

## **ORDINANCE NO. 2023-38**

**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-23-03, BY REZONING APPROXIMATELY 67.121 ACRES OF LAND OUT OF THE EDWARD BURLESON SURVEY, NO. 18, ABSTRACT NO. 63 IN HAYS COUNTY, TEXAS, LOCATED AT AND NEAR 3830 S IH 35 (CENTERPOINT AND IH 35), FROM “FD” FUTURE DEVELOPMENT AND “LI” LIGHT INDUSTRIAL TO “CD-5” CHARACTER DISTRICT 5, OR, SUBJECT TO CONSENT OF THE OWNER, ANOTHER LESS INTENSE ZONING DISTRICT CLASSIFICATION; INCLUDING PROCEDURAL PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.**

### **RECITALS:**

1. On April 12, 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 “FD” Future Development and “LI” Light Industrial to “CD-5” Character District-5 for approximately 67.121 acres out of the Edward Burleson Survey, No. 18, Abstract No. 63 Hays County, Texas, located at and near 3830 S IH 35 (the “Property”), as described in Exhibit A, attached hereto and made a part hereof for all purposes.
2. On April 12, 2023, the Planning and Zoning Commission voted 8–0 to recommend approval of the request.
3. The City Council held a public hearing on May 2, 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 “FD” Future Development and “LI” Light Industrial to “CD-5” Character District-5.

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3.** All ordinances and resolutions or parts of ordinances or resolutions in conflict with this ordinance are repealed.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

**PASSED AND APPROVED** on first reading on May 2, 2023.

**PASSED, APPROVED AND ADOPTED** on second reading on May 16, 2023.

Jane Hughson  
Mayor

Attest:

Elizabeth Trevino  
City Clerk

Approved:

Sam Aguirre  
City Attorney

EXHIBIT A  
PROPERTY DESCRIPTION

