

ORDINANCE NO. 2005-02-01-05

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF ELGIN, TEXAS ADOPTED IN CHAPTER 11 SECTION 2.C(9), CODE OF ORDINANCES, CITY OF ELGIN, TEXAS, AND MAKING THIS AMENDMENT A PART OF THE SAID OFFICIAL ZONING MAP, TO WIT: TO REZONE 33.146 ACRES OF LAND, MORE OR LESS, OUT OF THE ELIZABETH STANDIFER SURVEY, ABSTRACT NO. 59 AND JONATHAN BURLESON SURVEY ABSTRACT NO. 18, IN ELGIN, BASTROP COUNTY, TEXAS, FROM INDUSTRIAL DISTRICT to INDUSTRIAL DISTRICT WITH THE ENCLOSED ZONING OVERLAY.

WHEREAS, an application has been made to the City Council of the City of Elgin, Texas to amend the Official Zoning Map to rezone and restrict 33.146 acres of land, more or less, out of the Elizabeth Standifer Survey, Abstract No. 59 and the Jonathan Burleson Survey, Abstract No. 18, in Elgin, Bastrop County, Texas, being more fully described in Exhibit "A", attached hereto and incorporated herein from Industrial to Industrial District with a zoning overlay as described, and

WHEREAS, the Elgin Economic Development Corporation has submitted the requested change in the Official Zoning Map to the Planning and Zoning Commission for its recommendation and report, and

WHEREAS, the Planning and Zoning Commission held a public hearing concerning the requested change on the 31st day of January, 2005, following lawful publication of the notice of said public hearing, and

WHEREAS, after considering the public testimony received at such hearing, the Planning and Zoning Commission has recommended that the Official Zoning Map be amended so that the property described in Exhibit "A" be zoned as an Industrial District with the enclosed Zoning Overlay, and

WHEREAS, on the 1st day of February, 2005, after proper notification, the City Council held a public hearing on the requested amendment, and

WHEREAS, the City Council determines that the zoning provided for herein promotes the health, safety, morals and protects and preserves the general welfare of the community, and

WHEREAS, each and every requirement set forth in Chapter 211, Sub-Chapter A., Texas Local Government Code, and Chapter 11 Section 2C, (9) Code of Ordinances, City of Elgin, Texas concerning public notices, hearings, and other procedural matters has been fully complied with,

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

I.

That the Official Zoning Map adopted in Chapter 11 Section 2C, (9), Code of Ordinances, City of Elgin, Texas, is hereby amended so that the zoning classification of the property described in Exhibit "A" is hereafter designated as an Industrial District with the following Zoning Overlay:

The following uses, and only the following uses, shall be permitted within the property described in Exhibit "A":

Bakery
Bottling Works
Book Bindery
Candy Manufacturing
Engraving Plant
Electrical Equipment Assembly
Electronic Equipment Assembly and Manufacture
Food products processing and packing
Furniture manufacturing
Instrument and meter manufacturing
Jewelry and watch manufacturing
Laboratories, testing and experimental
Leather goods fabrication
Optical goods manufacturing
Paper products manufacturing wholesale or warehousing enterprise
Printing Plant

Public Utility Service Yard or Electrical receiving yard; provided, however, that all yard operations shall be so screened by ornamental walls, fences, or evergreen planting that it cannot be seen by a person standing at ground level at any place immediately adjacent to the lot on which the use is located; provided, however, that screening shall not be required in excess of seven (7) feet in height.

Research Laboratories
Sign Painting shop
Wholesale Distributing Center

The following uses when conducted within a completely enclosed building:

The manufacture, compounding, processing, packaging or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, perfumed toilet soap, toiletries, and food products;

The manufacture, compounding, assembling or treatment of articles or merchandise from the following previously prepared materials: bond, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metals or stone, shell, textiles, tobacco, wood, yarn, and paint not employing a boiling process;

The manufacture of pottery and figurines or other similar ceramic products, using only previously pulverized clay, and kilns fired only by electricity or gas;

The manufacture and maintenance of electric and neon signs, commercial advertising structure, light sheet metal products, including heating and ventilating ducts and equipment, cornices, eaves, and the like;

Manufacture of musical instruments, toys, novelties and rubber and metal stamps;

Manufacture of automobile parts;

Machine shop;

Foundry casting lightweight nonferrous metal not causing noxious fumes or odors;

Assembly of electrical appliances, electronic instruments and devices, radios and phonographs, including the manufacturing of small parts only, such as coils, condensers, transformers, crystal holders, and the like;

Buildings, structures, and uses accessory and customarily incidental to any of the above uses;

These uses permitted under this subsection shall be conducted in such a manner that no noxious odor, fumes or dust will be emitted beyond the property line of the lot on which the use is located.

Limited business services professional offices for software development, architects, engineers, surveyors, appraisers, internet providers, and website development and maintenance.

II.

Any use, building or structure existing at the time of the passage of this ordinance may be continued even though such use may not conform to the provisions of this ordinance. Additionally, normal repairs, maintenance, reconstruction, alterations and additions may be made to a non-conforming building after the passage of this ordinance even though the use occurring within such building may not conform to the provisions of this ordinance, if the use is the same use existing at the time of the passage of this ordinance. The non-conforming use of a building may not be changed to another use which does not

conform to the requirements of this ordinance. If such non-conforming use is discontinued for a period of 45 days or more, any future use of such building shall conform to the requirements of this ordinance.

III.

A. All ordinances, parts of ordinances, or resolutions in conflict herewith are expressly repealed.

B. The invalidity of any section or provision of this ordinance shall not invalidate other sections or provisions thereof.

C. The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Ordinance was adopted was posted and that such meeting was open to the public as required by law at all times during which this Ordinance and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

By motion duly made, seconded and passed with an affirmative vote of all the Council members present.

READ, PASSED, and ADOPTED on this 1st day of February, 2005.

ERIC CARLSON, Mayor
City of Elgin, Texas

ATTEST:

SHIRLEY GARVEL, City Secretary