

**ORDINANCE 2022-05**

**AN ORDINANCE OF THE CITY OF MOUNT VERNON, TEXAS AMENDING THE COMPREHENSIVE ZONING ORDINANCE BY REZONING THE PROPERTY SHOWN ON EXHIBIT "A" FROM RESIDENTIAL THREE (R3) TO OUTDOOR COMMERCIAL (OC); PROVIDING FOR THE AMENDMENT OF THE OFFICIAL ZONING MAP; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR A PENALTY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, after giving thirty (30) days written notice to the owners of land within two hundred (200) feet of the property shown on attached Exhibit "A" (the "Property"), and after publishing notice to the public at least thirty (30) days prior to the date of such hearing, the City Council of Mount Vernon, Texas (the "Council") held a public hearing on the proposed rezoning request; and

**WHEREAS**, because of the size, location, and natural features of the Property the City has a critical interest in the development of said Property and is encouraging such development to the highest possible standards of quality consistent with the City's long-term development vision; and

**WHEREAS**, all legal requirements of state statutes and City ordinances of the City of Mount Vernon, Texas ("City"), as well as all legal requirements and legal notices and prerequisites having been complied with, including but not limited to Chapter 551 of the Government Code and Chapter 211 of the Local Government Code; and

**WHEREAS**, the Council at a public hearing called at a called meeting of the Council did consider the following factors in making a determination as to whether the requested change to the Property should be granted or denied: congestion in the streets, including safety of the motoring public and the pedestrians using the facilities in the area; to secure safety from fire, panic or other dangers; the promotion of health and the general welfare, to provide for adequate light and air, to prevent the overcrowding of land; to avoid undue concentration of the population, facilitating the adequate provision of transportation, water, sewers, schools, parks, and other public requirements; and

**WHEREAS**, the Council has determined that said zoning change request is consistent with the development goals, standards, and desired uses in the City; and

**WHEREAS**, the Council is of the opinion that it is in the best interests of the City and its citizens that this Ordinance should be approved and adopted.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Mount Vernon, Texas:

**SECTION 1:** That all matters stated in the preamble are found to be true and correct and are incorporated herein as if copied in their entirety.

**SECTION 2:** That the Property is hereby rezoned to Outdoor Commercial (OC) for the current residential structure that exists on the Property as of the date of this Ordinance.

**SECTION 3:** The City Secretary shall amend, or cause to have amended, the Official Zoning Map of the City to reflect the change in zoning to the Property.

**SECTION 4:** It is hereby declared to be the intention of the Council that sections, paragraphs, clauses and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared legally invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such legal invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance since the same would have been enacted by the Council without the incorporation in this Ordinance of any such legally invalid or unconstitutional, phrase, sentence, paragraph or section.

**SECTION 5:** That this Ordinance shall be cumulative of all other City Ordinances and all other provisions of other Ordinances adopted by the City which are inconsistent with the terms or provisions of this Ordinance are hereby repealed.

**SECTION 6:** Any person violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor offense and upon conviction thereof shall be fined in a sum not to exceed Two Thousand Dollars (\$2,000.00) for each separate offense. A separate offense shall be deemed committed upon each day, or part of a day, during which a violation occurs or continues.

**SECTION 7:** This Ordinance shall take effect immediately from and after its passage as the law in such case provides.

**PASSED AND APPROVED ON THIS 13<sup>th</sup> DAY OF June, 2022.**

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**MAYOR**

**ATTEST:**

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**KATHY LOVIER – CITY SECRETARY**

Exhibit "A" to Ordinance 2020-\_\_

**The Legal Description and Map of the Property**

of the County of Franklin, and State of Texas, all of the following described real property in Franklin County, Texas, to-wit:

All that certain lot, tract, or parcel of land situated in Franklin County, Texas, being a part of the JOSEPH SLOAN SURVEY, A-425, and being a part of the old school ground owned by Mount Vernon Independent School District, and part of a tract in deed from T. H. Turner to Franklin Institute, of record in Vol. P, page 402, Deed Records, and part of land in deed from J. H. Majors to Franklin Institute of record in Vol. K, page 143, and described as follows:

