

ORDINANCE NO. 24-3757

AN ORDINANCE AMENDING ORDINANCE NO. 19-3690 OF THE CITY OF PLAINVIEW, TEXAS AND AMENDING THE ZONING MAP OF THE CITY OF PLAINVIEW AS SET OUT IN §14.02.003 OF THE CODE OF ORDINANCES BY CHANGING FROM GENERAL COMMERCIAL (GC) ZONING DISTRICT TO MULTI-FAMILY (MF) ZONING DISTRICT MESA VERDE PLV UNIT 1 PTS LOTS 1,4 AND 5 PLAINVIEW, HALE COUNTY, TEXAS COMMONLY KNOWN AS 13TH AND MESA DR., PLAINVIEW, TEXAS; PROVIDING FOR A PENALTY OF UP TO \$2,000.00 FOR VIOLATIONS; PROVIDING AN EFFECTIVE DATE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING FOR PUBLICATION.

WHEREAS, the City Council for the City of Plainview, Texas has jurisdiction under the constitution and laws of the State of Texas including, but not limited to, Article 11, Section 5 of the Texas Constitution as a home rule city and Texas Local Government Code Chapter 211, to set forth zoning ordinances and regulations for the public health, safety, morals, or general welfare, for protecting and preserving places and areas of historical, cultural, or architectural importance and significance and to promote a harmonious, convenient, workable relationship among land uses; and

WHEREAS, the City Council of the City of Plainview, Texas has previously passed Ordinance 19-3690, a comprehensive zoning ordinance, as amended and codified in Plainview Code of Ordinances Chapter 14 establishing, among other things, the zoning district boundaries including applicable definitions and the Zoning Map of the City of Plainview; and

WHEREAS, the owner of the following described parcels of land has requested that their property be changed from General Commercial (GC) Zoning District to Multi-Family (MF) Zoning District:

Approximately 8.4698 acres in Mesa Verde PLV UNIT 1 PTS of Lots 1,4 &5 Plainview, Hale County, Texas. Located at 13th and Mesa Dr.

WHEREAS, the property owner filed an application to change the zoning on their property and completed the staff review process as required under §14.13.006 of the Plainview Code of Ordinances; and

WHEREAS, after giving proper notice the Planning and Zoning Commission considered Case File No. P-23-14 and conducted a public hearing on the respective property on December 14th, 2023, to consider amending Plainview's Zoning Ordinance and having determined that it met the general rezoning criteria of §14.13.006(c) of the Plainview Code of Ordinances, at the conclusion of such hearing voted to recommend to the City Council to amend the Zoning Ordinance as outlined herein; and

WHEREAS, following the recommendation of the Planning and Zoning Commission, notice of the time and place of a public hearing on the proposal before the City Council was published in the *Plainview Daily Herald* at least fifteen (15) days prior to the date of the public hearing in accordance with §211.006(a) of the Texas Local Government Code; and

WHEREAS, on January 9, 2024, the City Council of the City of Plainview conducted a public hearing on this property regarding the recommended zoning change at a regular council meeting and all interested persons were given an opportunity to speak on such recommendation; and

WHEREAS, the City Council of the City of Plainview finds that amending Ordinance 19-3690 by changing the zoning from General Commercial (GC) zoning district to Multi-family (MF) zoning district Unit 1 PTS lots 1, 4 and 5 in the Mesa Verde PLV Addition, Plainview, Hale county, Texas commonly known as 13th and Mesa Drive, Plainview, Texas to be reasonable and beneficial for the public health, safety, morals, general welfare and public interest of the citizens of Plainview and desires amend the ordinance and the Zoning Map of Plainview accordingly;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PLAINVIEW HEREBY ORDAINS THAT:

SECTION 1. The recitals set forth above are hereby found to be true and correct and are incorporated into the body of this Ordinance for all purposes as if fully set forth herein.

SECTION 2. Ordinance 19-3690 as amended and codified in the Code of Ordinances of the City of Plainview Texas, is hereby amended as follows:

In accordance with §14.13.006 of the Code of Ordinances, City of Plainview, a change in zoning from:

General Commercial (GC) zoning district to Multi-family (MF) zoning district approximately 8.4698 acres in Unit 1 PTS lots 1, 4 and 5 in the Mesa Verde PLV addition, Plainview, Hale County, Texas commonly known as 13th and Mesa drive, Plainview, Texas

SECTION 3. The Zoning Map of the City of Plainview as set forth in §14.02.003 of the Code of Ordinances, City of Plainview, be amended to reflect the above referenced change in zoning.

SECTION 4. A violation of any provision of this Ordinance shall be deemed a misdemeanor punishable in accordance with Section 1.01.009 of the Code of Ordinances of the City of Plainview, Texas.

SECTION 5. This ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

SECTION 6. All other terms and provisions of the Code of Ordinances, City of Plainview, Texas not in conflict herewith and not hereby amended shall remain in full force and effect.

SECTION 7. Should any paragraph, section, sentence, phrase, clause or word of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of this Ordinance shall not be affected thereby.

SECTION 8. The City Secretary of the City of Plainview is hereby authorized and directed to cause publication of the descriptive caption of this Ordinance as an alternative method provided by law.

Passed and approved on first reading this 9th day of January, 2024

Passed and approved on second reading this 23rd day of January, 2024



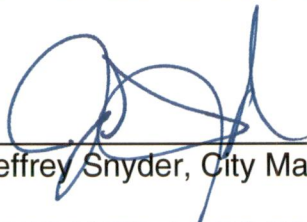
Charles Starnes, Mayor

ATTEST:



Belinda Hinojosa, City Secretary

APPROVED AS TO CONTENT:



Jeffrey Snyder, City Manager

APPROVED AS TO FORM:



Matthew L. Wade, City Attorney