

**CITY OF LOWRY CROSSING, TEXAS**

**ORDINANCE NO. 231**

**AN ORDINANCE OF THE CITY OF LOWRY CROSSING, TEXAS, AMENDING THE ZONING ORDINANCE OF THE CITY, THE SAME BEING ORDINANCE NO. 110, AS AMENDED, BY CHANGING THE ZONING ON CERTAIN TRACTS OF LAND, GENERALLY DESCRIBED AS 1.821 ACRES AND 1.8429 ACRES IN THE MCGRAW A E, LOTS 5 AND 6, SURVEY (AND LOCATED GENERALLY EAST OF COUNTY ROAD 401 AND U.S. HWY 380 AND AS MORE PARTICULARLY DESCRIBED HEREIN), FROM “R-1” SINGLE FAMILY RESIDENTIAL DISTRICT TO “C” COMMERCIAL DISTRICT; CORRECTING THE OFFICIAL ZONING MAP; PROVIDING A PENALTY NOT TO EXCEED THE SUM OF TWO THOUSAND AND NO/100 DOLLARS (\$2,000.00) FOR EACH OFFENSE AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED EACH DAY DURING OR ON WHICH A VIOLATION OCCURS OR CONTINUES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, two tracts of land located within the City of Lowry Crossing, Texas (the “City”), which contain 1.821 acres and 1.8429 acres, respectively, in the McGraw A E, lots 5 and 6, Survey (and located generally east of County Road 401 and U.S. Hwy 380) and are more particularly described in Exhibit A attached hereto and incorporated herein (the “Property”), are zoned “R-1” Single Family Residential District; and

**WHEREAS**, the owner of the Property filed an application with the City requesting a change of zoning on the Property from “R1” Single Family Residential District to “C” Commercial District in accordance with City’s comprehensive Zoning Ordinance, the same being Ordinance No. 110, as amended (the “Zoning Ordinance”), and proposes to develop on the Property a commercial business; and

**WHEREAS**, the City Planning and Zoning Commission and the City Council, in accordance with State law and the Zoning Ordinance, have given the required notices and have held the required public hearings regarding the change of zoning of the Property as described herein; and

**WHEREAS**, after public notices were given in compliance with State law and the Zoning Ordinance and public hearings were conducted, and after considering the information submitted at the said public hearings and all other relevant information and materials, the Planning and Zoning Commission of the City recommended to the City Council the change in zoning of the Property as set forth in this Ordinance, subject to the conditions set forth herein; and

**WHEREAS**, after due deliberations and consideration of the recommendation of the Planning and Zoning Commission and the information and other materials received at the public hearing conducted by the City Council, the City Council has concluded that the adoption of this Ordinance is in the best interests of the City and of the public health, safety and welfare.

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

Section 1. Incorporation of Premises. The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

Section 2. Amendment; Development, Use of the Property.

A. Ordinance No. 110, as amended (the "Zoning Ordinance"), of the City of Lowry Crossing, Texas (the "City") is hereby amended by changing the zoning on the Property (as described in Exhibit A attached hereto and incorporated herein) from "R-1" Single Family Residential District to "C" Commercial District as set forth herein and subject to the terms, conditions and standards set forth in this Ordinance.

B. The Property shall be developed, occupied, and used only in accordance, and shall at all times comply, with (i) the terms and conditions of this Ordinance, including all exhibits attached hereto (each of which is incorporated herein and made a part hereof for all purposes), (ii) the City's Zoning Ordinance (and as the same may be hereafter amended or superseded), and (iii) all applicable laws, ordinances, codes, standards, rules and regulations of the City, the state, and any other governmental entity, agency or authority having jurisdiction over the Property (and as the same may be hereafter amended or superseded).

Section 3. Building Permit, Certificate of Occupancy. No building permit or certificate of occupancy for any use on or in the Property shall be issued until there has been full compliance with this Ordinance and all other ordinances, rules, codes, standards, and regulations of the City.

Section 4. Zoning Map. The Zoning District Map of the City shall be amended to reflect the change in zoning made by this Ordinance.

Section 4. Penalty. It shall be unlawful for any person, firm, corporation, or other business entity to violate any provision of this Ordinance, and any person, firm, corporation, or other business entity violating or failing to comply with any provision hereof shall be fined, upon conviction, in an amount of not more than Two Thousand and No/100 Dollars (\$2,000.00), and a separate offense shall be deemed committed each day during or on which a violation occurs or continues.

Section 5. Savings. That Ordinance No. 110, as amended, shall remain in full force and effect. This Ordinance shall be cumulative of all other ordinances of the City and shall not repeal any of the provisions of those ordinances except in those instances where the provisions of those ordinances are in direct conflict with the provisions of this Ordinance.

Section 6. Severability. The sections, paragraphs, sentences, phrases, clauses and words of this Ordinance are severable, and if any section, paragraph, sentence, phrase, clause or word in this Ordinance or application thereof to any person or circumstance is held invalid, void, unlawful or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council hereby declares that it would have passed such remaining portions of this Ordinance despite such invalidity,

voidness, unlawfulness or unconstitutionality, which remaining portions shall remain in full force and effect.

Section 7. Effective date. This Ordinance shall become effective immediately from and after its passage and approval and after publication as provided by law.

**PASSED AND APPROVED** by the City Council of the City of Lowry Crossing, Texas this \_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Derek Stephens, Mayor

ATTEST:

By: \_\_\_\_\_  
Janis Cable, City Secretary