

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING ORDINANCE NO. 23717-06-2019 TO ADD ZONING DISTRICT INFORMATION FOR ZONING CASE ZC-19-088; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE AND NAMING AN EFFECTIVE DATE**

**WHEREAS**, on June 25, 2019, the City Council’s zoning hearing agenda included Case No. ZC-19-088, a request to rezone property located at 9915 Crowley Road, from: “R1” Zero Lot Line/Cluster and “A-5” One-Family to: “D” High Density Multifamily and “F” General Commercial, and;

**WHEREAS**, after public testimony was closed the Council voted to approve a motion to amend the requested rezoning to: “A-5” One-Family; and

**WHEREAS**, Ordinance No. 23717-06-2019 incorporating the City Council’s zoning hearing decisions from the June 25, 2019 meeting inadvertently left out zoning case ZC-19-088 as it was amended and approved by the City Council; and

**WHEREAS**, it is advisable to amend Ordinance No. 23717-06-2019 to add, in accordance with the approval by the City Council on June 25, 2019, Zoning Case No. ZC-19-088 to memorialize the rezoning of the property to “A-5” One-Family;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH:**

**SECTION 1.**

Ordinance No. 23717-06-2019 an amendment to Ordinance 21653, is amended to include the zoning district for Case No. ZC-19-088, as follows:

**ZC-19-088 9915 Crowley Road 16.88 acres**

**Zoning Change:**

***From: "R1" Zero Lot Line/Cluster and "A-5" One-Family***

***To: "A-5" One-Family***

**Description Tract 1**

BEING 4.213 ACRES TRACT OF LAND SITUATED IN CHARLES MARTIN SURVEY, ABSTRACT NO. 1022, TARRANT COUNTY, TEXAS, AND BEING A PORTION OF A CALLED 149.364 ACRES TRACT OF LAND CONVEYED TO B.N. DEVELOPMENT COMPANY, INC. BY DEED RECORDED IN VOLUME 15346, PAGE 311, DEED RECORDS OF TARRANT COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**COMMENCING** AT A 1/2 INCH IRON ROD FOUND AT THE CORNER INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF CROWLEY ROAD (FARM TO MARKET HIGHWAY NO. 731) AND THE NORTH RIGHT-OF-WAY LINE OF NORTH CROWLEY CLEBURNE ROAD (COUNTY ROAD NO. 1075), SAID POINT ALSO BEING THE SOUTHEAST CORNER OF A 1.950 ACRES TRACT OF LAND CONVEYED TO PAUL D. WELLS BY INSTRUMENT NO. D206176316, DEED RECORDS, TARRANT COUNTY, TEXAS;

THENCE SOUTH 82°18'01" EAST, CROSSING THE SAID CROWLEY ROAD A DISTANCE OF 123.06 FEET TO A 1/2 INCH CAPPED IRON ROD (JDZ RPLS 2490) FOUND AT THE SOUTHWEST CORNER OF SAID 149.364 ACRES TRACT ON THE EAST RIGHT-OF-WAY LINE OF SAID CROWLEY ROAD, AT THE BEGINNING OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 2805.00 FEET AND A CHORD BEARING AND DISTANCE OF NORTH 04°19'14" WEST, 40.12 FEET;

THENCE NORTHERLY, ALONG SAID CURVE AND SAID RIGHT-OF-WAY LINE, THROUGH A CENTRAL ANGLE OF 00°49'11", AN ARC DISTANCE OF 40.12 FEET TO A 5/8 INCH CAPPED IRON ROD WITH APLASTIC CAP STAMPED "TNP" (HEREAFTER REFERRED TO AS A 5/8 INCH CAPPED IRON ROD "TNP") FOUND AT THE POINT OF BEGINNING FOR THE TRACT HEREIN DESCRIBED, SAID POINT BEING THE BEGINNING OF ANOTHER CURVE TO THE RIGHT, HAVING A RADIUS OF 2805.00 FEET AND A CHORD BEARING AND DISTANCE OF NORTH 01°57'29" WEST, 191.14 FEET;

THENCE NORTHERLY, ALONG SAID CURVE AND SAID RIGHT-OF-WAY LINE, THROUGH A CENTRAL ANGLE OF 03°54'18", AN ARC DISTANCE OF 191.18 FEET TO A 5/8 INCH CAPPED IRON ROD (DUNAWAY) FOUND AT THE END OF SAID CURVE;

THENCE NORTH 00°06'32" EAST, CONTINUING WITH SAID RIGHT-OF-WAY LINE, A DISTANCE OF 702.95 FEET TO A 5/8 INCH CAPPED IRON ROD "TNP", FOUND AT THE NORTHWEST CORNER OF THE TRACT HEREIN DESCRIBED;

THENCE NORTH 89°17'04" EAST, DEPARTING SAID RIGHT-OF-WAY LINE, A DISTANCE OF 87.74 FEET TO A 5/8 INCH CAPPED IRON ROD "TNT" FOUND AT THE BEGINNING OF A CURVE TO THE LEFT, HAVING A RADIUS OF 1000.00 FEET AND A CHORD BEARING AND DISTANCE OF NORTH 86°00'51" EAST, 114.09 FEET;

THENCE NORTHERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 06°32'25", AN ARC DISTANCE OF 114.15 FEET TO A POINT FOR CORNER;

