE North 00 degrees 26 minutes 15 seconds East, passing an aluminum disk at 129.81 feet and continuing for a total distance of 520.19 feet to a point for corner;

THENCE South 89 degrees 10 minutes 37 seconds East, a distance of 2,663.34 feet to a point in the west line of a tract of land described in deed to Russell Richard Lowe, Trustee, as recorded in Volume 2766, Page 0971, D.R.D.C.T.;

THENCE South 00 degrees 16 minutes 05 seconds West, along said west line, a distance of 709.77 feet to a point in the north right-of-way line of said State Highway No. 114 and being the beginning of a non-tangent curve to the left;

THENCE along said right-of-way and the arc of said curve to the left through a central angle of 11 degrees 31 minutes 02 seconds, having a radius of 3,011.27 feet and arc length of 605.31 and a chord which bears North 83 degrees 30 minutes 08 seconds West, 604.29 feet to the end of said curve;

THENCE North 89 degrees 10 minutes 37 seconds West, continuing along said north right-of-way line, a distance of 2,064.51 feet to the **POINT OF BEGINNING** and containing 1,743,583 square feet or 40.027 acres of land, more or less.

ZC-05-045 4.95 Ac. +/- 4500 Block of Keller Haslet Road

Zoning Change:

From: "A-5" One-Family Residential

To: "PD/SU" Planned Development/Specific Use for all Uses in "I" Light Industrial, and Exclude the Following Uses: Correctional Facility; Wastewater (Sewage) Treatment Facility; Water Supply, Treatment or Storage Facility; Bar, Tavern, Cocktail Lounge; Club, Private or Teen; Drive-in Restaurant or Business; Sexually Oriented Business; Stable, Commercial, Riding, Boarding or Rodeo Arena; Theater, Drive-in; Kennel; Veterinary Clinic With Outdoor Kennel; Mobile Home or Manufactured Housing Sales; Recreational Vehicle (RV) Sales/Service; Service Station; Truck Stop with Fuel & Accessory Services; Vehicle Junkyard or Storage Yard; Vehicle Steam Cleaning; Assaying; Blacksmithing or Wagon Shop; Bottling Works, Milk or Soft Drinks; Chicken Battery or Brooder; Coal, Coke or Wood Yard; Crematorium; Electroplating; Fabricating or Manufactured Housing, Temporary or Office Building; Food Processing (no slaughtering); Galvanizing, Small Utensils; Machine Shops; Manufacture of Aluminum, Brass or Other Metals or from Bone, Paper, Rubber, Leather; Manufactured Home/RV Repair; Paint Mixing or Spraying; Passenger Station; Railroad Roundhouse or Railroad Car Repair Shop; Railroad Tracks, Team, Spur, Loading or Storage; Terminal, Truck, Freight, Rail or Water; Recycling Collection Facility; Batch Plant, Concrete or Asphalt (Temporary). Site Plan Required.

Description:

BEING a 4.953 acre tract of land situated in the Jose Chirino Survey, Abstract No. 265, Tarrant County, Texas, and being a portion of Lot 1, Block 1, Brazos McPherson Addition, recorded in Cabinet A, Slide 7207, Plat Records, Tarrant County, Texas. Said 4.953 acre tract of land being described by metes and bounds as follows:

BEGINNING at a 5/8" iron rod with plastic cap stamped "DUNAWAY ASSOC., INC.", at the southeast corner of said Lot 1, Block 1, Brazos McPherson Addition and being on the north line of Keller-Haslet Road as dedicated in Cabinet A, Slide 7207, Plat Records, Tarrant County, Texas;

Thence North 89°47'04" West, along the north right-of-way line of Keller-Haslet Road and the south line of said Lot 1, Block 1, a distance of 308.00 Feet;

Thence North 0°04'36" East, departing the north right-of-way line of Keller-Haslet Road, departing the south line of said Lot 1, Block 1 and over and across said Lot 1, Block 1, a distance of 700.08 Feet to the north line of said Lot 1, Block 1;

ZC-05-045 Continued

Thence South 89°55'24" East, along the north line of said Lot 1, a distance of 308.00 Feet to the northeast corner of said Lot 1;

Thence South 0°04'36" West, along the east line of said Lot 1, a distance of 700.83 Feet to the **POINT OF BEGINNING and containing a computed area of 4.953 Acres, more or less.**

ZC-05-076 9.87 Ac. +/- 7240 Boat Club Road

Zoning Change:

From: "E" Neighborhood Commercial; "PD-599" Planned Development

To: "PD/SU" Planned Development/Specific Use, for all uses in "E" Neighborhood Commercial; plus: Mini Warehouse, with Open and Covered Parking for Automobiles, Boats, RVs, Trailers, with On-site Residence, Monument Sign, Masonry construction on Boaz Road. Earhttone colors, Evergreen Trees every 25' along Boaz Road, and exclude the following uses: Massage Parlor, Tattoo Parlor, Pawn Shop, Liquor or Package Store. Site Plan Required. (See SP-05-024)

Description:

