

ORDINANCE NO. 020824-03

AN ORDINANCE GRANTING A SPECIFIC USE PERMIT FOR THE PURPOSES OF ALLOWING FOR A NEW PERMITTED USE NOT CURRENTLY IN EXISTENCE IN THE LA VERNIA CODE OF ORDINANCES PER SEC. 38-303. - CLASSIFICATION OF NEW AND UNLISTED USES; BEING KNOWN AS BOTANICALS AND SMOKE SHOP; FOR THE SPACE SPECIFICALLY KNOWN AS 1317 US HWY 87 W LA VERNIA, TX 78121 CITY OF LA VERNIA, LOT 265, ACRES .598; OWNED BY CHESTER EASTIN; DETERMINING THE ZONING DISTRICT OR DISTRICTS WITHIN WHICH SUCH USE SHOULD BE PERMITTED MOVING FOWARD; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City of La Vernia is a General Law Type A City under the statutes of the State of Texas; and

WHEREAS, the Texas Local Government Code authorizes a municipality to adopt zoning regulations designed to accomplish the goals as delineated in Section 211.004 of the Texas Local Government Code and for the purpose of regulating those issues as delineated in Section 211.003 of the Texas Local Government Code; and

WHEREAS, the Planning and Zoning Commission and the City Council of the City of La Vernia, Texas in compliance with the laws of the State of Texas and the Ordinances of the City of La Vernia, have given any and all requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally and to all persons interested; and

WHEREAS, the Planning and Zoning Commission, having investigated the manner in which the proposed location and character of such Specific Use will affect the Zoning Ordinance and the comprehensive plan of the City of La Vernia, Texas, make the final report and recommendation to the City Council of the City of La Vernia, Texas, recommending that such application be granted; and

WHEREAS, the City Council of the City of La Vernia, Texas, finds that the granting and approval of the said application for such Specific Use Permit will not adversely affect the character and appropriate use of the area of the neighborhood in which it is proposed to be located, will not substantially depreciate the value of adjacent and nearby properties for use in accordance with the regulations of the Zoning District in which they are located; will not be detrimental in keeping with the spirit and intent of said Zoning Ordinance; will not adversely affect traffic, public utilities, public health, public safety and the general welfare under the conditions hereinafter set forth.

**NOW THEREFORE: BE IT ORDAINED BY THE CITY COUNCIL OF
THE CITY OF
LA VERNIA, TEXAS:**

Section 1. Specific Use Permit Granted

That the specific use permit for the purposes of allowing for a new permitted use not currently in existence in our code of ordinances per Sec. 38-303. - Classification of new and unlisted uses being known as botanicals and smoke shop and determining the zoning district or districts within which such use should be permitted at the request of **Christopher Ott, in conjunction with property owner Chester Eastin** regarding the location specifically known as: 1317 US HWY 87 W LA VERNIA, TX 78121 CITY OF LA VERNIA, LOT 265, ACRES .598 as described in Attachment A; zoned C-B Central Business.

Section 2. Expiration

The Specific Use Permit granted herein shall automatically expire and become null and void if:

A building permit is not issued and construction has not begun within one hundred eighty (180) days of the granting of the specific use permit; or

Section 3. Severability

If any section, subsection, paragraph, sentence, clause, phrase, or word in this Ordinance, or the application thereof, to any person or circumstance, is held invalid such holding shall not affect the validity of the remaining portions of the same and the City Council hereby declares it would have passed such remaining portions despite such invalidity.

Section 4. Cumulative

This ordinance is cumulative of all other laws addressing land use regulations and any prohibitions and sanctions that may be imposed under other laws relating to the subjects covered hereunder.

Section 5. Effective Date

This ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

PASSED AND APPROVED: This 8th day of February 2024.

Martin Poore
Mayor – City of La Vernia

ATTEST:

Lindsey Wheeler
City Secretary

APPROVED AS TO FORM:

City Attorney's Office
City of La Vernia

