

ORDINANCE NO. 2021-16

AN ORDINANCE AMENDING THE CITY OF BOERNE ZONING ORDINANCE NO. 2007-64, CAPTIONED, "ZONING ORDINANCE OF THE CITY OF BOERNE, TEXAS", DATED DECEMBER 18, 2007, BY AMENDING ARTICLE 3, SECTION 14, APPLYING A PLANNED UNIT DEVELOPMENT (PUD) PLAN OVERLAY DISTRICT DESIGNATION TO THE INDIVIDUAL PROPERTY (6.479 ACRES) LOCATED IN THE COMMONS AT MENDER CREEK ON OLD SAN ANTONIO ROAD (KAD NO. 300529); REPEALING ORDINANCE NO. 2021-09 AND ALL OTHER ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE

WHEREAS, the City Council of the City of Boerne has complied with all requirements of notice of public hearing as required by the Zoning Ordinance of the City of Boerne; and

WHEREAS, the City Council is required to permanently zone properties that have been annexed into the City; and

WHEREAS, it is the intent of the City Council to provide harmony between existing zoning districts and proposed land uses; and

WHEREAS, the City Council held a public hearing on February 9, 2021 on the proposed rezoning and a public hearing on the proposed Planned Unit Development Plan (PUD) for this property; and

WHEREAS, the City Council approved Ordinance No. 2021-09 on February 23, 2021 to apply a PUD Overlay District to the property but has now found it necessary to repeal Ordinance No. 2021-09; and

WHEREAS, the PUD Plan was approved by City Council on May 11, 2021 and it is now necessary to apply a PUD Overlay District; and

WHEREAS, the City Council finds it is in the best interest and welfare of the citizens of Boerne to amend the Zoning Map by applying a PUD Overlay District designation to the individual property (6.479 acres) located at the Commons at Menger Creek on Old San Antonio Road (KAD No. 300529).

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

Section 1.

That Ordinance No. 2021-09 is hereby repealed in its entirety.

Section 2.

That Article 3, Section 14, of the Zoning Ordinance of the City of Boerne, Texas, and particularly the Zoning Map of the City of Boerne, is amended by applying a PUD Overlay District Designation to the individual property (6.479 acres) located at the Commons at Menger Creek on Old San Antonio Road (KAD No. 300529).

Section 3.

That the Zoning Maps of the City of Boerne be amended to indicate the previously described change as shown below:



Section 4.

That all provisions of the Code of Ordinances of the City of Boerne not herein amended or repealed shall remain in full force and effect.

Section 5.

That all other ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent that they are in conflict.

Section 6.

That if any provisions of this ordinance shall be held void or unconstitutional, it is hereby provided that all other parts of the same which are not held void or unconstitutional shall remain in full force and effect.

Section 7.

This ordinance will take effect upon the second and final reading of same.

PASSED AND APPROVED on this the first reading the ____ day of May, 2021.

PASSED, APPROVED AND ADOPTED on this the second reading the ____ day of May, 2021.

APPROVED:

Mayor

ATTEST:

City Secretary

APPROVED AS TO FORM:

City Attorney