

ORDINANCE NO. 583

**AN ORDINANCE AMENDING CHAPTER 14, ARTICLE 14.01, OF THE CITY OF FRITCH, TEXAS CODE OF ORDINANCES, TO EXCLUDE RESIDENTIAL USE IN THE B-1 HIGHWAY BUSINESS DISTRICT; PROVIDING FOR A PENALTY; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION.**

**WHEREAS**, the City Council for the City of Fritch, Texas has jurisdiction under the constitution and laws of the State of Texas including, but not limited to, Texas Local Government Code Chapter 211, to set forth zoning ordinances and regulations for the public health, safety, morals, or general welfare and for protecting and preserving places and areas of historical, cultural, or architectural importance and significance; and

**WHEREAS**, the City Council of the City of Fritch, Texas has previously passed a comprehensive zoning ordinance outlined in Fritch Code of Ordinances Chapter 14 establishing, among other things, the initial zoning district boundaries including applicable definitions and the Zoning Map of the City of Fritch; and

**WHEREAS**, the City received a proposal to amend the Zoning Ordinance to exclude residential use in the B-1 Highway Business District; and

**WHEREAS**, the City of Fritch published in a newspaper of general circulation in Fritch notice of the proposed change and the date and time of the public hearing more than fifteen days before the public hearing as required by Texas Local Government Code §211.006(a);

**WHEREAS**, the City Council of the City of Fritch has conducted a public hearing regarding the proposed change to the comprehensive zoning ordinance to exclude residential use in the B-1 Highway Business District as required under Texas Local Government Code §211.006(a); and

**WHEREAS**, the City Council of the City of Fritch finds the following amendment to be reasonable and beneficial for the public health, safety, morals, or general welfare of the citizens of Fritch and wishes to amend such ordinance;

**NOW THEREFORE, BE IT ORDAINED** by the City Council of the City of Fritch, Texas that:

SECTION 1. Chapter 14 of the Code of Ordinances of the City of Fritch is hereby amended to exclude residential use in the B-1 Highway Business District and is further amended as follows:

A. That Section 14.01.003(b)(5) of the Code of Ordinances of the City of Fritch be amended so that such section shall read as follows: "This district is intended to accommodate those uses which are generally associated with, or depend upon, a highway location, to provide more convenient access and service to highway traffic. R-1, R-2 and R-3 type uses are prohibited."

B. That Section 14.02.151(1) be and is hereby deleted in its entirety.

C. That Section 14.02.151(b) be and is hereby added so that such section shall read as follows: "Notwithstanding anything contained in this section to the contrary, pre-existing residential use lawfully in existence at the time of the enactment of this Ordinance, June 16, 2020, shall not be required to meet the requirements established herein. The lawful residential use of any building, structure or land, existing at the time of the enactment of this Ordinance, may be continued although such use does not conform with the provisions of this Ordinance."

D. That Section 14.02.153 (b)(1) be and is hereby deleted in its entirety.

E. That Section 14.02.153 (c)(1) be and is hereby deleted in its entirety.

F. That Section 14.02.154 (a) be and is hereby deleted in its entirety.

G. That Section 14.02.155 (a) be and is hereby deleted in its entirety.

SECTION 2. Penalty. Any person found in violation of any provision of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined in accordance with the general penalty provision found in Section 1.01.009 of the Code of Ordinances of the City of Fritch, Texas.

SECTION 3. Effective Date. This ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

SECTION 4. Repealed. All other terms and provisions of the Code of Ordinances of the City of Fritch, not in conflict herewith and not hereby amended shall remain in full force and effect.

SECTION 5. Severability. If any provision, section, subsection, sentence, clause or the application of same to any person or set of circumstances for any reason is held to be unconstitutional, void or invalid or for any reason unenforceable, the validity of the remaining portions of this ordinance or the application thereby shall remain in effect, it being the intent of the City Council of the City of Fritch, Texas in adopting this ordinance, that no portion thereof or provision contained herein shall become inoperative or fail by any reasons of unconstitutionality of any other portion or provision.

SECTION 6. Publication. The City Secretary of the City of Fritch 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 this 16<sup>th</sup> day of June, 2020.

  
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Mayor

ATTEST:   
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City Secretary