

**AN ORDINANCE OF THE CITY OF VAN ALSTYNE, TEXAS AMENDING THE ZONING ORDINANCE TO CHANGE THE EXISTING ZONING CLASSIFICATION FROM A PLANNED DEVELOPMENT (PD) WITH A BASE ZONING OF C-2, GENERAL COMMERCIAL TO PLANNED DEVELOPMENT (PD) WITH A BASE ZONING OF C-2, GENERAL COMMERCIAL ON A 5.544 ACRE TRACT OF LAND DESCRIBED AS PART OF THE JAMES MCKINNEY SURVEY, ABSTRACT NO. 770, CITY OF VAN ALSTYNE, GRAYSON COUNTY, TEXAS; GENERALLY LOCATED ON THE NORTHEAST CORNER OF TEXANA STREET AND LONGBOW STREET, IN THE CITY OF VAN ALSTYNE, GRAYSON COUNTY, TEXAS; PROVIDING REPEALING, SAVINGS, AND SEVERABILITY CLAUSES; PROVIDING A PENALTY; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.**

WHEREAS, the City Council of the City of Van Alstyne, Texas (the “City Council”) has investigated and determined that it would be advantageous and beneficial to the citizens of the City of Van Alstyne, Texas (“Van Alstyne”) to rezone the Property as a planned development district, as set forth below; and

WHEREAS, the City of Van Alstyne, Texas (“Van Alstyne”) has received a request from Texoma Development, Inc. to amend the zoning from Planned Development Zoning District (PD) with a base zoning classification of C-2, General Commercial to a Planned Development Zoning District (PD) with a base zoning classification of C-2, General Commercial; and

WHEREAS, the 5.544 acre tract of land being described as part of the James McKinney Survey, Abstract No. 770, Grayson County, Texas, generally located on the northeast corner of Texana Street and Longbow Street and being more particularly described in Exhibit “A” attached hereto and incorporated herein for all purpose (the “Property”); and

WHEREAS, the City Council has determined that the facts contained in the request are true and correct; and

WHEREAS, the Planning and Zoning Commission and the City Council, in accordance with state law and the City of Van Alstyne Zoning Ordinance No. 557, as codified, (“Zoning Ordinance”), have given the required notices and have held the required public hearings and made a recommendation regarding the zoning of the Property.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VAN ALSTYNE, TEXAS THAT:**

SECTION 1: Findings Incorporated. The findings set forth above are incorporated as if fully set forth herein.

SECTION 2: Zoning Reclassification Granted and PD Standards Re-established. Van Alstyne's Zoning Ordinance is hereby amended to reflect that the Property is hereby rezoned a 5.544 acre portion of Planned Development Zoning District No. 2 (PD-2) with a base zoning classification of C-2, General Commercial to Planned Development Zoning District No. 2 (PD-2) with a base zoning classification of C-2, General Commercial.

SECTION 3. Permitted Uses. In addition to uses within Planned Development Zoning District No. 2 (PD-2), Mini-Warehouse/Self-Storage uses shall be permitted by right, in accordance with Exhibits B and C.

SECTION 4. Exhibits: The attached exhibits are incorporated into this ordinance in their entirety as though set forth fully in the text of this ordinance. The exhibits are as follows:

- Exhibit A: Legal Description
- Exhibit B: Conceptual Site Plan
- Exhibit C: Conceptual Elevations

SECTION 5. Concept Plan. The Conceptual Site Plan is attached hereto and incorporated as if fully set forth herein as Exhibit "C." As allowed by Van Alstyne's Zoning Ordinance, Chapter 46, Article II, Section 46-91 (d) (3) a. the requirement for the City Council to have a separate public hearing for the Conceptual Site Plan is waived because a single public hearing on the Conceptual Site Plan and PD zoning is adequate and sufficient to determine the appropriate use of the Property. Exhibit "B" shall also qualify to serve as the Development Plan required by the Zoning Ordinance.

SECTION 6. Zoning Map. The Zoning Map of the City shall be amended to reflect this zoning reclassification. The Property shall be developed and used in accordance with all applicable City, state, and federal laws, as they exist or may be in the future amended, including but not limited to building codes, fire codes, and all accessibility standards as required by law.

SECTION 7: No Vested Interest/Repeal. No developer or property owner shall acquire any vested interest in this Ordinance or in any other specific regulations contained herein. Any portion of this Ordinance may be repealed by the City Council in the manner provided for by law.

SECTION 8: Unlawful Use of Property. It shall be unlawful for any person, firm, entity or corporation to make use of the Property in some manner other than as authorized by this Ordinance, and it shall be unlawful for any person, firm, entity, or corporation to construct on said Property and building that is not in conformity with the permissible uses under the City's Zoning Ordinance and this Ordinance.

SECTION 9: Penalty. Any person, firm, corporation or entity violating the Ordinance, or

any provision of Van Alstyne’s Zoning Ordinance, as it exists or may be amended, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined a sum not exceeding Two Thousand Dollars (\$2,000.00). Each continuing days’ violation under this Ordinance shall not preclude Van Alstyne from filing suit to enjoin the violation. Van Alstyne retains all legal rights and remedies available to it pursuant to local, state, and federal law.

**SECTION 10: Severability.** Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Van Alstyne hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

**SECTION 11: Savings/Repealing Clause.** Van Alstyne Zoning Ordinance shall remain in full force and effect, save and except as amended by this or any other ordinance. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinances, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

**SECTION 12: Effective Date.** This Ordinance shall become effective from and after its adoption and publication as required by law.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF VAN ALSTYNE, TEXAS** on the 8<sup>th</sup> day of November, 2022.

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Jim Atchison, Mayor

**ATTESTED TO AND  
CORRECTLY RECORDED BY:**

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Jennifer Gould, City Secretary

*Date of Publication: November 25, 2022 Van Alstyne Leader*

## **EXHIBIT A**

## **EXHIBIT B**

## **EXHIBIT C**