

TOWN OF PONDER, TEXAS
ORD 21-16

AN ORDINANCE AMENDING ORDINANCE 00-20, THE COMPREHENSIVE ZONING PLAN AND MAP OF THE TOWN OF PONDER BY REZONING LOT 2, BLOCK 2, MERRIFIELD ESTATES, FIRST SECTION IN THE TOWN LIMITS OF PONDER, A 1.74-ACRE VACANT LOT FROM MULTI-FAMILY RESIDENTIAL (MF) TO COMMERCIAL GENERAL (C2); REQUIRING COMPLIANCE WITH ALL OTHER ORDINANCES; DIRECTING THE TOWN SECRETARY TO CHANGE THE ZONING MAP ACCORDINGLY; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A CUMULATIVE CLAUSE; PROVIDING A PUBLICATION CLAUSE; PROVIDING FOR ENGROSSEMENT AND ENROLLMENT; PROVIDING A PENALTY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission has been presented with an application for a zoning change from Marc DeGenaro;

WHEREAS, pursuant to Chapter 211 of the Local Government Code, the Town Council is authorized to adopt regulations governing the use of property within the corporate limits of the Town;

WHEREAS, the Planning and Zoning Commission, after proper publication of notice thereof, held a public hearing regarding the request on July 7, 2021;

WHEREAS, after due deliberation and intense study the Planning and Zoning Commission recommended to the Town Council that the zoning request be approved;

WHEREAS, after due deliberation and consideration of the information submitted during the public hearings and the consideration of the recommendation of the Planning and Zoning Commission, the Town Council has concluded that the adoption of this Ordinance is in the best interest of the health, safety and welfare of the citizens of the Town of Ponder.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PONDER, TEXAS:

SECTION 1

That all of the above premises are found to be true and correct and are incorporated into the body of this Ordinance as if copied in their entirety.

SECTION 2

That Ordinance 00-20 of the Town of Ponder, Texas (hereafter referred to as "Town"), the same being the Comprehensive Zoning Ordinance of the Town, be and the same is hereby amended and changed in the following particulars and that all other existing articles, sections, subsections, paragraphs, sentences, definitions, phrases and words of said Code of Ordinances are not amended, but shall remain intact and are hereby ratified, verified, approved and affirmed.:

A: Lot 2, Block 2, Merrifield Estates, First Section in the Town of Ponder, changed from Multi-Family (MF) to Commercial General (C2).

SECTION 3

That in all respects the use of the tract of land above described shall be subject to all applicable regulations contained in the Comprehensive Zoning Ordinance of the Town and all other applicable Ordinances of the Town.

SECTION 4

The Town Secretary is hereby directed to correct the official zoning map of the Town to reflect the change in zoning described herein.

SECTION 5

That the zoning regulations and districts as established have been made in accordance with the comprehensive plan for the purpose of promoting in the comprehensive Zoning Ordinance the health, safety and general welfare of the community. They have been designed with respect to both present conditions and the conditions reasonably anticipated to exist in the foreseeable future, to lessen congestion in the streets; to secure safety from fire, panic, flood and other dangers; to provide adequate light and air, to prevent over-crowding of land, to avoid undue concentration of population; to facilitate the adequate provisions of transportation, water, sewage, drainage and surface water, parks and other public requirements and to make provisions for the normal business, commercial needs and development of the community.

SECTION 6 – SEVERABILITY

If any provisions, section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, void or invalid (or for any reason unenforceable), to the extent practicable, the validity of the remaining portions of this franchise shall not be affected thereby, it being the intent of the Town in adopting this Ordinance that so long as practicable no portion hereof or provision hereof shall become inoperative or fail by reason of any unconstitutionality or invalidity of any other portion, provision or regulation and to this end, all provisions of this Ordinance are declared to be severable.

SECTION 7 – CUMULATIVE CLAUSE

This Ordinance shall be cumulative of all other ordinances of the Town of Ponder affecting zoning and shall not repeal any of the provisions of said ordinances except in those instances where provisions of those ordinances are in direct conflict with the provisions of this Ordinance.

SECTION 8 – PUBLICATION

The Town Secretary of the Town of Ponder is hereby directed to publish in the official newspaper of the Town of Ponder, the Caption, and Effective Date of this Ordinance for two (2) days as required by Section 52.011 of the Texas Local Government Code. The Town shall pay the cost of those publications.

SECTION 9 – ENGROSSMENT AND ENROLLEMNT

The Town Secretary of the Town of Ponder is hereby directed to engross and enroll this Ordinance by Copying the exact Caption, and Effective Date clause in the minutes of the Town Council of the Town of Ponder and by filing this Ordinance in the Ordinances records of the Town.

SECTION 10 – PENALTY

It shall be unlawful for any person to violate any provision of this Ordinance and any person violating or failing to comply with any provision hereof shall be fined, upon conviction, an amount not more than Two Thousand Dollars (\$2,000), and a separate offense shall be deemed committed each day during or on which a violation occurs or continues.

SECTION 11 – EFFECTIVE DATE

This Ordinance shall take effect from and after its date of passage and publication as provided for by law.

PASSED AND APPROVED by the Town Council for the Town of Ponder, Texas this the _____ day of _____, 2021.

Matthew Boyle, Mayor

Attest:

Sheri Clearman, City Secretary

EXHIBIT A

Merrifield Est, Sec 1, Blk 2, Lot 2, acres 1.74

This tract is located on the west side of the 1000 block of N FM 156, South of King George Rd and North of Owendale Way.