

**CITY OF LINDSAY, TEXAS
ORDINANCE NO. 0320-01**

AN ORDINANCE OF THE CITY OF LINDSAY, TEXAS, AMENDING THE ZONING MAP OF THE CITY OF LINDSAY BY CHANGING THE ZONING DESIGNATION OF A PARCEL OF LAND BEING 15.977 ACRES IN THE H. WILKEY SURVEY, ABSTRACT 1090, COOKE COUNTY, TEXAS, LOCATED NORTH OF THE HIGHWAY 82 AND WEST OF FM 1199, FROM "A"-AGRICULTURE TO PD – PLANNED DEVELOPMENT FOR SINGLE FAMILY RESIDENTIAL AND COMMERCIAL; THE PARCEL IS SHOWN GRAPHICALLY ON EXHIBIT "A" AND DESCRIBED BY THE LEGAL DESCRIPTION PROVIDED ON EXHIBIT "B"; WAIVING THE SEPARATE PUBLIC HEARING FOR APPROVAL OF DETAILED SITE PLAN; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A PENALTY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Lindsay, Texas is authorized by Section 211.005, "Districts" of the Texas Local Government Code to zone property into districts in accordance with a Comprehensive Plan; and

WHEREAS, the owner of the parcel of land within the City of Lindsay, being 15.977 acres in the H. Wilkey Survey, Abstract 1090, being located north of State Highway 82 and west of FM 1199 (the "Property"), initiated this amendment to the City of Lindsay Zoning map; and,

WHEREAS, the Planning and Zoning Commission and the City Council of the City of Lindsay have advertised and mailed notices of the public hearings in compliance with Chapter 211 of the Local Government Code; and,

WHEREAS, a public hearing was duly held by the Planning and Zoning Commission on March 9, 2020, and the City Council of the City of Lindsay, Texas, on the March 9, 2020, with respect to the zoning described herein; and,

WHEREAS, the Planning and Zoning Commission has recommended approval of the proposed zoning changes; and,

WHEREAS, the City Council of the City of Lindsay, Texas, finds that the proposed zoning changes are in accordance with the city's comprehensive plan; and,

WHEREAS, the City Council of the City of Lindsay, Texas, finds that the proposed zoning changes are necessary to lessen the congestion on streets, to secure safety from fire, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent overcrowding of land; and avoid undue concentration of population; to facilitate the adequate provisions of transportation, water, sewers, schools, parks and other public requirements; to conserve the value of property and to encourage the most appropriate use of land throughout the City.

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

SECTION 1.

That the zoning for the Property, as described herein, is changed from "A" - Agriculture to PD -Planned Development for Single Family Residential and Commercial. The Property consists of 15.977 acres in the H. Wilkey Survey, Abstract 1090, located north of State Highway 82 and west of FM 1199. The Property is shown graphically on Exhibit "A," which exhibit consists of 1 page and is incorporated into this ordinance for any and all purposes, and is described by legal description on Exhibit "B," which exhibit consists of 1 page and is incorporated into this ordinance for any and all purposes.

Development of the entire Property shall be in accordance with the attached preliminary plat, attached hereto as Exhibit "A," which exhibit consists of one page and is incorporated into this ordinance for any and all purposes.

Development of the Property, except for Lot 14, Block D as shown on Exhibit A, shall be in accordance with the SF-2 – Single Family Residential District-2 regulations in the City of Lindsay Zoning Ordinance, except where those regulations are in conflict with the following standards:

1. Minimum Lot Width shall be 70 feet;
2. Minimum Lot Depth shall be 110 feet; and
3. Minimum Lot Size shall be 7,700 square feet.

Development of the portion of the Property labelled as Lot 14, Block D on Exhibit A shall be in accordance with the C-3 – Commercial District regulations in the City of Lindsay Zoning Ordinance.

Development of the entire Property shall be in accordance with the standards set forth in the City of Lindsay Subdivision Ordinance.

SECTION 2.

That a separate public hearing for approval of the detailed site plan for the Property is waived pursuant to Section 22.4.3.1 of the Zoning Ordinance of the City of Lindsay.

SECTION 3.

That the City Secretary is hereby directed to amend the official zoning map to reflect the changes in zoning referenced in this ordinance.

SECTION 4.

That this Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances or parts thereof in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance.

SECTION 5.

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 6.

All rights or remedies of the City of Lindsay, Texas, are expressly saved as to any and all violations of the city's zoning ordinance, as amended, or any other ordinance affecting zoning and land use 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 and criminal, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the Courts.

SECTION 7.

If any section, article, paragraph, sentence, clause, phrase or word in this Ordinance, or application thereof to any person or circumstance, is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of the Ordinance, and the City Council hereby declares it would have passed such remaining portion of the Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.


SECTION 8.

The City Secretary of the City of Lindsay, Texas, is hereby directed to publish in the official newspaper of the City of Lindsay, the caption, penalty clause, publication clause, and effective date clause of this Ordinance for two (2) days as required by section 52.012 of the Texas Local Government Code.

SECTION 9.

This Ordinance shall take effect from and after its date of passage in accordance with law, and it is so ordained.

PASSED AND APPROVED ON THIS 9TH DAY OF MARCH, 2020.



Scott Neu, Mayor

ATTEST:



Monica Laux, City Secretary