

ORDINANCE NO. 607-23

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF SANSOM PARK, TEXAS, ZONING ORDINANCE 480-14 BY AMENDING SECTION 5.4 NONCONFORMING USES, LOTS, AND STRUCTURES; PROVIDING A CUMULATIVE CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Sansom Park, Texas, is a Type A General-Law municipality; and

WHEREAS, Section 51.001 of the Texas Local Government Code authorizes municipalities to adopt any ordinance, act, law or regulations, not inconsistent with State law, that is necessary for the government, interest, welfare or good order of the City; and

WHEREAS, the City Council of the City of Sansom Park provided notice as required by law and conducted a public hearing on January 19, 2023, in accordance with Texas Local Government Code 211.007 and finds and determines that the Code of Ordinances of the City of Sansom Park, Texas, Zoning Ordinance, Ordinance No. 480-14, as amended, (Zoning Ordinance), Section 5.4 Nonconforming Uses, Lots, and Structures should be amended as shown in Exhibit "A"; and

WHEREAS, the City Council of the City of Sansom Park, Texas, has found that the following amendments to the City's zoning ordinance will promote the public health, safety and welfare of the citizens of the City; and the City Council has determined that the changes to Section 5.4 Nonconforming Uses, Lots and Structures is in accordance with the future land use plan, and with the standards in the Zoning Ordinance; and

WHEREAS, pursuant to Chapter 211 of the Local Government Code, the City has adopted a comprehensive zoning ordinance and map regulating the location and use of buildings, other structures and land for business, industrial, residential, or other purposes, and regulations governing nonconforming uses, lots, and structures for the purpose of promoting the public health, safety, morals and general welfare, all in accordance with a comprehensive plan; and

WHEREAS, all requirements of law dealing with notice to other property owners, publication and all procedural requirements have been complied with in accordance with Chapter 211 of the Local Government Code; and

WHEREAS, the City Council does hereby deem it advisable and in the public interest to amend the City's Zoning Ordinance as described herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SANSOM PARK, TEXAS, THAT:

**SECTION I
FINDINGS OF FACT**

The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

**SECTION II
ZONING AMENDMENTS**

Exhibit "A" of the Code of Ordinances of the City of Sansom Park, Texas, Zoning Ordinance, Section 5.4 Nonconforming Uses, Lots, and Structures is hereby amended as shown in Attachment "A". They have been made after a full and complete hearing with reasonable consideration among other things of the character of development in the city and its peculiar suitability for the particular uses and with a view of conserving the value of the buildings and encouraging long-term redevelopment of property in the city.

**SECTION III
CUMULATIVE CLAUSE**

This Ordinance shall be cumulative of all provisions of ordinances and of the Code of the City of Sansom Park, Texas, as amended, except where the provisions are in direct conflict with the provisions of other ordinances, in which event the conflicting provisions of the other ordinances are hereby repealed.

**SECTION IV
SEVERABILITY CLAUSE**

It is hereby declared to be the intention of the City Council 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 shall 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 and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

**SECTION V
PENALTY CLAUSE**

Any person, firm or corporation, violating any of the provisions or terms of this Ordinance, or the Zoning Ordinance, as amended hereby, shall be deemed guilty of a misdemeanor and upon conviction, 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 such violation shall continue shall constitute a separate offense.

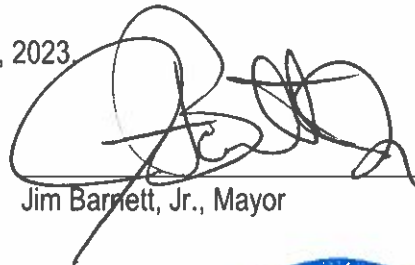
**SECTION VI
PUBLICATION CLAUSE**

The City Secretary of the City of Sansom Park is hereby directed to publish the caption, the penalty clause and effective date clause in the official newspaper at least once within ten (10) days after the passage of this Ordinance.

**SECTION VII
EFFECTIVE DATE**

This Ordinance shall be in full force and effect from and after its passage and publication as provided by law, and it is so ordained.

PASSED AND APPROVED this the 19th day of January, 2023.



Jim Barnett, Jr., Mayor

ATTEST:


Wendy Blocker, TRMC City Secretary

APPROVED AS TO FORM AND CONTENT:



Will A. Pruitt, City Attorney



EXHIBIT "A"

CODE OF ORDINANCES OF THE CITY OF SANSOM PARK, TEXAS

CHAPTER 14, ZONING ORDINANCE, SECTION 5.4 NONCONFORMING USES, LOTS, AND STRUCTURES
SHALL BE AMENDED AS FOLLOWS:

ADD THE FOLLOWING AS SUBSECTION D. UNDER SECTION 5.4.5 AND AMEND SECTION 5.4.6
(UNDERLINED TEXT INDICATE ADDITIONS AND STRIKE THROUGH TEXT INDICATE DELETIONS)

5.4.5 DISCONTINUANCE OR ABANDONMENT:

D. Administrative Exception Determination on Loss of Use Nonconformity:

1. Notwithstanding Subsection C above, the Administrator may determine that a nonconforming use may continue to operate beyond the discontinuance period of 180 days under the following conditions:

a. the structure and site where the nonconforming use operates was originally built for the nonconforming use and no other use can feasibly be accommodated due to the limitations of the existing structure and site; and

b. the existing site and structure shall not be expanded or improved other than routine maintenance as allowed in this section.

2. Any expansion over 25% of the existing structure or improvement to the existing site/structures over 50% of the replacement value of improvements on the site shall trigger the end of the use nonconformity.

3. Any appeals to the Administrator's decision shall be heard by the Board of Adjustment.

SECTION 5.4.6 - EXTENSION

Upon evidence of hardship, the Board of Adjustment shall have the power to hear any appeals of the Administrator's decision based on Section 5.4.5.D. above or if Section 5.4.5.D is not applicable, extend the time limits in Section 5.4.5 ~~above not to exceed~~ beyond six (6) months.