BEGINNING at the northwest corner of said school property at a point on a rock fence;

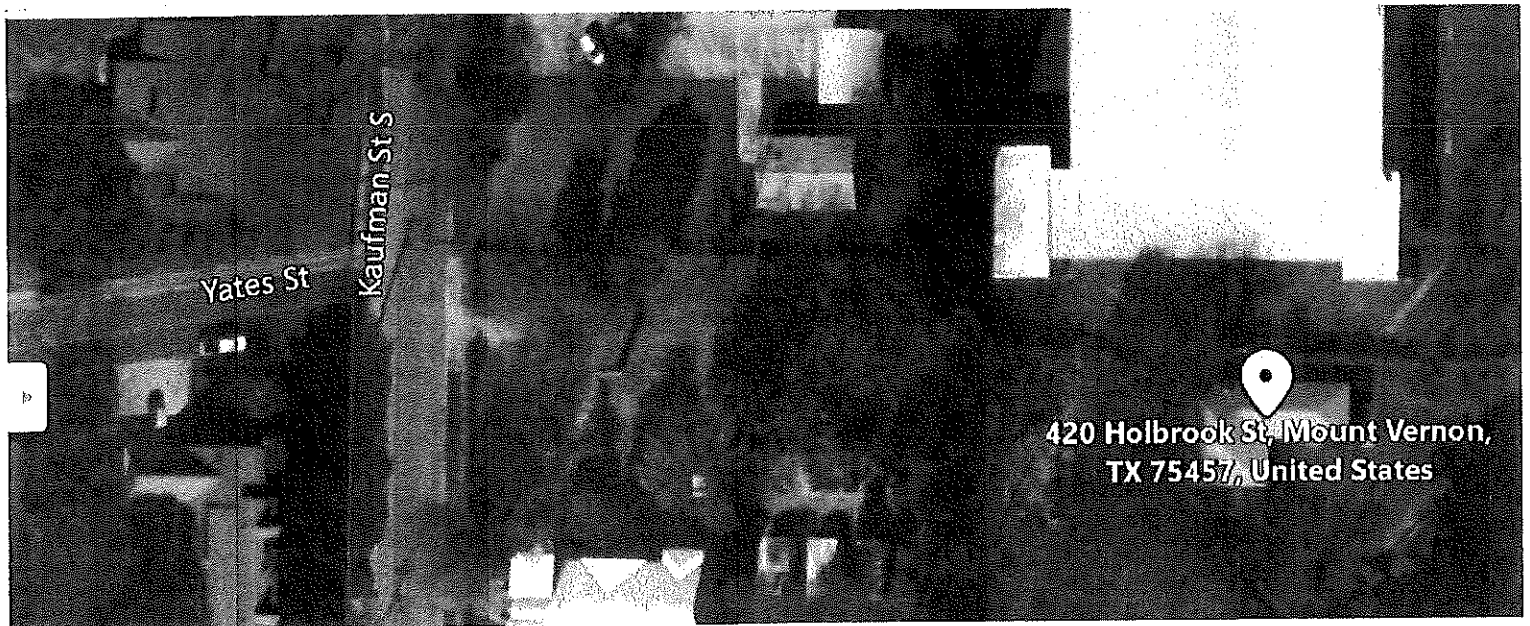
THENCE East 238 feet to a stake for corner a stake in a curb line of Holbrook Street;

