

**ORDINANCE NUMBER 2023-03**

**AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF PAYNE SPRINGS, TEXAS RE-ZONING PROPERTY LOCATED WITHIN THE INCORPORATED LIMITS OF THE CITY OF PAYNE SPRINGS, TEXAS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the City of Payne Springs, Texas (“City”) is a Type-A general law municipality organized and existing pursuant to the laws of the State of Texas; and

WHEREAS, the City Council for the City of Payne Springs, Texas is empowered under Texas Local Government Code Chapter 54.001, et seq., to do all acts and make all regulations which may be necessary or expedient for the promotion of the public health, safety and general welfare; and

WHEREAS, Texas Local Government Code Section 211.003 empowers a municipality, by and through its City Council, to establish and amend zoning districts and classifications of land use, adopt a comprehensive plan to regulate the use of land and open spaces, adopt and amend zoning regulations, and regulate the use and location of buildings; and

WHEREAS, the City Council for the City of Payne Springs, Texas has determined that a re-zone of the tract of property the subject of this Ordinance is necessary to effectively and efficiently encourage the most appropriate use of land located within the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF PAYNE SPRINGS, TEXAS AS FOLLOWS:

**I.  
ZONING AMENDMENT**

- A. The property the subject of this zoning amendment is owned by Craig Pettit APFSDEMM, INC, Craig Pettit has previously made application for a re-zone of said property which is currently zoned residential.

- B. Craig Pettit has requested that the property currently zoned residential be re-zoned, by way of this Ordinance, to a business zoning designation.
- C. The property the subject of Craig Pettit's application for re-zone is more particularly described as follows:
- TR 12A AB 484 J R MORALES SUR, TR 12A map of the area the subject of this rezone is attached hereto as **Exhibit A**.
- D. The property owned by Craig Pettit APFSDEMM, INC, which is more particularly described in Section I.B. above and in **Exhibit A**, is, by the passage of this Ordinance, re-zoned from residential to a business designation.
- E. By the passage of this Ordinance, the property re-zoned herein shall be afforded all uses allowed by the City of Payne Springs's business zoning district designation and shall comply, in all respects, to said business district zoning designation regulations and restrictions.

**II.  
PROCEDURAL COMPLIANCE FOR RE-ZONE**

- A. The City of Payne Springs has complied with all procedural requirements to effectuate this re-zone as required by local Ordinance and Texas Local Government Code Chapter 211.001, et seq.

**III.  
SEVERABILITY**

If any section, clause, sentence or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

**IV.**

**REPEALER**


Any ordinance or section(s) of an ordinance in conflict with the provisions of this Ordinance are hereby repealed to the extent of said conflict.

**V.  
EFFECTIVE DATE**

This Ordinance shall become effective immediately upon its passage and approval of the City Council for the City of Payne Springs, Texas.

**PASSED AND APPROVED** by the City Council for City of Payne Springs, Texas this 21ST day of FEBRUARY, 2023.

**APPROVED BY:**



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Andrea Miller, Mayor

**ATTEST:**



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Beth Billings, City Secretary