

**Village of Point Venture, Texas**

**ORDINANCE NO. 2023-07-19**

**AN ORDINANCE OF THE VILLAGE OF POINT VENTURE, TEXAS, AMENDING CHAPTER 2 OF THE ZONING ORDINANCE OF THE VILLAGE OF POINT VENTURE, TEXAS; PROVIDING RULES AND REGULATIONS FOR DISTRICT CLASSIFICATION OF RESTAURANTS; PROVIDING FINDINGS OF FACT; PROVIDING FOR REPEAL, SEVERABILITY, SAVINGS, PUBLICATION AND CODIFICATION; DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; PROVIDING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Village Council of the Village of Point Venture (“Village Council”) seeks to provide for the public health, safety and welfare of its citizens; and

**WHEREAS**, pursuant to Section 51.001 of the Texas Local Government Code, the Village of Point Venture may adopt and amend ordinances for the good government, peace and order of the Village, as necessary or proper for carrying out a power granted by law to the Village; and

**WHEREAS**, pursuant to Section 211.003 of the Texas Local Government Code, the Village of Point Venture has general authority to regulate the location and use of buildings, other structures and land for business, industrial, residential, or other purposes; and

**WHEREAS**, the Planning and Zoning Commission of the Village of Point Venture and the Village Council have each conducted, in the time and manner and after the notice required by law and the Village of Point Venture Zoning Ordinance, a public hearing on the proposed amendments to the Village of Point Venture Zoning Ordinance; and

**WHEREAS**, all persons appearing at such public hearings who desired to speak on such proposed amendments were afforded that opportunity and their comments were duly noted and considered; and

**WHEREAS**, the Planning and Zoning Commission has issued its final report to the Village Council; and

**WHEREAS**, after due deliberation and consideration of the recommendation of the Planning and Zoning Commission and all other comments and information received at the public hearings, the Village Council concludes that the amendments made by the adoption of this Ordinance are in the best interest of the Village of Point Venture; and

**WHEREAS**, the Village Council finds that adoption of this ordinance will promote the orderly and safe use of property within the Village; and

**NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF POINT VENTURE, TRAVIS COUNTY, TEXAS THAT:**

**SECTION 1.** Findings of Fact. All of the above recitals and premises are hereby found to be true and correct legislative and factual findings of the Village Council of the Village of Point Venture, are made a part hereof for all purposes and are hereby approved and incorporated into the body of this Ordinance as if restated in their entirety.

**SECTION 2.** Amendments. The Code of Ordinances of the Village of Point Venture, Texas is hereby amended by adding “Restaurants” as a “Conditional Use” in the OSPR District as provided in Section 1.1.2.2 Zoning Use Summary Table of Chapter 2 of Exhibit A Zoning Ordinance of Chapter 9 to provide as follows:

**“VILLAGE OF POINT VENTURE, TEXAS  
CODE OF ORDINANCES**

...

**CHAPTER 9 PLANNING AND DEVELOPMENT REGULATIONS**

...

**EXHIBIT A ZONING ORDINANCE**

...

**CHAPTER 2 DISTRICTS AND ZONING MAP**

...

**1.1.2.2 ZONING USE SUMMARY TABLE**

...

	RESIDENTIAL DISTRICTS					NON-RESIDENTIAL DISTRICTS	
	A	SF-1	SF-2	MF-1	OSPR	C	I
...							
Restaurant	--	--	--	--	C	P	--
...							



### **SECTION 3. 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, which are separate and apart from any vested right granted by Chapter 245 of the Local Government Code. Any portion of this Ordinance may be repealed or amended by the Village Council in the manner provided for by law.

### **SECTION 4. Repeal.**

This Ordinance shall be cumulative of all other ordinances affecting zoning which are not expressly amended or repealed hereby in accordance with Section 2 above and shall not repeal any of the provisions of such ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance in accordance with Section 2 above. Except as provided in Section 2, ordinances or parts thereof in force at the time this Ordinance that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance. Provided however, that any complaint, action, claim or lawsuit which has been initiated or has arisen under or pursuant to such Ordinance on the date of adoption of this Ordinance shall continue to be governed by the provisions of that Ordinance and, for that purpose, the Ordinance shall remain in full force and effect.

### **SECTION 5. 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. The Village Council of the Village of Point Venture 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 6. Savings.**

All rights and remedies of the Village of Point Venture are expressly saved as to any and all violations of the provisions of any ordinances regulating, affecting, or relating to zoning, land use and/or development which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

### **SECTION 7. Publication and Codification.**

The Village Secretary of the Village of Point Venture is hereby directed to publish the Caption, Penalty and Effective Date of this Ordinance as required by Section 52.011 of the Texas Local Government Code. The Village Secretary is further directed to have this Ordinance codified at the next available codification update.

**SECTION 8. Open Meeting.** The Village Council of the Village of Point Venture hereby finds and determines that the meeting at which this Ordinance was adopted was open to the public 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.

**SECTION 9. Penalty.**

It shall be unlawful for any person to violate any provision of this Ordinance, and any person violating or failing to comply with any provision hereof shall be fined, upon conviction, in an amount not less than One Dollar (\$1.00) nor more than Two Thousand Dollars (\$2,000.00), in accordance with the enforcement and penalty provisions, and a separate offense shall be deemed committed each day or part of a day during or on which a violation occurs or continues. Further, if the Village Council of the Village of Point Venture determines that a violation of this Ordinance creates a threat to the public safety, the Village may bring suit in the District Court to enjoin such violation and may exercise all available remedies as allowed by law.

**SECTION 10. Effective Date.**

That this Ordinance shall be in full force and effect from and after its date of passage, in accordance with law, and it is so ordained.

**GIVEN FIRST READING AND CONSIDERATION OF THE AMENDMENTS** by the Village Council of the Village of Point Venture, Texas on the 21<sup>st</sup> day of June, 2023.

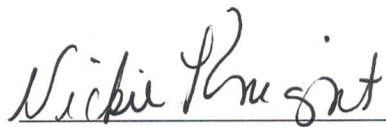
**PASSED, APPROVED AND DULY ADOPTED ON SECOND AND FINAL READING** by the Village Council of the Village of Point Venture, Texas on the 26th day of July, 2023.



---

Justin Hamilton, Mayor Pro Tem

**ATTEST:**



---

Vickie Knight, Village Secretary

---

Caroline Kelley, Village Attorney