

**ORDINANCE 14001**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COTTONWOOD SHORES, TEXAS, REPLACING ORDINANCE 1401; REZONING LOTS A, B AND C OF THE CASTLE ACRES RE-SUBDIVISION FROM R-1 (RESIDENTIAL) TO C-2 (COMMERCIAL) IN ORDER TO REFLECT THE CURRENT USE OF THE PROPERTY.**

**WHEREAS**, by Ordinance No. 1401, dated March 3, 2011, the City of Cottonwood Shores, Texas (the "City") annexed Lots A, B and C of the Castle Acres Re-subdivision as recorded in Volume 1, Page 22 of the Burnet County Plat Records (the "Property") into the City limits of the City; and

**WHEREAS**, pursuant to the ordinances of the City, the zoning classification of the Property was temporarily established as R-1 (Residential) until a permanent zoning classification could be established; and

**WHEREAS**, the Property is currently used for a commercial marina and the best use of the Property is for commercial operations; and

**WHEREAS**, the City Council of the City has given notice of its intent to rezone the Property from its current temporary zoning of R-1 (Residential) to C-2 (Commercial) by publishing notice of a public hearing regarding same on February 1, 2011 and by mailing notice of same to all property owners of record within two hundred feet (200') of the Property; and

**WHEREAS**, the City Council of the City did hold a public hearing on the proposal to rezone the Property from R-1 (Residential) to C-2 (Commercial), which public hearing was held on February 17, 2011, at 6:30 p.m. At 3808 Cottonwood Drive, Cottonwood Shores, Texas (the "Public Hearing") after giving all notice as required by law; and

**WHEREAS**, any and all persons interested in speaking on the proposal to rezone the Property from R-1 (Residential) to C-2 (Commercial) were given an opportunity to speak at the Public Hearing; and

**WHEREAS**, all legal prerequisites to the rezoning of the Property from R-1 (Residential) to C-2 (Commercial) have been satisfied and the City Council has determined that the best interest of the City is served by the proposed rezoning.

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

**SECTION 1:** All of the above recitals are found to be true and correct and are incorporated into the body of this Ordinance as if copied herein in their entirety.

City of Cottonwood Shores

Original

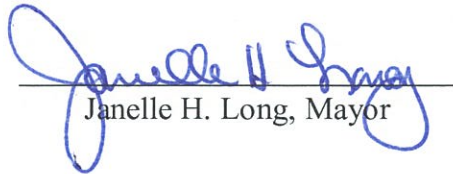
**SECTION 2:** Lots A, B and C of the Castle Acres Re-subdivision as recorded in Volume 1, Page 22 of the Burnet County Plat Records are hereby rezoned as C-2 (Commercial).

**SECTION 3:** If any provision, section, sentence, 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 thereof, 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 to be severable for that purpose.

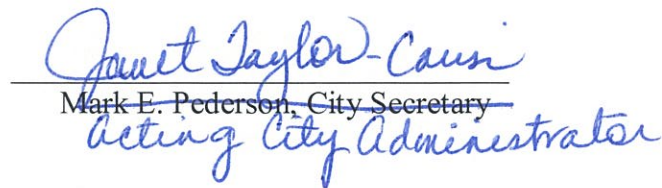
**SECTION 4:** It is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Local Government Code.

**SECTION 5:** This Ordinance shall take effect immediately upon its passage and adoption.

**PASSED AND APPROVED** by the City Council of Cottonwood Shores, Texas, at a meeting on the 3rd day of may, 2012 with 4 votes in favor, 0 votes against and 0 abstentions.

  
\_\_\_\_\_  
Janelle H. Long, Mayor

Attest:

  
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~~Mark E. Pederson, City Secretary~~  
Acting City Administrator