

CITY OF VON ORMY, TEXAS

ORDINANCE NO: 2017-C-011

AN ORDINANCE OF THE CITY OF VON ORMY, TEXAS, ADOPTING A ZONING ORDINANCE, INCLUDING GENERAL PROVISIONS, ZONING PROCEDURES AND ADMINISTRATION, ZONING DISTRICTS, DEVELOPMENT STANDARDS & USE REGULATIONS, PENALTIES AND ENFORCEMENT, A ZONING MATRIX AND ZONING FEE SCHEDULE AND ZONING DISTRICTS AND PROVIDING PENALTIES FOR VIOLATIONS OF SAME; CONTAINING A CUMULATIVE CLAUSE; CONTAINING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; AND PROVIDING OTHER MATTERS RELATED TO THE SUBJECT

WHEREAS, the Board of Commissioners of the City of Von Ormy, Texas (“Board of Commissioners or City Commission”) deems it necessary for the interests, welfare, and good order of the City and proper for the health, public safety, general welfare and order of the City to adopt an ordinance related to the zoning regulations and general use of real property within the corporate limits of the City and where otherwise applicable; and

WHEREAS, the City is currently without a comprehensive Zoning Ordinance and the City, through its Board of Commissioners and in conjunction with input from the City’s Zoning Commission and citizens, has considered the adoption of a comprehensive Zoning Ordinance and Zoning Map; and

WHEREAS, the Board of Commissioners has developed a Comprehensive Plan and preliminary Zoning Ordinance and Zoning Map; and

WHEREAS, the Board of Commissioners and/or the City’s Zoning Commission have called and held several meetings and public hearings to discuss the benefits and detriments, if any, associated with the adoption of the Zoning Ordinance and Zoning Map; and

WHEREAS, the Comprehensive Plan and proposed Zoning Ordinance and Map have been reviewed by the Board of Commissioners, the Zoning Commission and Public and after public hearing and comment, if any, the City has adopted a Comprehensive Plan; and

WHEREAS, the City’s Zoning Commission has adopted a Preliminary and Final Report concerning the proposed Zoning Ordinance and Zoning Map; and

WHEREAS, the Zoning Commission’s Final Report was provided to and considered by the Board of Commissioners prior to the final adoption of this Zoning Ordinance and Zoning Map; and

WHEREAS the Board of Commissioners of the City of Von Ormy, Texas desires to adopt the Zoning Ordinance and Zoning Map in accordance with the City's comprehensive plan and which are designed to:

- (1) lessen congestion in the streets;
- (2) secure safety from fire, panic, and other dangers;
- (3) promote health and the general welfare;
- (4) provide adequate light and air;
- (5) prevent the overcrowding of land;
- (6) avoid undue concentration of population; or
- (7) facilitate the adequate provision of transportation, water, sewers, schools, parks, and other public requirements.
- (8) and accomplish other purposes as allowed by law

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF VON ORMY, TEXAS:

SECTION 1. PURPOSE. The Board of Commissioners finds that the adoption and enactment of the attached City of Von Ormy Zoning Ordinance and Zoning Map is in the best interest of the City as it is designed to regulate:

- (1) the height, number of stories, and size of buildings and other structures;
- (2) the percentage of a lot that may be occupied;
- (3) the size of yards, courts, and other open spaces;
- (4) population density;
- (5) the location and use of buildings, other structures, and land for business, industrial, residential, or other purposes;
- (6) the erection, construction, reconstruction, alteration, repair, or use of buildings, other structures, or land
- (7) In the case of designated places and areas of historical, cultural, or architectural importance and significance, the regulation of construction, reconstruction, alteration, or razing of buildings and other structures; and/or other areas as allowed by law

Further, the Board of Commissioners finds that enactment of the attached City of Von Ormy Zoning Ordinance and Zoning Map is in the best interest of the City as it is designed to:

- (1) lessen congestion in the streets;
- (2) secure safety from fire, panic, and other dangers;
- (3) promote health and the general welfare;
- (4) provide adequate light and air;
- (5) prevent the overcrowding of land;
- (6) avoid undue concentration of population;
- (7) facilitate the adequate provision of transportation, water, sewers, schools, parks, and other public requirements; and/or accomplish other benefits as allowed by law.

Further, the adoption of the attached comprehensive Zoning Ordinance and Zoning Map will allow the use and development of real property in predictable and regulated manner that will avoid inconsistent uses of land that could lead to negative economic, health and safety consequences for citizens of the City, as well as general conflict between neighbors. In general, the quality of life for citizens of the City will be promoted by the passage of the attached Zoning Ordinance and Zoning Map.

SECTION 2. ADOPTION. The attached City of Von Ormy Zoning Ordinance and Zoning Map, together with all provisions and attachments, is hereby adopted in full and is incorporated herein by reference as if set out verbatim.

SECTION 3. PENALTIES. As provided in the Zoning Ordinance, any person violating the Zoning Ordinance, upon conviction, is punishable by a fine in accordance with the following:

A. Civil and Criminal Penalties—Von Ormy shall have the power to administer and enforce the provisions of this Ordinance as may be required by governing law. Any person violating any provision of this Ordinance is subject to suit for injunctive relief as well as prosecution for criminal violations. Any violation of this Ordinance is hereby declared to be a nuisance.

B. Criminal Prosecution—Any person violating any provision of this Ordinance shall, upon conviction, be fined a sum not exceeding two thousand dollars (\$2,000.00). Each day that a provision of this Ordinance is violated shall constitute a separate offense. An offense under this Ordinance is a misdemeanor.

C. Civil Remedies—Nothing in this Ordinance shall be construed as a waiver of the Von Ormy's right to bring a civil action to enforce the provisions of this Ordinance, and to seek remedies as allowed by law, including, but not limited to the following:

1. Injunctive relief to prevent specific conduct that violates the Ordinance or to require specific conduct that is necessary for compliance with the Ordinance; and
2. A civil penalty up to one thousand dollars (\$1,000.00) a day (with each day constituting a separate offense and separate violation) when it is shown that the defendant was actually notified of the provisions of the Ordinance and after receiving notice committed acts in violation of the Ordinance or failed to take action necessary for compliance with the Ordinance; and
3. Other available relief.

Any person violating the Ordinance is subject to suit for injunction as well as prosecution for criminal violations.

SECTION 5. CONFLICTS. The provisions of this Ordinance are to be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances inconsistent with or in conflict with any of the provisions of this Ordinance, are hereby expressly repealed to the extent of any such inconsistency or conflict.

SECTION 6. SAVINGS CLAUSE. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of this Ordinance. The Board of Commissioners of the City of Von Ormy, Texas hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

SECTION 7. EFFECTIVE DATE. This ordinance shall be effective as of the date of its adoption and after publication as required by law, if any.

PASSED, APPROVED AND ADOPTED THIS 18th DAY OF DECEMBER 2017


Sally Martinez, Mayor

ATTEST:


Juanita De Anda, City Clerk

