

ORDINANCE 2021- 026(O)

AN ORDINANCE AMENDING THE WINDCREST CODE OF ORDINANCES, CHAPTER 113, ARTICLE VI. -SPECIAL USE PERMITS, SECTION 113-326. - TERMINATION OF SPECIAL USE PERMIT

WHEREAS, the City of Windcrest is a home-rule municipality located within Bexar County, Texas; and

WHEREAS, the evaluation of the Special Use Permit termination process in the Windcrest Code of Ordinances had not been updated since approximately 2010; and

WHEREAS, the City of Windcrest City Council in compliance with the laws of the State of Texas and the City's municipal code in the exercise of its legislative discretion, has determined it is appropriate, for good government and for the welfare and benefit of the public to amend the portion of the Code that deals with the termination of special use permits

I.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WINDCREST, TEXAS that Article VI.-Special Use Permits, Section 113-326.-Termination of Special Use Permit of Chapter 113 of the Windcrest Code of Ordinances shall be amended with strike through text being deletions and underlined text being additions and shall read as follows:

Chapter 113

Article VI. – Special Use Permits

Sec. 113-326. - Termination of special use permit.

Any change of use of property from that authorized in a special use permit shall terminate the existing special use permit. Unless specified otherwise by the city council when granting the special use permit, if no building permit has been applied for and the designated work not begun within 180 days after the date of approval by the city council of a special use permit, the special use permit shall automatically expire.

II.

CUMULATIVE CLAUSE

That this Ordinance shall be cumulative of all provisions of the City of Windcrest Code of Ordinances except where the provisions of this Ordinance are in direct conflict with the provisions of such existing Ordinance, in which event the conflicting provisions of such existing Ordinance are hereby repealed and this Ordinance controls.

**III.
SEVERABILITY**

That it is hereby declared to be the intent of the City Council for the City of Windcrest that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance should be declared unconstitutional by the valid judgement or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of the Ordinances, since the same would have been enacted by the City Council without incorporation in this ordinance of any such unconstitutional phrases, sentences, paragraphs, or sections.

**IV.
PROPER NOTICE AND MEETING**

It is hereby officially found and determined that the meeting at which this Ordinance was adopted was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

**V.
EFFECTIVE DATE**


This ordinance shall be effective upon passage and publication as required by state and local law.

**VI.
READINGS**

DULY PASSED ON FIRST READING, on the 1st day of November, 2021 at a regular meeting of the City Council of the City of Windcrest, Texas, which was held in compliance with the Open Meetings Act, Gov't. Code §551.001, et. Seq. at which meeting a quorum was present and voting.


DULY PASSED AND APPROVED, on the 15th day of November, 2021 at a regular meeting of the City Council of the City of Windcrest, Texas, which was held in compliance with the Open Meetings Act, Gov't. Code §551.001, et. Seq. at which meeting a quorum was present and voting.

CITY OF WINDCREST, TEXAS



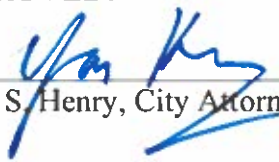
Dan Reese, Mayor

ATTEST:



Rachel C. Dominguez, City Secretary

APPROVED:



Ryan S. Henry, City Attorney

