

ORDINANCE NO. 2261

AN ORDINANCE GRANTING A SPECIAL USE PERMIT TO DENISSE ALANIS TO CONSTRUCT A 2-FAMILY DWELLING (DUPLEX) AT 109 COX DRIVE; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; ESTABLISHING A PENALTY AND SPECIFICALLY NEGATING A REQUIREMENT OF A CULPABLE MENTAL STATE; PROVIDING AND ESTABLISHING AN EFFECTIVE DATE; AND PROVIDING FOR PUBLICATION

WHEREAS Denisse Alanis, has submitted a Special Use Permit application to construct a 2-Family Dwelling (Duplex) at 109 Cox Drive; and,

WHEREAS Ordinance No. 2204 granting a Special Use Permit to construct a 2-Family dwelling at 109 Cox Drive has expired due to lack of construction progression and is, therefore, null and void; and,

WHEREAS the Planning and Zoning Commission conducted a Public Hearing on April 12, 2022, and recommended that the request be approved by the City Council; and,

WHEREAS the City Council conducted a Public Hearing on April 19, 2022, to solicit comments from citizens and other interested parties; and,

WHEREAS the City Council deliberated approval of the Special Use Permit on April 19, 2022.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORTLAND, TEXAS:

SECTION 1. SPECIAL USE PERMIT REQUEST GRANTED

Special Use Permit No. 2261 is hereby granted with the following conditions as set forth in the Unified Development Ordinance Section 315.

1. Denisse Alanis is permitted to construct a 2-Family Dwelling (Duplex) at 109 Cox Drive.
2. Approval of the Special Use Permit is void if construction of the 2-Family Dwelling (Duplex) has not commenced within two (2) years of the effective date of this ordinance.

SECTION 2. REPEALER

All previously adopted rules, regulations, policies, and ordinances in conflict with this Ordinance are hereby repealed.

SECTION 3. SEVERABILITY

If any provision, section, clause or phrase of this Ordinance, or the application of same to any person or set of circumstances is, for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof, or provisions or regulations contained herein, shall become inoperative or fail by reason of any unconstitutionality of any other portion hereof, and all provisions of this Ordinance are declared severable for that purpose.

SECTION 4. PENALTY

Any person who violates this Ordinance shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine not exceeding two thousand dollars (\$2,000.00). Each and every day that a violation of this Ordinance occurs shall constitute a separate offense. The culpable mental state required by Chapter 6.02, Texas Penal Code, is specifically negated and dispensed with and a violation is a strict liability offense.

SECTION 5. PUBLICATION AND EFFECTIVE DATE

This Ordinance shall be published after second reading hereof by publishing the caption thereof in the official newspaper with a statement the public may view the Ordinance in the Office of the City Secretary. This Ordinance shall take effect upon publication.

PASSED and **APPROVED** on second reading this 3rd of May, 2022.

CITY OF PORTLAND



Cathy Skurow
Mayor

ATTEST:



Annette Hall
City Secretary

