

ORDINANCE NO. 1444-2024

AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF RIVER OAKS AS AMENDED BY CHANGING THE ZONING CLASSIFICATION OF CERTAIN PROPERTY BEING BLOCK 14, LOT 10-R-2 OTHERWISE KNOWN AS 1711 ROBERTS CUT OFF RD. LOCATED IN THE CASTLEBERRY GARDENS ADDITION WITHIN THE CITY OF RIVER OAKS BEING A LEGAL NON-CONFORMING COMMERCIAL LOT FROM AN "R-4" SINGLE FAMILY ZONING DISTRICT TO A C-1 COMMERCIAL ZONING DISTRICT PURSUANT TO THE RIVER OAKS ZONING ORD # 1394-2023 AS ADOPTED AND AS AMENDED 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 # 1060-2015 as amended by Ordinance # 1158-2017 as amended by Ordinance # 1286-2020 and as amended by Ordinance # 1331-2021 and as amended by Ordinance # 1394-2023 as the Comprehensive Zoning Ordinance of the City of River Oaks; and

WHEREAS, the property being considered for rezoning is located in the Castleberry Gardens Addition being Block 14, Lot 10R2 otherwise known as 1711 Roberts Cut Off Rd and containing approximately 0.1859 acres of land within a "R-4" Single-Family zoning district without having on record a concept plan for single-Family Use and is most recently being recommended best suited for Commercial Use; and

WHEREAS, Originally there was a house built on the lot in 1940 before there was any zoning ordinance and on October 31, 2000 a permit was obtained to turn the house into a Chiropractor Clinic and since the property was zoned at that time commercial and has since changed with the adoption of Zoning Ordinance # 600 in 2002 to R-4 Single-Family that to continue operating it as a commercial use, the owner had to register it as a legal non-conforming use of the property; 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 **BLOCK 14, LOT 10-R-2 OTHERWISE KNOWN AS 1711 ROBERTS CUT OFF RD.**

from a R-4 Single-Family District to a "C-1" Commercial Zoning District that shall otherwise meet Section 14 "C-1 Commercial District (Neighborhood Retail)" pursuant to the River Oaks Zoning Ordinance # 1394-2023 as adopted and as amended; **and**

WHEREAS, the Planning and Zoning Commission of the City of River Oaks, Texas held a public hearing on December 16, 2024 and following the public hearing took action recommending to approve the application as submitted by Manuel Garcia under Zoning Case # PZ-2024-0003 to rezone the property from "R-4" Single-Family to "C-1" Commercial; and

WHEREAS, the City Council following the December 17, 2024 Public Hearing that legally met all publication and notification requirements under law, approved this ordinance that will rezone the before-mentioned property to a "C-1" Commercial Zoning District that shall meet Section 14 "C-1 Commercial District (Neighborhood Retail)" pursuant to the River Oaks Zoning Ordinance # 1394-2023 as adopted and as amended.

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 as amended by Ordinance # 1286-2020 as amended by Ordinance # 1331-2021 as amended by Ordinance # 1394-2023 that became effective on December 11, 2023 as the Comprehensive Zoning Ordinance of the City of River Oaks is hereby amended by rezoning property containing approximately 0.1859 acres of land, located within the Castleberry Gardens Addition and being more fully described as:

BLOCK 14, LOT 10-R-2 OTHERWISE KNOWN AS 1711 ROBERTS CUT OFF RD.

from a "R-4" Single-Family District to a "C-1" Commercial Zoning District as deemed by the City Council to be Land best suited for commercial development that shall otherwise meet Section 14 "C-1 Commercial District (Neighborhood Retail)" of the River Oaks Zoning Ordinance # 1394-2023 as adopted and as amended.

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 as amended by Ordinance # 1286-2020 as amended by Ordinance # 1331-2021 adopted and became effective on December 12, 2021 as amended by Ordinance # 1394-2023 as adopted and was effective on December 11, 2023 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 17th DAY OF DECEMBER 2024.


MAYOR DARREN HOUK

ATTEST:


CITY SECRETARY