

ORDINANCE NO. {{item.custom_tracking_number}}
(FY-20-32-ZC)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, AUTHORIZING A REZONING FROM AGRICULTURAL TO NEIGHBORHOOD SERVICE ON APPROXIMATELY 47.809 ACRES ADDRESSED AS 2420 WEST NUGENT AVENUE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING AN OPEN MEETINGS CLAUSE.

Whereas, the subject property is located at the northeast corner of the intersection of West Nugent Avenue and Eberhardt Road - the applicant requests a rezoning from Agricultural (AG) to Neighborhood Service (NS), however, had initially requested a rezoning to General Retail (GR) but changed his request to NS to remove the potential of duplex development and since the NS zoning district is more restrictive than the GR district, renotification is not necessary;

Whereas, the applicant's requested NS zoning district is the most restrictive retail district and is intended to provide retail and service needs for residential neighborhood service areas - the NS zoning district permits limited retail services with uses such as convenience store, bank, barber or beauty shop, small cleaners, as well as single-family residential uses;

Whereas, the Planning and Zoning Commission of the City of Temple, Texas, at its August 17, 2020 meeting, voted 7 to 0 to recommend Council approve of the rezoning, from Agricultural to Neighborhood Service on approximately 47.809 acres addressed as 2420 West Nugent Avenue;

Whereas, the City Council has considered the matter and deems it in the public interest to authorize this action.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TEMPLE, TEXAS, THAT:

Part 1: Findings. All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council of the City of Temple, Texas, and they are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

Part 2: The City Council approves of the rezoning from Agricultural to Neighborhood Service on approximately 47.809 acres addressed as 2420 West Nugent Avenue.

Part 3: The City Council directs the Director of Planning to make the necessary changes to the City Zoning Map.

Part 4: It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of

the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such phrase, clause, sentence, paragraph or section.

Part 5: This ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Temple, Texas, and it is accordingly so ordained.

Part 6: It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

PASSED AND APPROVED on First Reading and Public Hearing on the **17th** day of **September, 2020**.

PASSED AND APPROVED on Second and Final Reading on the **1st** day of **October, 2020**.

THE CITY OF TEMPLE, TEXAS

TIMOTHY A. DAVIS, Mayor

ATTEST:

APPROVED AS TO FORM:

Jana Lewellen
City Secretary

Kathryn H. Davis
City Attorney