

**ORDINANCE NO. 1355**

**AN ORDINANCE OF THE CITY OF LLANO, TEXAS, AMENDING THE CODE OF ORDINANCES, CHAPTER 110, ARTICLE I, SECTION 110-4 AND ARTICLE II, SECTION 110-53; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; ESTABLISHING AN EFFECTIVE DATE; PROVIDING FOR PROPER NOTICE AND MEETING.**

**WHEREAS**, pursuant to Texas Local Government Code § 51.001, the City Council of the City of Llano, Texas ("City Council") has the authority to adopt, publish, amend or repeal an ordinance that is for the good government, peace or order of the City of Llano ("City"); and

**WHEREAS**, pursuant to Texas Local Government Code Chapter 211, the City Council has the authority to adopt zoning regulations and boundaries as well as procedures for adopting and enforcing the zoning regulations and boundaries; and

**WHEREAS**, the City Secretary of the City directed that notices of public hearings be issued for the purpose of considering the adoption of an amendment to the City's zoning ordinance; and

**WHEREAS**, on August 23, 2017 the City of Llano Planning and Zoning Commission held a public hearing on this amendment; and

**WHEREAS**, this amendment was recommended for approval by the City of Llano Planning and Zoning Commission during its regular meeting on August 23, 2017 and

**WHEREAS**, on September 5, 2017 the City Council held a public hearing on this amendment; and

**WHEREAS**, the City Council finds that all notice requirements have been met; and

**WHEREAS**, the City Council is of the opinion and finds that the adoption of this amendment to the City's zoning ordinance will promote the public health, safety, or general welfare;

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

I.



Chapter 110; Zoning, Article I, In General, Section 110-4 of the Code of Ordinances of the City of Llano, Texas is amended to read as follows:

**Sec. 110-4. - Violations; penalties.**

Any person, firm, or corporation who shall violate or fail to comply with any of the provisions of this chapter or who shall build in violation of any approved plans or permits, shall, for each violation be deemed guilty of a misdemeanor. Upon conviction, the violator shall be fined a sum not to exceed two thousand and no/100 dollars (\$2,000.00) every day that such violation or non-compliance exists. The City of Llano may also institute any appropriate action or proceedings in any court having jurisdiction to prevent, restrain, correct, or abate, or to prevent any illegal act, conduct, business, or use of any land by any person, firm, or corporation. The definition of any violation of the terms of this chapter as a misdemeanor shall not preclude the City of Llano from invoking any civil remedies allowed by law or equity in such cases, but shall be cumulative of and in addition to the penalties prescribed herein for such violations.

**II.**

Chapter 110; Zoning, Article II, Administration, Section 110-53 of the Code of Ordinances of the City of Llano, Texas is amended to read as follows:

**Sec. 110-53. - Public hearing and notice.**

- (a) Prior to making its report to the city council, the planning and zoning commission shall hold at least one public hearing on each application.
- (b) Before the twentieth (20<sup>th</sup>) day before the date of the public hearing, signage shall be posted on the property subject to the zoning action and shall contain notice of the time and place of the hearing. *The signage shall be a minimum of 18 inches × 18 inches and posted to be visible from the street. The signage shall state in a minimum of two-inch letters, CITY OF LLANO NOTICE OF PUBLIC HEARING. Specifics regarding time and place of the public hearing shall be in at least 16 point type.*
- (c) Before the fifteenth (15<sup>th</sup>) day before the date of the public hearing, notice of the time and place of the hearing must be published in the official newspaper of the City or a newspaper of general circulation in the City.
- (d) Before the tenth (10<sup>th</sup>) day before the date of the public hearing, written notice of each public hearing before the planning and zoning commission on a proposed change in a zoning classification shall be sent to each owner, as indicated by the most recently approved municipal tax roll, *of real property within three hundred (300) feet* of the property on which the change in classification is proposed. The notice may be served by its deposit in the City, properly addressed with postage paid, in the United States mail.

**III.**

The provisions of this Ordinance shall be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances inconsistent or in conflict with any of the provisions of this Ordinance are hereby expressly repealed to the extent that such inconsistency is apparent.

IV.

If any section, subsection, sentence, clause, or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of the Ordinance. The City Council of the City of Llano hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

V.

This Ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

VI.

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

**PASSED AND APPROVED** on this the   5th  <sup>th</sup> day of   September  , 2017.



Gail Lang  
Hon. Gail Lang, Mayor  
City of Llano, Texas

ATTEST:

Toni Milam  
Toni Milam, City Secretary  
City of Llano, Texas