

## **ORDINANCE NUMBER 1006**

**AN ORDINANCE OF THE CITY OF LA MARQUE, TEXAS, CHANGING THE ZONING CLASSIFICATION OF A TRACT OF LAND BEING THE WEST 132.40 FEET OF THE NORTH 250.00 FEET OF LOT 8, IN SUBDIVISION "H" OF THE COOK AND STEWART SUBDIVISION, OF PART OF THE JOHN D. MOORE LEAGUE, LA MARQUE, GALVESTON COUNTY, TEXAS, ACCORDING TO DEED OF RECORDS RECORDED IN VOLUME 81, PAGE 526, OF GALVESTON COUNTY, TEXAS FROM RESTRICTED COMMERCIAL TO GENERAL COMMERCIAL; AMENDING THE ZONING MAP OF THE CITY ADOPTED THE 12TH DAY OF DECEMBER, 2005, BY ORDINANCE NUMBER 953**

**WHEREAS**, Kerry Miller (the "Owner") of the tract of land located at 1205 Lake Road described as Abst. 150, Page 4, part of block 8 (800-2), H. Cook & Stewart Subdivision (the "Property") generally situated within the corporate limits of the City of La Marque, Texas (the "City"); and

**WHEREAS**, the Property presently has a zoning classification of Restricted Commercial under Chapter 71: Zoning of the Code of Ordinances of the City of La Marque; and

**WHEREAS**, the Owner has made application to the City to change such zoning classification of said Property from Restricted Commercial to General Commercial as authorized by the City's Zoning Ordinance; and

**WHEREAS**, the City Council of the City has conducted, in time and manner and after the notice required by law and Chapter 71: Zoning of the Code of Ordinances of the City of La Marque, a public hearing on such request for change in classification; and

**WHEREAS**, the City Council now deems it appropriate to grant such requested change in classification;

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

Section 1. The facts and matters set forth in the preamble of this Ordinance are hereby found to be true and correct.

Section 2. The zoning classification of the certain tract of land described as Abst. 150, Page 4, part of block 8 (800-2), H. Cook & Stewart Subdivision is hereby changed from Restricted Commercial to General Commercial as authorized by the Chapter 71: Zoning of the Code of Ordinances of the City of La Marque.

Section 3. The Zoning Map of the City, adopted on the 12th day of December, 2005 by Ordinance Number 953, shall be revised and amended to show the zoning

reclassification of said tract of land as provided in Section 2 hereof, with the appropriate reference to the number and effective date of this Ordinance and brief description of the nature of the change.

Section 4. Property must comply with the following factors; a Soda Shop must be constructed on the corner lot, a mechanical shop and sound system building must be constructed on the other two lots, the Planning and Zoning Commission must approve the artist rendition of the mechanic shop, the mechanic shop must operate during the hours of 8:00 a.m. to 6:00 p.m. Monday through Friday and Saturday 9:00 a.m. to 1:00 p.m., the property must be fenced on the residential side, there must be a sound barrier built into the building for the sound system business. Failure to satisfy these requirements will cause said property to revert to its classification prior to this zoning amendment and will require property owners to reapply for zoning change.

Section 5. This Ordinance shall in no manner amend, change, supplement, or revise any provision of any ordinance of the City, save and except the change in zoning classification of the tract of land described in Section 2 hereof.

Section 6. In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of La Marque, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

**PASSED AND APPROVED** on the first reading this the 11th day of August, 2008.

**PASSED AND ADOPTED** on the second and final reading this the 25th day of August, 2008.

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Larry E. Crow, Sr., Mayor

ATTEST:

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Susan K. Welch, City Clerk