

ORDINANCE NO. 1117-12-16

AN ORDINANCE APPROVING THE REZONING OF LOT 2B, BENITES SUBDIVISION PLAT, CITY OF HONDO, TEXAS FROM COMMERCIAL DISTRICT TO RESIDENTIAL 2 DISTRICT; DECLARING COMPLIANCE WITH MUNICIPAL ZONING REGULATIONS, STATE LAW, PUBLIC NOTICE AND HEARING REQUIREMENTS, INCORPORATING RECITALS; REPEALING ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY AND DECLARING AN EFFECTIVE DATE

WHEREAS, the City of Hondo as a subdivision of the State of Texas has the authority to pass law and the laws of the City are passed by Ordinance; and

WHEREAS, the Texas Local Government Code 211, subchapter A authorizes a city to establish zoning regulations for the purpose of promoting public health, safety, morals, or general welfare and protecting and preserving places and areas of historical, cultural, or architectural importance and significance.; and

WHEREAS, the Texas Local Government Code 211.006 establishes procedures to for cities to amend zoning regulations and zoning district boundaries; and

WHEREAS, Sec. 25.2007 of the Code of Ordinance for the City of Hondo provides for amendments and changes to zoning regulations and zoning district boundaries; and

WHEREAS, Jose Benites and Rogelio Benites are owners of Lot 2B, Benites Subdivision, of record at Volume 7, Page 187, Deed Records of Medina County, Texas (the "Property") and have submitted a request to amend the zoning of the Property from a Commercial District to Residential 2 District; and

WHEREAS, the City of Hondo Planning and Zoning Commission considered the application to rezone the Property at its meeting on December 19, 2016, and has recommended approval.

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

SECTION 1. AMENDMENT. The zoning district for Lot 2B, Benites Subdivision, Volume 7, Page 187, Deed Records of Medina County, Texas, and described in **EXHIBIT A** (the "Property"), and incorporated herein by reference, is hereby amended from Commercial District to Residential 2 District.

SECTION 2. DECLARATION OF COMPLIANCE. The City Council finds that all required public notices for the rezoning of the Property described in **EXHIBIT A** have been published and the public hearings as required by Municipal Code of Ordinances and state law have been held to consider the application to amend the zoning district boundary.

SECTION 4. INCORPORATION OF RECITALS. The City Council finds the recitals in the preamble of this Ordinance are true and correct and incorporates them as findings of fact.

SECTION 5. REPEALER. All ordinances, parts of ordinances, or resolutions in conflict herewith are expressly repealed.

SECTION 6. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or illegal, such decision shall not affect the validity of the remaining sections of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared void; and that in lieu of each clause or provision of this Ordinance that is invalid, illegal, or unenforceable there be added by the Mayor as necessary with the approval of the City Attorney as to form, and as a part of the Ordinance a clause or provision as similar in terms to such invalid, illegal or unenforceable clause or provision as may be possible, legal, valid and enforceable.


SECTION 7. EFFECTIVE DATE. This ordinance shall become effective upon the adoption of this ordinance.

PASSED AND APPROVED THIS 28th DAY OF DECEMBER, 2016.



JAMES W. DANNER, SR., MAYOR

ATTEST:



**GLORIA COLBATH
CITY SECRETARY**

