

**ORDINANCE NO. 23-S-26**

**AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS AUTHORIZING THE OFFICIAL ZONING MAP BY REZONING APPROXIMATELY 19.9 ACRES OF LAND FROM SINGLE-FAMILY RESIDENTIAL / AGRICULTURAL DISTRICT (R-A) TO APARTMENT / MULTI-FAMILY RESIDENTIAL DISTRICT (R-4), LOCATED APPROXIMATELY 3,000 FEET EAST OF THE INTERSECTION OF IH 35 ACCESS ROAD AND CIBOLO VALLEY DRIVE, ALSO KNOWN AS GUADALUPE COUNTY PROPERTY IDENTIFICATION NUMBERS 68316, 68296, 68295, 68294, CITY OF SCHERTZ, GUADALUPE COUNTY, TEXAS**

**WHEREAS**, an application to rezone approximately 21 acres of land from General Business District (GB) and Single-Family Residential / Agricultural District (R-A) to Apartment / Multi-Family Residential District (R-4), generally located approximately 3,000 feet east of the intersection of IH 35 access road and Cibolo Valley Drive, also known as Guadalupe County Property Identification Numbers: 68316, 68296, 68295, and more specifically described in the Exhibit A and Exhibit B attached herein (herein, the “Property”) has been filed with the City; and

**WHEREAS**, the City’s Unified Development Code Section 21.5.4.D. provides for certain criteria to be considered by the Planning and Zoning Commission in making recommendations to City Council and by City Council in considering final action on a requested zone change (the “Criteria”); and

**WHEREAS**, Staff recommended approval of the proposed zoning change after considering the criteria in the Unified Development Code and finding they supported the proposed request; and

**WHEREAS**, the City of Schertz’ adopted Comprehensive Plan and Future Land Use Plan support the proposed zoning change as the request is consistent with the designation on the Future Land Use Plan for providing a mix of residential uses and as a response to rapidly increasing housing prices; and

**WHEREAS**, there is a significant variation in the zoning in the area, lot size mix, deed restrictions impacting land uses and a recently approved request to rezone for multi-family in the vicinity; and

**WHEREAS**, noted in the Comprehensive Plan, and is being seen in this area as development continues and matures, higher densities may be appropriate; and

**WHEREAS**, in light of rising housing prices have created a significant demand for more affordable housing which is often achieved through greater density; and

**WHEREAS**, on September 13, 2023, the Planning and Zoning Commission conducted a public hearing and, after considering the presentations and comments as well as the discussion in the staff report, and considered the criteria for approval made a recommendation to City Council to approve to the request rezoning to Apartment / Multi-Family Residential (R-4); and

**WHEREAS**, on October 10, 2023, the City Council conducted a public hearing and after considering the Criteria and recommendation by the Planning and Zoning Commission, determined that the requested zoning be approved as provided for herein.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SCHERTZ, TEXAS THAT:**

Section 1. The Property as shown and more particularly described in the attached Exhibit A and Exhibit B, is hereby zoned Apartment / Multi-Family Residential (R-4).

Section 2. The Official Zoning Map of the City of Schertz, described and referred to in Article 2 of the Unified Development Code, shall be revised to reflect the above amendment.

Section 3. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

Section 4. All ordinances and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

Section 5. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 6. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City hereby declares that this Ordinance would have been enacted without such invalid provision.

Section 7. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

Section 8. This Ordinance shall be effective upon the date of final adoption hereof and any publication required by law.

Section 9. This Ordinance shall be cumulative of all other ordinances of the City of Schertz, and this Ordinance shall not operate to repeal or affect any other ordinances of the City of Schertz except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this Ordinance, in which event such conflicting provisions, if any, are hereby repealed.

PASSED ON FIRST READING, the \_\_\_\_ day of \_\_\_\_\_ 2023.

PASSED, APPROVED and ADOPTED ON SECOND READING, the \_\_\_\_ day of \_\_\_\_\_, 2023.

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Ralph Gutierrez, Mayor

ATTEST:

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Sheila Edmondson, City Secretary

(city seal)

Exhibit "A"  
Property Description- Metes and Bounds

Exhibit "B"  
Zone Change Exhibit