

## **ORDINANCE NO. 2023-24**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS AMENDING THE OFFICIAL ZONING MAP OF THE CITY IN CASE NO. ZC-23-04, BY REZONING APPROXIMATELY 16.234 ACRES OF LAND, MORE OR LESS, OUT OF THE JOEL MINER SURVEY, ABSTRACT 321, HAYS COUNTY, TEXAS, LOCATED AT 2700 N IH 35, AT THE INTERSECTION OF THE NORTH BOUND FRONTAGE OF IH 35 AND SADDLE RUN WAY, FROM “MH” MANUFACTURED HOUSING AND “FD” FUTURE DEVELOPMENT TO “HC” HEAVY COMMERCIAL, OR, SUBJECT TO CONSENT OF THE OWNER, ANOTHER LESS INTENSE ZONING DISTRICT CLASSIFICATION; INCLUDING PROCEDURAL PROVISIONS; AND PROVIDING AN EFFECTIVE DATE **SUBJECT TO THE RECORDING OF A RESTRICTIVE COVENANT AGREEMENT** ON THE PROPERTY.**

### **RECITALS:**

1. On January 10, 2023, the Planning and Zoning Commission of the City of San Marcos held a public hearing regarding a request to change the zoning designation from “MH” Manufactured Housing and “FD” Future Development to “HC” Heavy Commercial for approximately 16.234 acres out of the Joel Miner Survey, Abstract 321, Hays County, Texas, located at 2700 N. IH 35, at the intersection of the North Bound Frontage of IH 35 and Saddle Run Way, (the “Property”), as described in Exhibit A, attached hereto and made a part hereof for all purposes.

2. The Planning and Zoning Commission voted 8 – 0 to recommend denial of the request.

3. The City Council held a public hearing on March 7, 2023, regarding the request.

4. All requirements pertaining to Zoning Map amendments have been met.

5. The City Council hereby finds and determines that the adoption of the following ordinance is in the interest of the public health, morals, welfare and safety.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS:**

**SECTION 1.** The Official Zoning Map of the City is amended to rezone the Property, as described in Exhibit A, from “MH” Manufactured Housing and “FD” Future Development District to “HC” Heavy Commercial.

**SECTION 2.** If any word, phrase, clause, sentence, or paragraph of this ordinance is held to be unconstitutional or invalid by a court of competent jurisdiction, the other provisions of this ordinance will continue in force if they can be given effect without the invalid portion.

**SECTION 3.** All ordinances and resolutions or parts of ordinances or resolutions in conflict with this ordinance are repealed.

**SECTION 4.** This ordinance will take effect after its passage, approval and adoption on second reading and the recording of a restrictive covenant agreement concerning the Property in substantially the form in Exhibit B, attached hereto and made a part hereof.

**PASSED AND APPROVED** on first reading on March 7, 2023.

**PASSED, APPROVED AND ADOPTED** on second reading on March 21, 2023.

Jane Hughson  
Mayor

Attest:

Elizabeth Trevino  
City Clerk

Approved:

Barbara L. Quirk  
Interim City Attorney

EXHIBIT A  
PROPERTY DESCRIPTION





CITY CLERK TO COMPLETE THE FOLLOWING:

Date Restrictive Covenant Agreement Recorded: \_\_\_\_\_

Instrument No. of Recorded Agreement: \_\_\_\_\_

County in Which Agreement Recorded: \_\_\_\_\_