

**CITY OF LINDSAY, TEXAS
ORDINANCE NO. 0323-3**

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 27.307 ACRES IN THE HENRY WILKEY SURVEY, ABSTRACT NUMBER 1090, COOKE COUNTY, TEXAS, LOCATED NORTH OF HIGHWAY 82 AND EAST OF FM 1199, FROM "A"-AGRICULTURE TO "PD" – PLANNED DEVELOPMENT FOR SINGLE FAMILY RESIDENTIAL; THE PARCEL IS SHOWN GRAPHICALLY AND DESCRIBED BY THE LEGAL DESCRIPTION PROVIDED ON EXHIBIT "A"; 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 23.307 acres in the Henry Wilkey Survey, Abstract 1090, Cooke County, Texas, located north of Highway 82 and East 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 Section 39 of the City of Lindsay Zoning Ordinance; and,

WHEREAS, a public hearing was duly held by the Planning and Zoning Commission on March 14, 2023, and the City Council of the City of Lindsay, Texas, on the March 21, 2023, 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.

1.01 The zoning for the Property, as described herein, is changed from “A” - Agriculture to “PD” -Planned Development for Single Family Residential. The Property consists of 27.307 acres in the Henry Wilkey Survey, Abstract Number 1090, Cooke County, Texas, located north of State Highway 82 and east of FM 1199. The Property is shown graphically and described by legal description on Exhibit “A,” which exhibit consists of 1 page and is incorporated into this ordinance for any and all purposes.

1.02 The land use regulations applicable to the Property shall be consistent with the SF-1 – Single Family Residential District-1 regulations in Chapter 10 of the City of Lindsay Zoning Ordinance, except where those regulations are in conflict with the following standards:

- (a) Minimum Lot Width shall be 75 feet.
- (b) Minimum Side Yard Width shall be 10 feet.

1.03 Development of the entire Property shall be in accordance with the standards set forth in the City of Lindsay Subdivision Ordinance, the City of Lindsay Zoning Ordinance, and all other applicable development regulations of the City of Lindsay that do not directly conflict with a specific provision of this 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 City of Lindsay Zoning Ordinance.

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 of Lindsay 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.

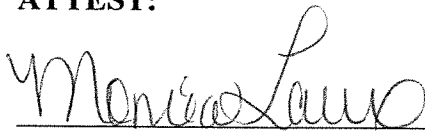
This Ordinance shall take effect from and after its date of passage in accordance with law, and it is so ordained.

PASSED AND APPROVED ON THIS 21ST DAY OF MARCH, 2023.



Scott Neu, Mayor

ATTEST:



Monica Laux, City Secretary