BEING part of the A.S. Roberts Survey, Abstract No. 1262, situated about 9 miles North 45° West from the courthouse in Tarrant County, Texas; and being all of that called 9.877 acre tract of land conveyed to Commission on Church Growth and Development by deed recorded in Volume 9783, Page 191, DRTCT and being more particularly described as follows:

COMMENCING at the Northwest corner of the 80.35 acre tract described in the deed to Eva McLean recorded in Volume 433, Page 239 of the said Deed Records and being, by deed call, the most westerly northwest corner of said Roberts Survey and being in the intersection of the centerline of W.J. Boaz Road and Boat Club Road (FM 1220); then run South 89° 45' 48" East, along the north line of said 80.35 acre tract and the north line of said Roberts Survey, in said W.J. Boaz Road, a distance of 282.60 feet to a PK nail set at the northeast corner of the tract described in the deed to Texas Electric Service Company recorded in Volume 2643, Page 496 of the said Deed Records and the northwest corner of said Commission on Church Growth and Development tract, and from said TRUE PLACE OF BEGINNING a 1" iron rod found bears North 00° 48' 36" East, 17.00 feet, and a 5/8" iron rod bears South 00° 48' 36" West, 34.00 feet;

ZC-05-076 Continued

THENCE South 89° 45' 48" East, 875.35 feet along the centerline of W.J. Boaz Road to a PK nail set for corner at the Northeast corner of said Commission on Church Growth and Development tract and the northwest corner of a tract of land conveyed to Orinda Capital Partners, L.P. by General Warranty Deed recorded under instrument No. D198005057, DRTCT;

THENCE along the common line of said Commission on Church Growth and Development tract and said Orinda Capital Partners tract, the following bearings and distances:

South 00° 45' 00" West, passing a 5/8" iron rod found at 34.00 feet and continuing in all 275.90 feet to a 1/2" iron rod set for corner;

North 89° 45' 48" West, 325.00 feet to a 1/2" iron rod set for corner;

South 00° 45' 48" West, 163.61 feet to a 1/2" iron rod set for corner;

North 89° 11' 24" West, 300.43 feet to a 1/2" iron rod set for corner;

South 00° 48' 36" West, 400.00 feet to a 1/2" iron rod set for corner;

North 89° 11' 24" West, 250.35 feet to a 1/2" iron rod set for corner in the east line of the aforementioned Texas Electric Service Company tract, said iron rod also being at the southwest corner of said Commission on Church Growth and Development tract;

THENCE North 00° 48' 36" East, passing a 1" iron rod found at 817.00 feet, and continuing in all, along the common line of said Commission on Church Growth and Development tract, a distance of 834.00 feet to the ***TRUE PLACE OF BEGINNING and containing 9.878 acres of land, more or less.***

ZC-05-091 4601 & 4625 Boat Club Road

Zoning Change:

From: "E" Neighborhood Commercial

**To: "PD/SU" Planned Development/Specific Use, for all Uses in "E" Neighborhood Commercial; plus: Fitness Facility.
Site Plan Waived.**

Description: Lot C, Block 2B, Jenkin Heights Addition.

ZC-05-099 3611, 3617, 3621 Birchman Avenue, 3616, 3620, 3624, 3628 and 3820 Calmont Avenue

Zoning Change:

From: "B" Two-Family Residential and "PD/SU" Planned Development/
Specific Use

To: "PD/SU" Planned Development for 1) Church Parking in accordance with Site Plan; and, 2) Church and Accessory Buildings; and, 3) Auxiliary Medical Parking also allowed on Lot 11R only. Church and Accessory Buildings shall conform to the following:

Birchman Avenue Margaret Street Calmont Avenue and Pershing Avenue

Front Yard setback for Buildings:	0 foot minimum.
Side Yard	0 foot minimum setback
Corner Lot	0 foot minimum building setback
Height	489-feet maximum at building line

Landscaping shall be in accordance with 6.301.

Description: Lots 1-5, 8-10 & 11R, Block 55, Factory Place Addition.

SECTION 2.

That the zoning regulations and districts, as 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 full and complete public hearing with reasonable consideration, among other things, of the character of the district and its peculiar suitability for the particular uses and with a view of conserving the value of a building and encouraging the most appropriate use of land throughout the community.

SECTION 3.

That this ordinance shall be cumulative of all other ordinances of the City of Fort Worth affecting zoning 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 4.

That all rights or remedies of the City of Fort Worth, Texas, are expressly saved as to any and all violations of Ordinance Nos. 3011, 13896 or any amendments thereto 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 or criminal, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

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 phrase, clause, sentence, paragraph or section of this ordinance shall be declared void, ineffective or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such voidness, ineffectiveness 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 herein of any such void, ineffective or unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 6.

That 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 (\$2000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 7.

That the City Secretary of the City of Fort Worth, Texas is hereby directed to publish this ordinance for two (2) days in the official newspaper of the City of Fort Worth, Texas, as authorized by V.T.C.A. Local Government Code Subsection 52.013.

SECTION 8.

That this ordinance shall take effect upon adoption and publication as required by law.

APPROVED AS TO FORM AND LEGALITY:

Shan Melville
Assistant City Attorney

Adopted: 5/12/05

Effective: May 31, 2005