

ORDINANCE NO. O-11-2023

AN ORDINANCE OF THE CITY OF MCGREGOR, TEXAS AMENDING THE ZONING ORDINANCES OF THE CITY OF MCGREGOR TO PROVIDE ZONING UPON ANNEXATION AS "R-20,000" SINGLE-FAMILY RESIDENTIAL UNLESS DETERMINED OTHERWISE IN ACCORDANCE WITH THE CITY'S COMPREHENSIVE ZONING PLAN; AND TO PROVIDE THAT PROPERTY SHALL BE CONSIDERED TO BE ZONED "R-20,000" WHERE THE ZONING CLASSIFICATION IS UNCERTAIN

WHEREAS, the City Council of the City of McGregor finds that it is in the best interest of the citizens of the City of McGregor to provide that zoning of newly annexed territory shall be "R-20,000" unless determined otherwise in accordance with the City's comprehensive zoning plan; and

WHEREAS, the City Council finds that where physical features on the ground are at variance with information shown on the official zoning district map or when there arises a question as to how or whether a parcel of property within the City is zoned, the property should be considered to be zoned "R-20,000"; and

WHEREAS, the City has authority as a home rule municipality and pursuant to Chapter 211 of the Texas Local Government Code to adopt and amend its zoning ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MCGREGOR, TEXAS AS FOLLOWS:

SECTION 1. The City Council hereby amends Article 3, Section 3.2 of the Zoning Ordinance of the City of McGregor – Zoning District Boundaries, to read as indicated in Exhibit A;

SECTION 2. The City Council hereby amends Article 3, Section 3.3 of the Zoning Ordinance of the City of McGregor – Zoning Upon Annexation to read as indicated in Exhibit B;

PASSED ON THIS THE 14th DAY OF AUGUST, 2023.
CITY OF MCGREGOR, TEXAS

By: _____

Mayor

ATTEST:

Angelina Lora
City Secretary



Exhibit A

Sec. 3.2. - Zoning district boundaries.

The district boundary lines shown on the Official Zoning Map are usually along streets, alleys, property lines, or extensions thereof. Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

1. Boundaries indicated as approximately following the centerline of streets, highways or alleys shall be construed to follow such centerline.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following city limits shall be construed as following city limits.
4. Boundaries indicated as following railroad lines shall be construed to be midway between the right-of-way lines.
5. Boundaries indicated as approximately following the centerline of streams, lakes, or other bodies of water shall be construed to follow such centerline, and in the event of change in the centerline, shall be construed to move with such centerline.
6. Boundaries indicated as parallel to or extensions of features indicated in Subsections 1 through 5 above shall be so construed. Distances not specifically indicated on the original zoning maps shall be determined by the scale of the map.
7. Whenever any street, alley, or other public way is vacated by official action of the City Council or whenever such area is franchised for building purposes, the zoning district line adjoining each side of such street, alley, or other public way shall be automatically extended to the centerline of such vacated street, alley, or way and all areas so involved shall then and henceforth be subject to all regulations of the extended districts.
8. The zoning classification applied to a tract of land adjacent to a street shall extend to the centerline of the street, unless as a condition of zoning approval, it is stated that the zoning classification shall not apply to the street.
9. Where physical features on the ground are at variance with information shown on the official zoning district map or when there arises a question as to how or whether a parcel of property is zoned and such question cannot be resolved by the application of Subsections 1 through 8, the property shall be considered as classified "R-20,000", Single Family Residential District, in the same manner as provided for newly annexed territory and the issuance of a building permit and the determination of permanent zoning shall be in accordance with the provisions provided in Section 3.3, Zoning Upon Annexation for temporarily zoned areas.
10. The location and boundaries of the Districts herein established are shown upon the Official Zoning Map, which is hereby incorporated into this ordinance. Said Official Zoning Map, together with all notations, references, and other information shown thereon and all amendments thereto shall be as much a part of this ordinance as was fully set forth and described herein.

11. In the interpretation of the location of boundaries of the various districts as shown on the zoning district maps, the following rules shall apply:
- a. The district boundaries are the centerlines of streets or alleys and property or right of way lines unless otherwise shown, and where the districts designated on the map accompanying and made a part of this ordinance are bounded approximately by street, alley, or property lines, the street, alley, or property line shall be construed to the boundary of the district.
 - b. District boundaries shown as approximately following shore lines shall be construed to follow such shore lines, and in the event of change in the actual location of the shore line, the boundaries shall be construed as moving with the actual shore line; boundaries shown as approximately following the centerlines of waterways (streams, rivers, canals, lakes, or other bodies of water) shall be construed to follow such centerlines and in the event of change in the actual location of a centerline the boundaries shall be construed as moving with the actual centerline.
 - c. Where property is undivided or where the district boundaries do not coincide with the approximate location of streets, alleys, property lines, right of way lines, or waterways, the district boundary lines on the map accompanying and made a part of this ordinance shall be determined by the use of the scale appearing on the map.
 - d. Where the district boundaries are otherwise indicated, and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to the property lines and where the districts designated on the map accompanying and made a part of this ordinance are bounded approximately by lot lines, the lot lines shall be construed to the boundary of the districts, unless the boundaries are otherwise indicated on the map.
 - e. In the case of a district boundary line dividing a property into two (2) parts, the district boundary line shall be construed to be the property line nearest the less restricted district.

Exhibit B

Sec. 3.3. - Zoning upon annexation.

1. All new territory hereafter annexed to the City of McGregor shall be classified as "R-20,000" District, except that any ordinance hereby annexing territory to the City of McGregor may include, as a part thereof, a map or plat establishing the zoning classifications for the area being annexed to comply generally with the Comprehensive Plan of the City of McGregor, as approved by the Zoning Commission of the City of McGregor.
2. All new territory hereafter voluntarily annexed to the City of McGregor shall be classified as requested of said property owners, unless City Council determines said request to be in direct conflict with the Comprehensive Plan of the City of McGregor.
3. When new territory has been annexed to the City of McGregor without an accompanying zoning plan, the city zoning commission may hold public hearings to determine whether or not any part of such newly annexed territory should be rezoned to comply generally with the master plan of the City of McGregor.
4. The owner, lessee, or any other person, firm, or corporation owning, controlling, constructing, supervising, or directing the construction of any building or structure which may be in the process of construction and which is incomplete at the time the land upon which it is situated is annexed to the City of McGregor, Texas, shall apply to the building official for such permits, as are required on construction, authorizing further work and shall attach to the application plans and specifications for the construction of such building or structure subject to a determination that said building or structure would not be to the detriment or against the general welfare of the citizens of the City of McGregor. Should the building official make any requirement, decision or determination which the owner or contractor feels is unreasonable, the owner or contractor or their representative may appeal the decision of the building official to the Board of Adjustments and appeals in the manner prescribed in the building code of the City of McGregor.