

ORDINANCE NO. 21-24

AN ORDINANCE AMENDING THE CODE OF ORDINANCES, OF THE CITY OF TEXAS CITY, TEXAS, TITLE XV - LAND USAGE, CHAPTER 160, "ZONING", REPEALING ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE; PROVIDING A SAVINGS CLAUSE; DISPENSING WITH THE CHARTER 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.

WHEREAS, there is a need to amend The Code of Ordinances of the City of Texas City, Texas, Title XV - Land Usage, Chapter 160, Zoning, to update information contained in the Code, and

WHEREAS, Pursuant to TEX. LOCAL GOV'T CODE § 211.001 et seq. the City of Texas City is authorized to regulate the subdivision of land within the City's corporate limits and may adopt rules governing regulating the height, number of stories, and size of buildings and other structures within the City's jurisdiction to promote health, safety, morals, or general welfare and the safe, orderly, and healthful development of the municipality, and

WHEREAS, there is a need to clarify the non-conforming use requirements of structures within the City, and

WHEREAS, the City Commission determines that amending Title XV – Land Usage, Chapter 160, will promote the health, safety, morals, and general welfare of the City and the safe, orderly, and healthful development of the City;

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

Section 1. The above and foregoing recitals are hereby found to be true and correct and are incorporated herein as findings of fact. The City Commission hereby further finds and determines that the rules, regulations, terms, conditions, provisions, and requirements of this ordinance are reasonable and necessary to promote health, safety, morals, or general welfare and the safe, orderly, and healthful development of the municipality. The City of Texas City's Code of Ordinances, Section 160.089 (entitled "Non-Conforming Uses") is hereby amended by adding the following:

§ 160.089 NON-CONFORMING USES.

- (A) Any use of land or structures which do not conform to the use regulations prescribed in this chapter or amendments hereto shall be deemed a non-conforming use.
- (B) Any building or structure on a lot which does not conform the lot area, lot dimensions, front yard, side yard, rear yard or coverage, or any building or structure which does not

conform to the height, parking, loading, building spacing or any other regulations or any requirements of this chapter shall be deemed a non-conforming building or structure.

- (C) Any use or failure to meet requirements that existed lawfully at the time of enactment of this chapter may be continued subject to reasonable regulations by the Board of Adjustments, except as described in the following.
- (1) A non-conforming use or failure to meet requirements shall not be continued when there is a change of use.
 - (2) A non-conforming use or failure to meet requirements shall not be continued when 50% of the floor area of the use or structure is remodeled or rebuilt.
 - (3) A non-conforming use or failure to meet requirements shall not be continued when the non-conforming use is abandoned. A structure shall be deemed to be abandoned when the electrical service and/or water service has been disconnected for a period of six (6) consecutive months.
 - (4) Any non-conforming use or failure to meet requirements shall be brought into compliance when the property is rezoned to another district.

Section 2. This ordinance shall be cumulative of all provisions of the City of Texas City, Texas, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinances, in which event the more restrictive provision shall apply.

Section 3. It is hereby declared to be the intention of the City Commission of the City of Texas City, Texas, 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 judgment or decree of any court of competent jurisdiction, such unconstitutionality 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 Commission without incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

Section 4. All rights and privileges of the City of Texas City, Texas, are expressly saved as to any and all violations of the provisions of any Ordinances affecting land use or development, which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such Ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

Section 5. This Ordinance shall be effective immediately upon the passage, approval and publication as required by law.

Section 6. That the Charter requirement for reading this Ordinance on three (3) separate days has been dispensed by a majority vote of the City Commission.

PASSED AND ADOPTED this 6th day of October 2021.

Dedrick D. Johnson, Sr., Mayor
City of Texas City, Texas

ATTEST:

APPROVED AS TO FORM:

Rhomari D. Leigh
City Secretary

Kyle L. Dickson
City Attorney