

## **ORDINANCE 2022-01**

**AN ORDINANCE OF THE CITY OF MOUNT VERNON, TEXAS AMENDING THE ZONING OF PROPERTY LOCATED ON THE NORTH ACCESS ROAD (WEST OF LOVE'S TRUCK STOP) FROM INTENSIVE INDUSTRIAL (II) TO LOCAL RETAIL (LR); APPROVING A SITE PLAN; 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 fifteen (15) days written notice to the owners of land within two hundred (200) feet of 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 (the "Council") held a public hearing on the proposed rezoning request;

**WHEREAS**, the Council has considered the property located on the North Access Road (west of Love's Truck Stop), Mount Vernon, Texas as described below and herein as to be rezoned to Local Retail (LR);

**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**, the property owner (or representative) appeared before the Council and affirmed that the property owner is seeking this zoning request; and

**WHEREAS**, all legal requirements of state statutes and City ordinances of the City of Mount Vernon, 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 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 at 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 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 sites, identified as now or formerly 00885-00000-00120-000000, AB 283 J Levins Survey, located on the North Access Road (west of Love's Truck Stop), as more specifically described on attached Exhibit "A", be re-zoned to Local Retail (LR).

**SECTION 3:** This Zoning District shall be subject to all regulations contained in the Code of Ordinances of the City of Mount Vernon, Texas, except where amended herein.

**SECTION 4:** The City Secretary shall amend, or cause to have amended, the Official Zoning Map of the City of Mount Vernon to reflect the zoning of the property described and depicted on attached Exhibit "A".

**SECTION 5:** 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 6:** 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 7:** 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 8:** This ordinance shall take effect immediately from and after its passage as the law in such case provides.

**PASSED AND APPROVED ON THIS 14TH DAY OF MARCH, 2022.**

**ATTEST:**

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**BRAD HYMAN – MAYOR**

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**KATHY LOVIER – CITY SECRETARY**