

**ORDINANCE NO. 2024-5**

**AN ORDINANCE OF THE CITY OF GONZALES, TEXAS, AMENDING THE GONZALES CODE OF ORDINANCES CHAPTERS 14 ZONING, RELATED TO NONCONFORMING USES AND STRUCTURES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; ESTABLISHING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Gonzales (City) is a Texas Home Rule Municipality and the Texas Local Government Code authorizes the City of Gonzales to exercise jurisdiction over City zoning as deemed appropriate by the City; and

**WHEREAS**, the City Council may from time to time choose to amend, supplement, change or modify the City's zoning regulations, boundaries, or classifications; and

**WHEREAS**, City Staff has reviewed the current zoning regulations and have recommended certain revisions and updates to the current zoning regulations; and

**WHEREAS**, on January 18, 2024, January 25, 2024, and February 1, 2024, notice of the public hearings were published in the Gonzales Inquirer; and

**WHEREAS**, on February 5, 2024, the Planning and Zoning Commission conducted a public hearing and after consideration, made a recommendation of approval of this amendment; and

**WHEREAS**, on February 8, 2024, the City Council conducted a public hearing and after consideration and recommendation by the Planning and Zoning Commission determined that the ordinance amendment be approved as provided herein.

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GONZALES, TEXAS:**

Section 1. The City Council of the City of Gonzales, Texas hereby amends the City of Gonzales Code of Ordinances Chapters 14 Zoning as set forth in the attached "Exhibit A".

Section 2. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

Section 4. All ordinances and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

Section 5. This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

Section 6. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of



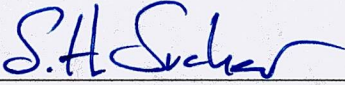
such provision to other persons and circumstances shall nevertheless be valid, and the City hereby declares that this Ordinance would have been enacted without such invalid provision.

Section 7. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

Section 8. This Ordinance shall be effective upon the date of final adoption hereof and any publication required by law.

Section 9. This Ordinance shall be cumulative of all other ordinances of the City of Gonzales, and this Ordinance shall not operate to repeal or affect any other ordinances of the City of Gonzales except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this Ordinance, in which event such conflicting provisions, if any, are hereby repealed.

**PASSED, ADOPTED, APPROVED, this 8<sup>th</sup> day of February, 2024.**

  
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Mayor, S.H. Sucher

ATTEST:

  
\_\_\_\_\_  
Kristina Vega, City Secretary



## “Exhibit A”

All text which is underlined denotes addition of new text. All text which is ~~stricken~~ through denotes removal of existing text. All other text is existing, unchanged text. Any existing text which has been omitted shall be considered unchanged. All text which is both between braces { } and italicized, is for document organization and reference only and is not intended to be adopted. The City of Gonzales Code of Ordinance, Chapter 14 – Zoning is hereby amended as follows:

*{Amend Section 14.406. Nonconforming Uses and Structures to add the following:}*

(m) Pre-existing Residential Lots and Structures.

- (1) Pre-existing lots and parcels. A lot or unplatted tract in a residential zoning district that is the same size and configuration as existed on or before January 1, 1990 shall be deemed conforming with lot size requirements. This exception does not eliminate the requirement for a subdivision plat as required by the subdivision ordinance.
- (2) Pre-existing structures. Existing residential structures that are the same size and configuration as existed on or before January 1, 1990 shall be deemed conforming with building setbacks, but shall not be expanded except in conformance with this section. This is not intended to authorize encroachments of structures onto adjacent properties or into public rights-of-way.
- (3) Multiple principal structures. A lot or tract that includes two or more principal residential structures that are the same size and configuration as existed on or before January 1, 1990 may be subdivided to separate the principal structures onto individual lots even if the resulting lots do not meet the minimum size requirements for lots in the applicable zoning district. However, in no case shall a lot be created that is less than 3,000 square feet in area. Lots created under this provision shall maximize setbacks to new lot lines to the extent possible.