

**ORDINANCE NO. 2022-05**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CUERO, TEXAS, AMENDING THE CITY OF CUERO'S OFFICIAL COMPREHENSIVE ZONING MAP AS SAME AS DESCRIBED AND IDENTIFIED IN CHAPTER 9, ARTICLE 9.02, IN THE CUERO CODE OF ORDINANCES, AS PART 1, ARTICLE 1, DIVISION 1.100, SECTIONS 1.101 AND 1.102 OF THE CITY OF CUERO'S UNIFIED DEVELOPMENT CODE AND AS ATTACHED THERETO, ENTITLED ZONING DISTRICTS BY PROVIDING THAT THOSE PROPERTIES DESCRIBED AS BEING 18.63 ACRES OF LAND, MORE OR LESS, LYING AND BEING SITUATED IN THE J.J. TURLINSON LEAGUE, ABSTRACT NO. 45, DEWITT COUNTY, TEXAS AND MORE FULLY DESCRIBED BY METES AND BOUNDS ON EXHIBIT "A" ATTACHED HERETO AND RECORDED IN VOLUME 53, PAGE 277 OF THE OFFICIAL RECORDS OF DEWITT COUNTY. METES AND BOUNDS RECORDED IN VOLUME 355, PAGE 530 OF THE DEED RECORDS OF DEWITT COUNTY, TEXAS, BE REZONED (CHANGED) FROM NC-MH NEIGHBORHOOD CONSERVATION - MANUFACTURED HOME PARK AND NC-R2-NEIGHBORHOOD CONSERVATION-SINGLE FAMILY ATTACHED TO MIXED USE, THEREWITH, REPEALING ORDINANCES OR PART OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING A SEVERABILITY CLAUSE; AND PRESCRIBING AN EFFECTIVE DATE.**

**WHEREAS**, the Planning and Zoning Commission of the City of Cuero, as duly formed and organized, has presented and submitted a final report on a proposed amendment to the City's Official Comprehensive Zoning Map as provided in the Unified Development Code to the City Council and same was received by the said City Council pursuant to the following:

**WHEREAS**, request for the rezoning of the property described as being 18.63 acres of land situated in the J.J. Tumlinson League, Abstract No. 45, DeWitt County Texas and recorded in Volume 53, Page 277 of the official records of DeWitt County. Metes and Bounds recorded in Volume 355, Page 530 of the deeds and records of DeWitt County, Texas. The purpose of this proposal is to amend the Official Comprehensive Zoning Map of the Unified Development Code as identified in Part 1, Article 1, Ordinance No. 2015-30 by changing the zoning district designation of the property being described as being 18.63 acres of land situated in the J.J. Tumlinson League, Abstract No. 45, DeWitt County Texas and recorded in Volume 53, Page 277 of the official records of DeWitt County. Metes and Bounds recorded in Volume 355, Page 530 of the deeds and records of DeWitt County, Texas, to rezoned (changed) from NC-MH-Manufactured Home Park and NC-R2-Neighborhood Conservation-single Family to Mixed use.

**WHEREAS**, a plat of the subject property to be rezoned from designation NC-MH-Manufactured Home Park and NC-R2-Neighborhood Conservation-single Family to Mixed use is attached hereto as **Exhibit "A"** and incorporated herein by reference at length for all purposes as if fully set forth herein; and

**WHEREAS**, this amendment consist of changing the designation of the property being described as being 18.63 acres of land situated in the J.J. Tumlinson League, Abstract No. 45, DeWitt County Texas and recorded in Volume 53, Page 277 of the official records of DeWitt County. Metes and Bounds recorded in Volume 355, Page 530 of the deeds and records of DeWitt County, Texas, to be rezoned (changed) from NC-MH-Manufactured Home Park and NC-R2-Neighborhood Conservation-single Family to Mixed use.

