

ORDINANCE NO. 2023- 10

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MINERAL WELLS, TEXAS AMENDING APPENDIX B, "THE CITY OF MINERAL WELLS ZONING ORDINANCE", OF THE CODE OF ORDINANCES OF THE CITY TO AMEND THE ZONING CLASSIFICATION OF ABSTRACT 1603, TRACTS B AND C, HARVEY SUBDIVISION, MINERAL WELLS, PALO PINTO COUNTY, TEXAS, FROM A SF-6 (SINGLE FAMILY RESIDENTIAL) AND MH (HUD CODE MANUFACTURED HOME) DISTRICT TO A C (COMMERCIAL) DISTRICT; REVISING THE OFFICIAL ZONING MAP IN ACCORDANCE HEREWITH; PROVIDING FOR SAVINGS, REPEALING AND SEVERABILITY CLAUSES; PRESCRIBING A PENALTY NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED EACH DAY DURING OR ON WHICH A VIOLATION OCCURS OR CONTINUES; AND PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

WHEREAS, an application was submitted to amend the City of Mineral Wells Zoning Ordinance, Appendix B of the Code of Ordinances of the City (hereinafter "Zoning Ordinance"), to change the zoning of Abstract 1603, Tracts B and C, Harvey Subdivision, Mineral Wells, Palo Pinto County, Texas (the "Property") from a SF-6 (Single Family Residential) and MH (HUD Code Manufactured Home) District to a C (Commercial) District; and

WHEREAS, the Planning and Zoning Commission of the City of Mineral Wells ("Commission") in compliance with the laws of the State of Texas and the ordinances of the City, gave requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof, the Commission evaluated the request and the relationship of the request to the adopted City plan as required by the Zoning Ordinance and voted to recommend approval of the requested zoning change on the Property to the City Council of the City of Mineral Wells (the "City Council"); and

WHEREAS, the City Council, in compliance with the laws of the State of Texas and the ordinances of the City, gave requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally, and to all persons interested and situated in the affected area and in the vicinity thereof, and having considered the Commission's recommendation for approval of the requested rezoning of the Property from a SF-6 (Single Family Residential) and MH (HUD Code Manufactured Home) District to a C

(Commercial) District, has determined that the Zoning Ordinance should be amended to rezone the Property from SF-6 (Single Family Residential) and MH (HUD Code Manufactured Home) District, to C (Commercial) District and that the change in zoning for the property should be reflected in the Zoning Map; and

WHEREAS, the City Council has investigated and determined that the requested zoning change for the Property and amendment to the Zoning Map reflecting the change from a SF-6 (Single Family Residential) and MH (HUD Code Manufactured Home) District to a C (Commercial) District is appropriate, is consistent with the plan for the City, and that such grant will not be detrimental to the public welfare, safety or health.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MINERAL WELLS, TEXAS:

SECTION 1. Findings Incorporated. All of the above premises are found to be true and correct findings of the City Council and are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2. Amendment to Zoning Ordinance and Zoning Map. The Zoning Classification for the property described as Abstract 1603, Tracts B and C, Harvey Subdivision, Mineral Wells, Palo Pinto County, Texas, and the Zoning Map of the City are hereby amended to reflect the change in zoning from a SF-6 (Single Family Residential) and MH (HUD Code Manufactured Home) District to a C (Commercial) District.

SECTION 3. Development Regulations Applicable. The Property being located within the C (Commercial) District, as rezoned by this Ordinance, shall be developed and used in accordance with the City of Mineral Wells Zoning Ordinance, Appendix B to the Code of Ordinances of the City, and all other applicable City ordinances, state and federal laws, as they exist or may be in the future amended, including but not limited to building codes, fire codes and all accessibility standards as required by law.

SECTION 4. Savings/Repealing Clause. City of Mineral Wells Zoning Ordinance, Appendix B to the Code of Ordinances of the City, shall remain in full force and effect, save and except as amended by this or any other ordinance. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict with the provisions of this Ordinance; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any

violation if occupying prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 5. Severability. Should any word, section, article, subsection, sentence, clause, phrase or other portion of this Ordinance be declared unconstitutional, illegal or invalid by a court of competent jurisdiction, it is expressly provided that the validity of any and all remaining portions of this Ordinance shall remain in full force and effect. In such event, the City of Mineral Wells hereby declares that it would have passed this Ordinance, and each word, section, article, subsection, clause, phrase or other portion thereof irrespective of the fact that any one or more words, sections, articles, subsections, sentences, clauses, phrases or other portions be declared unconstitutional or invalid.

SECTION 6. Penalty. Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction, in the municipal court of the City of Mineral Wells, Texas, shall be punished by a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense, and each and every day any such violation shall continue shall be deemed to constitute a separate offense.

SECTION 7. Publication and Effective Date. This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and Charter in such cases require.

PASSED AND APPROVED BY THE MINERAL WELLS CITY COUNCIL IN A PUBLIC MEETING HELD ON THE 18th DAY OF JULY 2023.

Regan L Johnson

Regan Johnson, Mayor

ATTEST:

Sharon McFadden

Sharon McFadden, City Clerk

