

ORDINANCE NO. 08-31

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF TEXAS CITY, CHAPTER 40 (ZONING ORDINANCE), BY AMENDING SECTION 40-67(h), "SETBACK FROM PIPELINES"; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT THEREWITH; PROVIDING A SEVERABILITY CLAUSE; DISPENSING WITH THE REQUIREMENT FOR READING THIS ORDINANCE ON THREE (3) SEPARATE DAYS; AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION AND PUBLICATION BY CAPTION ONLY IN THE OFFICIAL NEWSPAPER OF THE CITY.

WHEREAS, the City of Texas City, Texas, is a home-rule city; and,

WHEREAS, the City of Texas City, Texas, seeks to amend The Code of Ordinances of the City of Texas City (Zoning Ordinance), Chapter 40 by amending Section 40-67(h), "Setback from Pipelines"; and

WHEREAS, the Planning Board members and the Zoning Commission members, after holding a public hearing on June 3, 2008, unanimously voted to recommend the amendment of Section 40-67(h), Setback from Pipelines.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF TEXAS CITY, TEXAS:

SECTION 1: That **The Code of Ordinances of the City of Texas City, Texas, Chapter 40,** is amended by amending Section 40-67(h) to read and provide as follows:

"Sec. 40-67. Front, side, and rear yard regulations and exceptions.

(h) To provide adequate protection in all districts zoned for residential uses, a minimum setback of ~~60~~ 25 feet of all buildings and accessory buildings from any underground, high-pressure, gas pipeline easement or any other hazardous pipeline is required. When deemed necessary, the city commission may request additional setbacks. The only exception will be one storage building not exceeding 225 square feet in floor area or 12 feet in height will be allowed in the ~~60~~ 25' setback area. Foundations for storage buildings will be constructed on a treated wood foundation and not on concrete. Storage buildings are not classified as permanent accessory buildings."

SECTION 2: It is hereby declared to be the intention of the City Commission that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable.

SECTION 3: That it is further provided that, in the event any section, clause, sentence, paragraph or part of this Ordinance shall be for any reason adjudged by any court of competent jurisdiction to be invalid, such invalidity shall not affect, invalidate, or impair the remainder of this Ordinance.

SECTION 4: That all ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 5: That the Charter requirement for reading this Ordinance on three (3) separate days has been dispensed by a majority vote of all members of the City Commission.

SECTION 6: That the City Secretary is hereby directed, in accordance with Article III of the City Charter, to publish this ordinance, by caption only, in one issue of the official paper, and obtain proof of such publication made by the printer or publisher of such paper. An affidavit made by said printer or publisher before some officer authorized by law to administer oaths, and filed with the person performing the duties of city secretary shall be prima facie evidence of such publication and promulgation of such ordinance in courts of the state. The ordinance so published shall take effect, and be in force, from and after ten days after publication thereof, unless otherwise expressly provided.

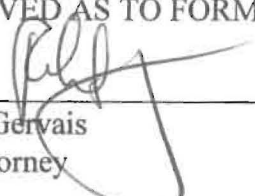
PASSED AND ADOPTED this 16th day of July, 2008.

Matthew T. Doyle, Mayor
City of Texas City, Texas

ATTEST:

Pamela A. Lawrence
City Secretary

APPROVED AS TO FORM:



Robert Gervais
City Attorney