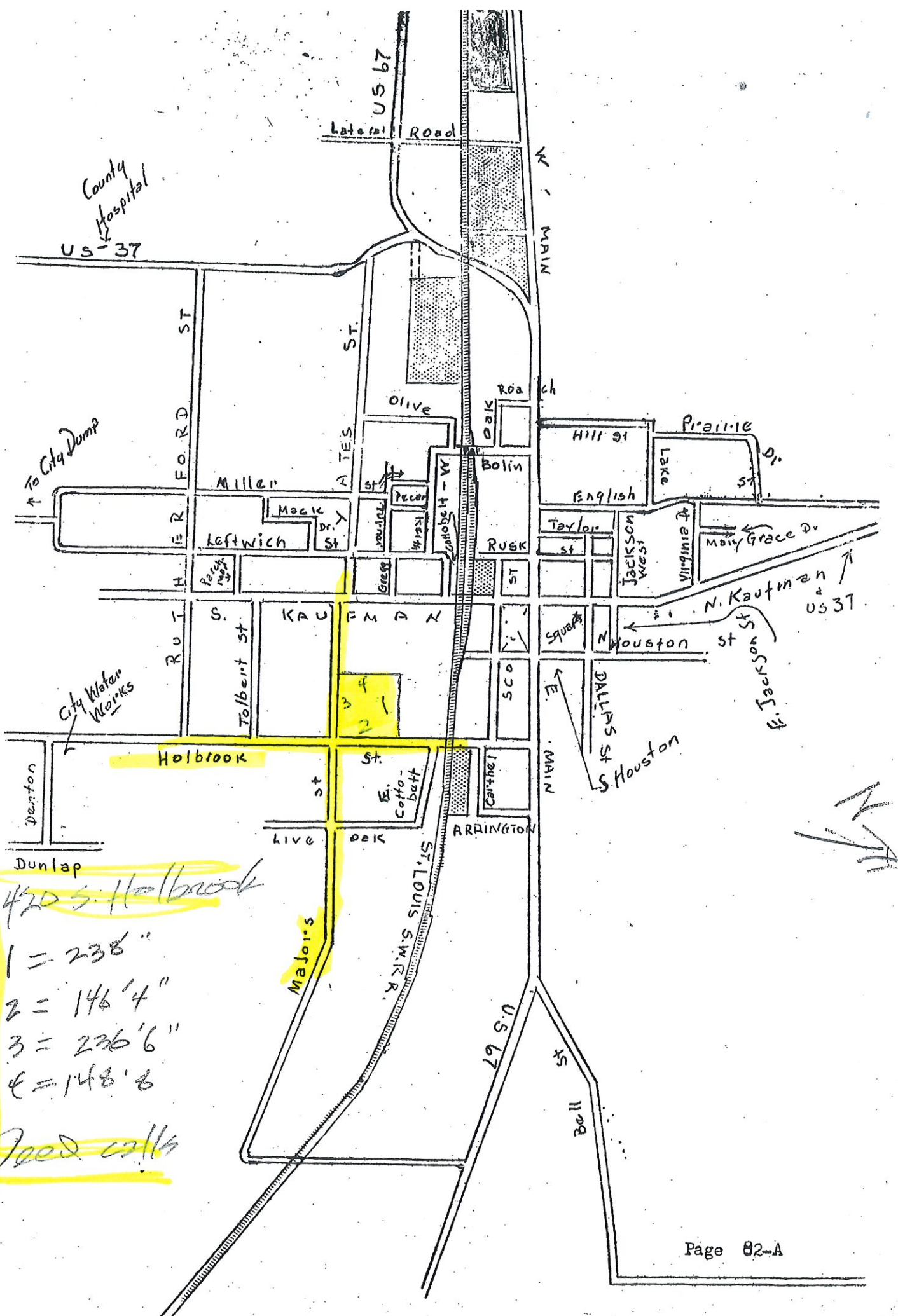
THENCE South 146 feet 4 inches with curb line of Holbrook Street a stake for corner in curb line of Majors Street;

THENCE West 236 feet 6 inches to a stake for corner in the west line of said school property;

THENCE North 148 feet 8 inches with west boundary line of school tract to the place of beginning.

BEING same land described in deed from Mount Vernon Independent School District to N. E. T. Opportunities, Inc., dated January 2, 1980, recorded in Vol. 156, page 295, Deed Records of Franklin County, Texas.





420 S. Holbrook  
 1 = 238"  
 2 = 146'4"  
 3 = 236'6"  
 4 = 148'8"  
 Need calls