

ORDINANCE NO. 01282002-A

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF NIEDERWALD, AS HERETOFORE AMENDED, SO AS TO REZONE 386.596 ACRES OUT OF THE ARMAND WELCH SURVEY NO. 168, ABSTRACT NO. 494, AND THE I. & G.N. RR. CO. SURVEY, ABSTRACT NO. 577, IN THE CITY OF NIEDERWALD, HAYS COUNTY, TEXAS, FROM A - AGRICULTURAL DISTRICT TO R1 - RESIDENTIAL - SINGLE FAMILY SITE BUILT; DIRECTING A CHANGE ACCORDINGLY IN THE OFFICIAL ZONING MAP OF THE CITY; AND PROVIDING A PENALTY CLAUSE, A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

WHEREAS, the City Secretary of Niederwald, Texas, directed that notices of a hearing be issued, as required by the Zoning Ordinance of the City of Niederwald and laws of the State of Texas, at a meeting of the City Council and the Planning & Zoning Commission, to be held on the 28th day of JANUARY, 2002, for the purpose of considering a change in the Zoning Ordinance; and,

WHEREAS, the City accordingly caused to be issued and published the notices required by its Zoning Ordinance and laws of the State of Texas applicable thereto, the same having been published in a paper of general circulation in the City of Niederwald, Texas, at least fifteen (15) days prior to the time set for such hearing, as is all shown by the publisher's affidavit attached to the original copy of this Ordinance; and,

WHEREAS, the City Council of said City, in conjunction with the Planning & Zoning Commission, pursuant to such notice, held its public hearing and heard all persons wishing to be heard both for and against the aforesaid change in the Zoning Ordinance, on the 28th day of JANUARY, 2002; and,

WHEREAS, the City Council is of the opinion and finds that such change would not be detrimental to the public health, safety, or general welfare, and will promote the best and most orderly development of the properties affected thereby, and to be affected thereby, in the City of Niederwald, and as well, the owners and occupants thereof, and the City generally;

IT IS, THEREFORE, ORDAINED BY THE CITY COUNCIL OF THE CITY OF NIEDERWALD, TEXAS, THAT:

Section I. The Zoning Ordinance No. 112398A, as the same has been heretofore amended, is hereby further amended so as to rezone 386.596 acres out of the Armand Welch Survey No. 168, Abstract No. 494, and the I. & G.N. RR. Co. Survey, Abstract No. 577, in the City of Niederwald, Hays County, Texas, and being that same tract of land conveyed to Forest Friedrich in a Deed as recorded in Volume 1073, Page 382 of the Deed Records of Hays County, Texas, from A - AGRICULTURAL DISTRICT to R1 - RESIDENTIAL - SINGLE FAMILY SITE BUILT, said property being further described in Exhibit "A."

Section II. It is directed that the official zoning map of the City of Niederwald be changed to

reflect the zoning classification established by this Ordinance.

Section III. All provisions of the ordinances of the City of Niederwald in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the ordinances of the City of Niederwald, not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

Section IV. The repeal of any ordinance or part of ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions of any ordinance at the time of passage of this Ordinance.

Section V. Any person, firm or corporation violating any of the provisions or terms of this Ordinance shall be subject to the same penalty as provided for in Ordinance No. 112398A, as amended, of the City of Niederwald, and upon conviction, shall be punished by a fine not to exceed the sum of TWO THOUSAND AND NO/100 DOLLARS (\$2,000.00) for each offense, and each and every day such violation shall continue shall be deemed to constitute a separate offense.

Section VI. It is the intention of the City Council that this Ordinance, and every provision thereof, shall be considered severable and the invalidity of any section, clause or provision or part or portion of any section, clause, or provision of this Ordinance shall not affect the validity of any other portion of this Ordinance.

Section VII. This Ordinance shall become effective immediately upon its passage and publication as required by law.

PASSED AND APPROVED THIS THE 28th DAY OF JANUARY, 2002.



RICKIE ADKINS, MAYOR
CITY OF NIEDERWALD, TEXAS

ATTEST:



CITY SECRETARY
CITY OF NIEDERWALD, TEXAS

