

ORDINANCE NO. 2015-____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, TEXAS RELATED TO THE HIGHPOINTE INVESTMENTS (“TRACE”) MIXED USE DEVELOPMENT PROJECT LOCATED ON 417.63 ACRES OF LAND, MORE OR LESS, LOCATED BETWEEN SOUTH IH-35 AND OLD BASTROP HIGHWAY AND SOUTH OF POSEY ROAD: AMENDING THE OFFICIAL ZONING MAP OF THE CITY BY ESTABLISHING A ZONING CLASSIFICATION FOR SAID TRACT OF “PDD” PLANNED DEVELOPMENT DISTRICT WITH BASE ZONING DISTRICTS OF “SF-6” SINGLE-FAMILY DISTRICT, “MF-24” MULTIPLE-FAMILY RESIDENTIAL DISTRICT, “GC” GENERAL COMMERCIAL DISTRICT, “CC” COMMUNITY COMMERCIAL DISTRICT, “NC” NEIGHBORHOOD COMMERCIAL DISTRICT AND “P” PUBLIC AND INSTITUTIONAL DISTRICT; APPROVING PLANNED DEVELOPMENT DISTRICT STANDARDS FOR THE DISTRICT; INCLUDING PROCEDURAL PROVISIONS; AND PROVIDING FOR PENALTIES.

RECITALS:

1. On September 22, 2015, the Planning and Zoning Commission of the City of San Marcos held a public hearing regarding a request to amend the Official Zoning Map of the City by establishing a zoning classification of “PDD” Planned Development District with base zoning districts of “SF-6” Single-Family District, “MF-24” Multiple-Family Residential District, “GC” General Commercial District, “CC” Community Commercial District, “NC” Neighborhood Commercial District and “P” Public and Institutional District for 417.63 acres of land, more or less, located between South IH-35 and Old Bastrop Highway and south of Posey Road (the “Project Site,” as described by metes and bounds in Exhibit “A,” attached hereto and made a part hereof for all purposes).
2. Subsequent to the public hearing, the Planning and Zoning Commission considered the request and voted to recommend that the request be approved by the City Council of the City of San Marcos.
3. The City Council held a public hearing on October 5, 2015 regarding the request.
4. All requirements of Chapter 1, Development Procedures, of the City’s Land Development Code 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, as described in Section 4.1.2.2 of the City's Land Development Code, is amended to establish a zoning classification for the Project Site of "PDD" Planned Development District with base zoning districts of "SF-6" Single-Family District, "MF-24" Multiple-Family Residential District, "GC" General Commercial District, "CC" Community Commercial District, "NC" Neighborhood Commercial District and "P" Public and Institutional District.

SECTION 2. The Planned Development District Standards for the "Trace" Planned Development District, together with the Concept Plan and all related exhibits, illustrations, diagrams and matrices, attached to this ordinance as Exhibit "B" (the "Regulations"), are approved and adopted to regulate the development of the Project Site. The Project Site will be bound by the provisions of the Regulations as though they were conditions, restrictions and limitations on the use of the Project Site under the City's zoning ordinances. Any person, firm, corporation or other entity violating any provisions of the Regulations shall be subject to all penalties that apply to violations of the zoning ordinances of the City of San Marcos, as amended. Any person, firm, corporation or other entity violating any provisions of the Regulations shall be subject to a suit by the City for an injunction to enjoin the violation as though the Regulations were conditions, restrictions and limitations on the use of the Project Site under the City's zoning ordinances.

SECTION 3. Any person, firm, corporation or other entity violating any provision of this ordinance commits a misdemeanor and is subject to the penalty provided in Section 1.015 of the San Marcos City Code upon conviction.

SECTION 4. This ordinance will take effect immediately after its passage, approval and adoption on second reading.

PASSED AND APPROVED on first reading on October 5, 2015.

PASSED, APPROVED AND ADOPTED on second reading on October 20, 2015.

Daniel Guerrero
Mayor

Attest:

Approved:

Jamie Lee Pettijohn
City Clerk

Michael J. Cosentino
City Attorney

EXHIBIT “A”
Project Site Description
[following page]

EXHIBIT “B”
PDD Standards and Concept Plan (Regulations)
[following page]