**WHEREAS**, this Zoning ordinance is based upon the City’s comprehensive plan; and

**WHEREAS**, this Zoning change is made based upon conditions that necessitate a change; and

**WHEREAS**, this ordinance is uniformly applied to all landowners; and

**WHEREAS**, all notices for public hearing have been provided for and public hearings held by the City Council according to law; and

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CUERO, TEXAS AS FOLLOWS**

**SECTION ONE.** That the City Council of the City of Cuero, Texas based upon the recommendation of the Planning and Zoning Commission of the City of Cuero, does hereby and in all things amend the City’s Official Comprehensive Zoning Map as provided under Title XV, Chapter 158, entitled **Zoning** as provided and allowed pursuant to the provisions of the City of Cuero Zoning Ordinance, including but not limited to Section 158.005(G) and Section 158.008 as follows:

The Official Comprehensive Zoning Map of the City of Cuero with its amendments as previously adopted by the City Council is herenow amended as follows: The property being described as described as being 18.63 acres of land situated in the J.J. Tumlinson League, Abstract No. 45, DeWitt County Texas and recorded in Volume 53, Page 277 of the official records of DeWitt County. Metes and Bounds recorded in Volume 355, Page 530 of the deeds and records of DeWitt County, Texas, to be rezoned (changed) from NC-MH-Manufactured Home Park and NC-R2-Neighborhood Conservation-single Family to Mixed use in the City of Cuero, DeWitt County, Texas , depicted in Exhibit “A” be rezoned (changed) from NC-MH-Manufactured Home Park and NC-R2 Neighborhood Conservation-Single Family to Mixed Use.

**SECTION TWO:** All ordinances or parts of ordinances not consistent, or conflicting with, the provisions of this ordinance are hereby repealed; provided that such repeal shall be only to the extent of such inconsistency, and in all other respects, this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered in this ordinance. Any cause of action accruing prior to the passage of this ordinance shall continue as if this ordinance was not passed or any other ordinance had not been repealed.

**SECTION THREE:** That it is hereby declared that the sections, articles, subsections, paragraphs, sentences, clauses, and phrases of this ordinance are severable and if any phrase, clause, sentence, paragraph, subsection, article, or section of this ordinance shall be declared void, ineffective, or unconstitutional by a valid judgment or final decree of a court of competent jurisdiction, such voidness, ineffectiveness, or unconstitutionality shall not effect any of the

remaining phrases, clauses, sentences, paragraphs, subsections, articles, or sections of this ordinance since the same would have been enacted by the City Council without the incorporation herein of any such void, ineffective, or unconstitutional phrase, clause, sentence, paragraph, subsection, article, or section.

**SECTION FOUR:** The City Secretary of the City is hereby directed to engross and enroll this ordinance by copying the caption, penalty clause (if any), publication clause and effective date clause in the minutes of the City Council and filing the ordinance in the ordinance records of the City.

**SECTION FIVE:** The City Secretary is hereby directed to post or publish in the official newspaper of the City, the caption, penalty clause (if any), publication clause and effective date clause of this ordinance in one issue of the official newspaper of the City, provided that the official newspaper is a weekly paper, as authorized by Section 52.013 of the Texas Local Government Code.

**SECTION SIX:** This ordinance shall take effect immediately from and after its passage after the required three (3) readings and the publications of the caption as the law in such cases provides.

**UPON MOTION OF COUNCILMEMBER \_\_\_\_\_, SECONDED BY COUNCILMEMBER \_\_\_\_\_ THAT THE ORDINANCE BE ADOPTED ON FIRST READING THIS 14<sup>TH</sup> DAY OF FEBRUARY, 2022.**

**UPON MOTION OF COUNCILMEMBER \_\_\_\_\_. SECONDED BY COUNCILMEMBER \_\_\_\_\_ THAT THE ORDINANCE BE ADOPTED ON SECOND AND FINAL READING THIS \_\_\_\_\_ DAY OF MARCH, 2022.**

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SARA POST MEYER, MAYOR

ATTEST:

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JENNIFER ZUFELT,  
CITY SECRETARY

APPROVED AS TO LEGALITY

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JAMES K, CRAIN, III  
CITY ATTORNEY