THENCE SOUTH 00°21'53" EAST, A DISTANCE OF 903.70 FEET TO A POINT FOR THE SOUTHEAST CORNER OF THE TRACT HEREIN DESCRIBED;

THENCE NORTH 89°48'25" WEST, A DISTANCE OF 200.74 FEET ***TO THE PLACE OF BEGINNING AND CONTAINING 4.213 ACRES OF LAND, MORE OR LESS.***

**Description Tract 2**

BEING A 12.6774 TRACT OF LAND SITUATED IN CHARLES MARTIN SURVEY, ABSTRACT NO. 1022, TARRANT COUNTY, TEXAS, AND BEING A PORTION OF A CALLED 149.364 ACRES TRACT OF LAND CONVEYED TO B.N. DEVELOPMENT COMPANY, INC. BY DEED RECORDED IN VOLUME 15346, PAGE 311, DEED RECORDS OF TARRANT COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT A 1/2 INCH IRON ROD FOUND AT THE CORNER INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF CROWLEY ROAD (FARM TO MARKET HIGHWAY NO. 731) AND THE NORTH RIGHT-OF-WAY LINE OF NORTH CROWLEY CLEBURNE ROAD (COUNTY ROAD NO. 1075), SAID POINT ALSO BEING THE SOUTHEAST CORNER OF A 1.950 ACRES TRACT OF LAND CONVEYED TO PAUL D. WELLS BY INSTRUMENT NO. D206176316, DEED RECORDS, TARRANT COUNTY, TEXAS;

THENCE SOUTH 82°18'01" EAST, CROSSING THE SAID CROWLEY ROAD A DISTANCE OF 123.06 FEET TO A 1/2 INCH CAPPED IRON ROD (JDZ RPLS 2490) FOUND AT THE SOUTHWEST CORNER OF SAID 149.364 ACRES TRACT ON THE EAST RIGHT-OF-WAY LINE OF SAID CROWLEY ROAD, AT THE BEGINNING OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 2805.00 FEET AND A CHORD BEARING AND DISTANCE OF NORTH 04°19'14" WEST, 40.12 FEET;

THENCE NORTHERLY, ALONG SAID CURVE AND SAID RIGHT-OF-WAY LINE, THROUGH A CENTRAL ANGLE OF 00°49'11", AN ARC DISTANCE OF 40.12 FEET TO A 5/8 INCH CAPPED IRON ROD WITH APLASTIC CAP STAMPED "TNP" (HEREAFTER REFERRED TO AS A 5/8 INCH CAPPED IRON ROD "TNP") FOUND FOR CORNER;

THENCE SOUTH 89°48'25" EAST, A DISTANCE OF 200.74 FEET TO THE POINT OF BEGINNING FOR THE TRACT HEREIN DESCRIBED, SAID POINT BEING AT THE SOUTHWEST CORNER OF THE TRACT HEREIN DESCRIBED;

THENCE NORTH 00°21'53" WEST, A DISTANCE OF 903.70 FEET TO A POINT AT THE BEGINNING OF A CURVE TO THE LEFT, HAVING A RADIUS OF 1000.00 FEET AND A CHORD BEARING AND DISTANCE OF NORTH 69°23'03" EAST, 462.13 FEET;

THENCE NORTHERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 26°43'12", AN ARC DISTANCE OF 466.35 FEET TO A 5/8 INCH CAPPED IRON ROD "TNT" FOUND AT THE END OF SAID CURVE;

THENCE NORTH 55°22'07" EAST, A DISTANCE OF 46.18 FEET TO A 1/2 INCH CAPPED IRON ROD (JDZ RPLS 2490) FOUND AT THE BEGINNING OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 1280.00 FEET AND A CHORD BEARING AND DISTANCE OF NORTH 64°02'40" EAST, 386.17 FEET;

THENCE NORTHERLY, ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 17°21'07", AN ARC DISTANCE OF 387.65 FEET TO A 5/8 INCH CAPPED IRON ROD "TNT" FOUND AT THE END OF SAID CURVE, AT THE NORTHEAST CORNER OF THE TRACT HEREIN DESCRIBED;

THENCE SOUTH 21°41'25" WEST, A DISTANCE OF 1358.92 FEET TO A 5/8 INCH CAPPED IRON ROD "TNP", FOUND AT THE SOUTHEAST CORNER OF THE TRACT HEREIN DESCRIBED;

THENCE NORTH 89°48'25" WEST, A DISTANCE OF 309.76 FEET TO THE PLACE OF BEGINNING AND CONTAINING 12.6774 ACRES OF LAND, MORE OR LESS.

**SECTION 2.**

This ordinance corrects Ordinance No. 23717-06-2019 with regard to Case No. ZC-19-088

only.

### **SECTION 3.**

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 4.**

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 5.**

All rights or remedies of the City of Fort Worth, Texas, are expressly saved as to any and all violations of Ordinance Nos. 13896 and 21653 or of 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 6.**

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

**SECTION 8.**

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

**APPROVED AS TO FORM AND LEGALITY:**

By: \_\_\_\_\_  
Assistant City Attorney Mary J. Kayser, City Secretary

Adopted: \_\_\_\_\_  
Effective: \_\_\_\_\_