

AN ORDINANCE TO AMEND ORDINANCE 2009-01-26-1 ADOPTED JANUARY 26, 2009 AND ORDINANCE No. 12 ADOPTED NOVEMBER 20, 1972 BY FURTHER CLARIFYING THE COMMERCIAL ZONING REFERENCE IN THESE AND ANY OTHER CITY OF PAYNE SPRINGS' ORDINANCES THAT REFER TO COMMERCIAL ZONING. THIS ORDINANCE FURTHER DEFINES THE CITY OF PAYNE SPRINGS' COMMERCIAL ZONING CLASSIFICATION.

Whereas, the City of Payne Springs, Texas, (City) is a type A General Law Municipality under the laws of the State of Texas, and

Whereas, the City of Payne Springs has designated certain areas of the City to be Zoned Commercial, and

Whereas, the City Council of the City of Payne Springs deems it of a public interest to further define the meaning of the term "Commercial Zoning".

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PAYNE SPRINGS, TEXAS

Section 1: The City of Payne Springs hereby defines Commercial Zoning as follows:

COMMERCIAL ZONING.

(A) *Purpose.* The intent of the Commercial Zoning designation is to provide for a limited number of existing or potential low intensity office, business and commercial facilities. The provisions of this Zoning are intended to encourage general commercial development to locate along major arteries where sites are adequate for an integrated design of commercial and business establishments particularly adjacent to major intersections where such development could most adequately serve the needs of the community's residents and those of the traveling public without resorting to excessive quantities of strip development; and to discourage any encroachment by industrial, residential or other uses considered capable of adversely affecting the general business characteristics of this Zoning

(B) *Permitted uses.*

(1) *Uses permitted by right.*

(a) Retail-commercial sales and service;

1. Food stores;

2. Dry good stores;
3. Household and family service establishments;
4. Recreation and sport stores;
5. Drugstores and pharmacies;
6. Business service establishments.

(b) Professional and personal services:

1. Personal service establishments;
2. Professional services.

(c) Governmental buildings and facilities;

(d) Public and private utilities; excluding sanitary landfills, incinerators, refuse and trash dumps.

(2) *Accessory structures permitted.* Garages, storage rooms and other structures which are customarily incidental to the principal structure.

(3) *Uses permitted by special permit.*

- (a) Eating establishments;
- (b) Financial institutions;
- (c) Gasoline service stations and car washes;
- (d) Child day care centers;
- (e) Veterinary hospitals or clinics;
- (f) Nursing and convalescent homes;
- (e) Commercial amusements;
- (f) Indoor self-storage or mini-storage facilities.

Section 2. This Ordinance amends any prior Ordinance(s) that have set forth the reference to Commercial Zoning within the City of Payne Springs.

Section 3. Should any section or part of this Ordinance be held unconstitutional, illegal, or invalid, or the application to any person or circumstance for any reasons thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair, or invalidate the remaining portion or portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this Ordinance are declared to be severable.

PASSED AND APPROVED this 15 day of November, 2011

Rodney Renberg, Mayor

ATTEST:

Karen Juica, City Secretary