



## **ORDINANCE NO. 647-2018-04**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF VENUS, JOHNSON AND ELLIS COUNTIES, TEXAS ZONING A PORTION OF A NEWLY ANNEXED PARCEL OF LAND REFERRED TO AS LOT 29, BLOCK 6 OF THE NORTH STAR ADDITION DEVELOPMENT AS AN I-1 LIGHT INDUSTRIAL DISTRICT, ORDERING THE FILING OF THE ZONING DISTRICT DESIGNATION WITH LAND RECORDS, PROVIDING A PUBLICATION CLAUSE; CERTIFYING THIS ORDINANCE WAS PASSED IN STRICT COMPLIANCE WITH THE TEXAS OPEN MEETINGS ACT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND DECLARING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Venus (“City”) is a Type A General Law municipality located in Johnson and Ellis Counties, Texas, created in accordance with the provisions of the TEXAS LOCAL GOVERNMENT CODE, Title 2, Chapter 6, and operating pursuant to enabling legislation of the State of Texas;

**WHEREAS**, the City Council (“Council”) of the City serves as the elected governing body; directly responsible for the promotion and protection of the public health and safety of its citizens and inhabitants and in insuring that the city is a great place to work and live, preserving the value of property, and determining the best uses of land throughout the city to achieve these duties;

**WHEREAS**, the City is authorized and empowered to adopt and enforce zoning ordinances to regulate the height, number of stories, and size of buildings and other structures; the percentage of a lot that may be occupied; the size of yards, court, and other open spaces; and the population density; the location and use of buildings, other structures, and land for business, industrial, residential, or other purposes per TEXAS LOCAL GOVERNMENT CODE Section 211.003;

**WHEREAS**, the City is authorized and empowered to divide the municipality into zoning districts of a number, shape, and size the governing body considers best to achieve the goals of TEXAS LOCAL GOVERNMENT CODE Section 211.003 pursuant to TEXAS LOCAL GOVERNMENT CODE Section 211.005;

**WHEREAS**, the City is required to establish procedures for adopting and enforcing regulations and zoning district regulations and boundaries pursuant to TEXAS LOCAL GOVERNMENT CODE Section 211.006;

**WHEREAS**, the City is required to conduct a public hearing regarding any establishment or change of zoning pursuant to TEXAS LOCAL GOVERNMENT CODE Section 211.006(a);

**WHEREAS**, the City has adopted Chapter 34 – Zoning, of the VENUS CODE OF ORDINANCES to facilitate and promote the authorizations and requirements of TEXAS LOCAL GOVERNMENT CODE Chapter 211;

**WHEREAS**, as provided by VENUS CODE OF ORDINANCES Sec. 34-9 Annexed territory, the City is authorized to zone newly annexed territory at the same time the area is being annexed;

**WHEREAS**, the Council has received a petition for annexation for a parcel of land, accepted the petition, conducted public hearings, provided the required notices and voted in the majority, by ordinance, to annex said parcel of land, formally annexed the parcel of land into the city limits at the same meeting as this zoning request is being considered;

**WHEREAS**, the newly annexed parcel of land is being platted separately to accommodate both residential and light industrial uses;

**WHEREAS**, the Council and the landowner wish to permanently zone the newly annexed parcel of land rather than allowing for the default temporary agricultural zoning district designation;

**WHEREAS**, the Council held a public hearing, properly noticed and in compliance with the zoning ordinance and state law to hear from the public on the requested zoning district designation for the newly annexed area;

**WHEREAS**, landowner Wall009 L.L.C., whose managing member is Timothy Barton requests that a portion of the newly annexed territory referred to as “Lot 29, Block 6” of the North Star Addition development, for which a plat (Exhibit “1”) has been filed with the City, be zoned I-1 (Light Industrial District); and

**WHEREAS**, city staff, the city engineer, and the economic development team have reviewed the request and find the designation to be fitting of the nearby uses for the area, in compliance with the city zoning ordinance and in compliance with state law and have submitted their recommendation to Council to approve said zoning district designation request.

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

**SECTION ONE.**

The recitals and any attached exhibits to this ordinance are hereby incorporated herein for all purposes.

**SECTION TWO. DISTRICT DESIGNATION**

Council hereby finds the portion of newly annexed parcel of land, referred to as “Lot 29, Block 6” of the North Star Addition development as described in the preliminary plat filed with the City, is hereby designated and zoned as a I-1 Light Industrial district as provided in Section 34-49 of the VENUS CODE OF ORDINANCES.

**SECTION THREE. ORDERING DESIGNATION BE RECORDED**

The City Secretary and/or the city staff are ordered to record the district zoning designation in the land records of the County and to amend/update the city’s current zoning map to reflect both the annexation and the zoning district designation. The zoning district designation shall run with the land, and not be changed, removed or altered without the City’s consent and council action.

**SECTION FOUR. PUBLICATION**

The City Secretary is hereby directed, if required by law, to post or publish in the official newspaper of the city, the caption, publication clause and effective date clause of this ordinance in one issue of the official newspaper of the city, provided that the official newspaper is a weekly paper, in accordance with Section 52.011 of the TEXAS LOCAL GOVERNMENT CODE. The City Secretary is also hereby directed, if necessary, to incorporate the provisions of this ordinance into the CITY OF VENUS CODE OF ORDINANCES by submitting it to *www.municode.com* for incorporation and online publication.

**SECTION FIVE. OPEN MEETINGS ACT COMPLIANCE**

The Council and Mayor are committed to open and transparent government and are strong supporters of The TEXAS OPEN MEETINGS ACT. And as such, the meeting at which this ordinance was approved was in all things conducted in strict compliance with the TEXAS OPEN MEETINGS ACT, TEXAS GOVERNMENT CODE, Chapter 551.

**SECTION SIX. SEVERABILITY**

Should any section, clause, subsection, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly

provided that any and all remaining portions of this ordinance shall remain in full force and effect. Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause and/or phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and/or phrases be declared unconstitutional or invalid.


**SECTION SEVEN. REPEALER**

All ordinances or parts of ordinances not consistent or conflicting with the provisions of this ordinance are hereby repealed; provided that such repeal shall be only to the extent of such inconsistency and in all other respects this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered in this ordinance. Any cause of action accruing prior to the passage of this ordinance shall continue as if this ordinance was not passed or any other ordinance had not been repealed.

**SECTION EIGHT. EFFECTIVE DATE**


This ordinance shall become effective immediately from and after its passage by Council.


**PASSED AND APPROVED** by the City Council of the City of Venus, Texas, on this the 9<sup>th</sup> day of April 2018.

**APPROVED:**   
MAYOR JAMES L. BURGESS

**PASSED:** MONDAY, APRIL 9, 2018

I, the undersigned, City Secretary do hereby certify that the above is a true and correct copy of an ordinance duly adopted by the City of Venus City Council at a regular meeting duly convened on Monday, April 9, 2018.

**ATTEST:**   
RANA GAMEL  
City Secretary

**APPROVED AS TO FORM:**  
  
CASS CALLAWAY  
City Attorney



