

CHAPTER 1. - GENERAL PROVISIONS

Sec. 101. - Short title.

This ordinance shall be known and may be cited as the "City of Port Lavaca Unified Development Ordinance" or "this Ordinance."

(Ord. No. 1001, § 1, 4-1-18)

Sec. 102. - Jurisdiction.

(A) This Ordinance applies to all land within the regular municipal boundaries of Port Lavaca. (B) The subdivision requirements of this Ordinance also apply within the City's designated ETJ (extra-territorial jurisdiction). The Port Lavaca extra-territorial jurisdiction extends one (1) mile from the regular municipal boundaries unless preempted by appropriate jurisdictional control of other municipalities.

(Ord. No. 1001, § 1, 4-1-18)

Sec. 103. - Purpose.

This Ordinance is adopted for the purpose of promoting the public health, safety and general welfare of the citizens of Port Lavaca. More specifically, this ordinance provides for the division of land into different districts that, in combination with regulations pertaining to such districts, are designed in accordance with a comprehensive plan to achieve objectives that include, but are not limited to, the following:

- A. Promote the beneficial and appropriate development of all land and the most desirable use of land in accordance with a well-considered plan;
- B. Protect the character and the established pattern of desirable development in each area;
- C. Prevent or minimize land use incompatibilities and conflicts among different land uses;
- D. Maintain property values by stabilizing expectations and ensuring predictability in development;
- E. Establish a process that effectively and fairly applies the regulations and standards of this Ordinance and respects the rights of property owners and the interests of citizens; and,
- F. Ensure that adequate water and wastewater facilities are provided in residential subdivisions in Port Lavaca's jurisdiction and to apply no less than the minimum state standards for water and wastewater facilities to these subdivisions.

(Ord. No. 1001, § 1, 4-1-18; Ord. No. 1075, § 1.1, 5-6-03)

Sec. 104. - Minimum Standards.

In interpreting and applying the provisions of this Ordinance, these provisions shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity and general welfare.

(Ord. No. 1001, § 1, 4-1-18) ***FIX***

Sec. 105. - Conflicting Provisions.

Wherever the requirements of this Ordinance are at variance with the requirements of any other lawfully adopted rules, regulations or laws, including private deed restrictions and covenants, the more restrictive or that imposing the higher standards shall govern; however, the City shall have no obligation to review or enforce private deed restrictions or covenants.

(Ord. No. 1001, § 1, 4-1-18)

Sec. 106. - Compliance With These Regulations.

A. No land shall be used except for a purpose permitted in the district in which it is located.

B. No building shall be erected, structurally altered or used for any purpose other than permitted in the district in which such building is located. (See Chapter 8 for nonconformities.)

C. No lot area shall be reduced or diminished so that yards shall be smaller than prescribed by this Ordinance, nor shall the lot area per family be reduced in any manner, except in conformity with the district in which such building is located.

D. The owner of a tract of land located within the corporate limits or the extra territorial jurisdiction of the City of Port Lavaca that divides the tract in any manner that creates two (2) or more lots of five (5) acres or less intended for residential purposes must have a plat of the subdivision prepared in accordance Section 317 and with Chapter 6 of this Ordinance. Lots of 5 acres or less are presumed to be for residential purposes unless the land is restricted to nonresidential uses on the final plat and all deeds and contracts for deeds.

(Ord. No. 1001, § 1, 4-1-18; Ord. No. 1022, § 1, 11-7-00; Ord. No. 2065, § 1, 2-5-13)

Sec. 107. - Effective Date.

The effective date of this Ordinance shall **be January xx, 2019.**

(Ord. No. 1001, § 1, 4-1-18; Ord. No. 2065, § 1, 2-5-13)

Sec. 108. - Severability.

If any provision, section, sentence, clause or phrase of this Ordinance, or the application of same to any person or set of circumstances is, for any reason held to be unconstitutional, void, or invalid, the validity of the remaining portions of this Ordinance shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof, or provisions or regulations contained herein, shall become inoperative or fail by reason of any unconstitutionality of any other portion hereof, and all provisions of this Ordinance are declared severable for that purpose.

(Ord. No. 1001, § 1, 4-1-18)

Sec. 109. - Transitional Provisions.

A. Previously Approved Plats. Nothing in this Ordinance shall limit or modify the rights of any person to complete any subdivision project which has received prior plat approval under existing subdivision

regulations in place at that time. Such project should otherwise meet at least one (1) of the following criteria:

1. Any subdivision created by plat and recorded before the effective date of this Ordinance and has remained undeveloped.

2. Plats that were recorded before the effective date of this Ordinance and development has commenced and is continuing in good faith.

3. A complete application for preliminary plat approval filed with the City prior to adoption of this Ordinance and any plat currently under review by the City before adoption of this Ordinance.

B. Expired Plats. Expired plats shall conform to current City regulations and construction standards.

C. Existing Community Unit Plans (CUP) and Special Permits (SP). Nothing in this Ordinance shall limit or modify the rights of any person to continue a use approved through the Community Unit Plan or Special Permit process prior to the effective date of this Ordinance, subject to any and all of the conditions specified in such approval.

D. New Development Applications. The land use districts in the Port Lavaca Future Land Use Map adopted on June 9, 2014 in effect prior to the effective date of this Ordinance shall be converted in accordance with the following table.

PREVIOUS DISTRICT	NEW BASE ZONING DISTRICTS
Low Density Residential	R-1 Low Density Residential
Medium Density Residential	R-2 Medium Density Residential
High Density Residential	R-3 High Density Residential
Multi-Family	R-4 Multi Family Residential
Manufactured Home Park	M-1 Manufactured Home Park
Mixed Use	MU Mixed Use
Commercial	C-1 Commercial
	C-2 Central Business District
Light Industrial	I-1 Light Industrial
Industrial	I-2 Industrial
	OT-1 Olde Town Residential District
	OT-2 Olde Town Mixed Use District
	PUD Planned Unit Development District
Parks and Open Space	OS Parks and Open Space

Public/Semi-Public

P/SP Public/Semi-Public

G Government

WR Waterfront Residential

WMU Waterfront Mixed-Use

WB Waterfront Business

WC Waterfront Commercial

APPENDIX A - UNIFIED DEVELOPMENT ORDINANCE