

**ORDINANCE NO. 2022-01**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HEWITT, TEXAS AMENDING ORDINANCE NO. 11-15-99 AND ALL AMENDMENTS THERETO, KNOWN AS THE ZONING ORDINANCE OF THE CITY OF HEWITT, TEXAS, CHANGING THE ZONING CLASSIFICATIONS OF THE HEREIN DESCRIBED PROPERTY FROM R-1 SINGLE FAMILY RESIDENTIAL DISTRICT TO R-1-G SINGLE FAMILY RESIDENTIAL GARDEN HOME DISTRICT PROVIDING FOR PENALTY; PROVIDING FOR PUBLICATION; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, in accordance with the Code of Ordinances of the City of Hewitt, a request was submitted by Jacob Fuller to rezone property known as, a portion of James Prowl Survey, Ab 817, being a 38.49-acre tract located in the 1400 Block of S. Hewitt Dr., from **R-1 Single Family Residential District to R-1-G Single Family Residential Garden Home District**, Hewitt, McLennan County, Texas.

**WHEREAS**, public notice was given and property owners within 200' were notified of the rezoning request as required by state law, and

**WHEREAS**, a public hearing in relation thereto at which parties in interest and citizens had an opportunity to be heard was held by the City Council of the City of Hewitt on January 3, 2022, after due notice in the manner provided by law; and

**WHEREAS**, a public hearing of the Planning and Zoning Commission at which parties in interest and citizens had an opportunity to be heard was held on Tuesday, December 7, 2021, after due notice in the manner provided by law; and

**WHEREAS**, a site plan of the proposed development was presented and discussed, and

**WHEREAS**, the said Commission has made a report to the City Council of the City of Hewitt, Texas, recommending approval of this rezoning request by a unanimous vote; and

**WHEREAS**, the City Council of the City of Hewitt, Texas deems that this rezoning is in accordance with the Comprehensive Land Use Plan and is in the public interest;

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

**SECTION ONE.** A portion of that certain tract or parcel of land in McLennan County, Texas, known as a portion of James Prowl Survey, Ab 817, being a 38.49-acre tract located in the 1400 Block of S. Hewitt Dr., from R-1 Single Family Residential District to R-1-G Garden Home District.

**SECTION TWO.** A proposed map of area is shown in Exhibit “A”.

**SECTION THREE.** All ordinances, statutes, restrictions and regulations applicable to this property shall be complied with as well as all zoning restrictions and regulations that are applicable to this property.

**SECTION FOUR.** That all provisions of the ordinances of the City of Hewitt in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions of the ordinances of the City of Hewitt not in conflict with the provisions of this ordinance shall remain in full force and effect.

**SECTION FIVE.** Should any section, paragraph, sentence, clause, or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

**SECTION SIX.** Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined not to exceed Two Thousand and No/100 Dollars (\$2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

**SECTION SEVEN.** The caption of this ordinance shall be published within ten (10) days of its passage in a newspaper of general circulation in the City of Hewitt.

**SECTION EIGHT.** This ordinance shall become effective ten (10) days after the date of its passage and upon its publication as required by law.

**PASSED AND APPROVED** this the 18th day of January 2022, at a Regular Meeting of the City Council of the City of Hewitt, Texas.

**CITY OF HEWITT, TEXAS**

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Steve Fortenberry, Mayor

Attest:

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Lydia Lopez, City Secretary

**APPROVED AS TO FORM AND LEGALITY:**

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Michael W. Dixon, City Attorney