

ORDINANCE NO. _____ - ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BUDA, TEXAS AMENDING THE OFFICIAL ZONING MAP OF INTERSTATE COMMERCIAL/OFFICE AND INTERSTATE RETAIL (C3/R3) TO INTERSTATE COMMERCIAL/OFFICE AND INTERSTATE RETAIL (C3/R3) AND MULTIFAMILY RESIDENTIAL (MFR) ON APPROXIMATELY 20.09 ACRES OF LAND IN THE JOSEPHUS S. IRVINE SURVEY, HAYS COUNTY, TEXAS, BEING A PORTION OF THE 221 DRIVE COMMERCIAL SUBDIVISION.; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE AND PROVIDING A PENALTY CLAUSE.

WHEREAS, on January 8th, 2013 the Planning and Zoning Commission of the City of Buda held a public hearing regarding a request to establish the initial zoning for the aforementioned 20.09 acre tract and recommended that the request be approved by the City Council of the City of Buda; and

WHEREAS, the City Council held a public hearing on January 15th, 2013 regarding the request; and

WHEREAS, all requirements of the City of Buda Unified Development Code pertaining to zoning map amendments have been met; and,

WHEREAS, the City Council has determined that adoption of this ordinance is in the interest of the general health, safety, welfare and morals of the community; and

WHEREAS, the City has determined that this ordinance was passed and approved at a meeting of the City Council of the City of Buda held in strict compliance with the Texas Open Meetings Act at which a quorum of the City Council Members were present and voting;

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

Section 1. The zoning of the aforementioned property is hereby changed from Interstate Commercial/Office and Interstate Retail (C3/R3) to Interstate Commercial/Office and Interstate Retail (C3/R3) and Multifamily Residential (MFR).

Section 2. The Zoning Map of the City of Buda, Texas is hereby amended to establish the zoning classification as set forth above.

Section 3. This ordinance shall be cumulative of all other ordinances of the City of Buda, and this ordinance shall not operate to repeal or affect any other ordinances of the City of Buda except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, are hereby repealed.

Section 4. The sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional or invalid phrase, clause, sentence, paragraph or section.

Section 5. This Ordinance shall be effective immediately from and after its final passage and any publication in accordance with the requirements of the City of Buda and the laws of the State of Texas.

Section 6. Any person, firm, association of persons, corporation or other organization violating the provisions of this ordinance shall be deemed to be guilty of a misdemeanor and, upon conviction, shall be fined an amount not to exceed \$2,000.00. Each day that a violation continues shall be deemed as a separate offence.

PASSED AND APPROVED on first reading by an affirmative vote of the City Council of the City of Buda, this 15th day of January 2013.

PASSED, APPROVED AND ADOPTED on second and final reading by an affirmative vote of the City Council of the City of Buda, this ____ day of _____ 2013.

APPROVED:

Todd Ruge, Mayor

ATTEST:

Danny Batts, City Secretary