

# **ARTICLE 1 - GENERAL PROVISIONS**

## **SECTION 1-1. Purpose**

This chapter is adopted for the purpose of promoting the public health, safety and general welfare of the citizens of the City of Big Spring. It is adopted in accordance with and is intended to complement the city's comprehensive plan, as adopted in 1996 (Resolution 2-96). More specifically, this chapter is intended to fulfill one or more of the following purposes:

1. Preserve and enhance the integrity, stability and livability of residential neighborhoods;
2. Maintain property values by stabilizing expectations and ensuring predictability in development;
3. Prevent or minimize land use incompatibilities and conflicts;
4. Prevent overcrowding of buildings and over development of sites and excessive concentrations of population or commercial activities;
5. Encourage commercial revitalization;
6. Preserve and enhance the city's natural environment and avoid natural hazards in the development of the city;
7. Balance the protection of community and neighborhood resources with the need to promote economic development and protect individual property rights;
8. Maintain opportunities for development and redevelopment to respond to changes in the marketplace, while respecting the character of surrounding areas; and
9. Establish a process that effectively and fairly applies the regulations and standards of this chapter and respects the rights of property owners and the interests of citizens.

## **SECTION 1-2. Short Title**

The provisions of this chapter may be referred to or cited as the "zoning regulations" or as "these regulations", or as "this Ordinance", or as "this chapter".

### **SECTION 1-3. Severability**

In the event that any section, subsection, sentence, clause or phrase of this ordinance shall be declared or judged invalid or unconstitutional, such adjudication shall in no means affect any other section, subsection, sentence, clause or phrase of this ordinance, but the remainder hereof shall be in full force and effect just as though the section, subsection, sentence, clause or phrase as declared or adjudged invalid or unconstitutional was not originally a part hereof.

### **SECTION 1-4. Conflict with other Laws**

All ordinances or parts of ordinances inconsistent or in conflict with the provisions of this ordinance shall be void and the same are hereby repealed, except that nothing in this ordinance shall be construed as repealing any existing ordinance regulating nuisances or as permitting or requiring uses that are now prohibited by law, and ordinances imposing a greater restriction than is imposed herein shall govern.

No building, structure or use which was not lawfully existing at the time of adoption of this ordinance shall become or be made legal solely by adoption of this ordinance. By the passage of this ordinance, no presently illegal use shall be deemed to have been legalized unless such use specifically falls within a use district where the actual use is a conforming use. Otherwise, such uses shall remain nonconforming uses where recognized, or an illegal use, as the case may be. It is further the intent and declared purpose of this ordinance that no offense committed, and no liability, penalty or forfeiture, either civil or criminal, shall be discharged or affected by the adoption of this ordinance; but prosecutions and suits for such offences, liabilities, penalties or forfeitures may be instituted or causes pending be proceeded with in all respects as if such prior ordinances had not been repealed.

### **SECTION 1-5. Relationship to the Comprehensive Plan**

The regulations contained herein have been modified in accordance with a comprehensive land use planning program for the orderly growth and development of the City of Big Spring. The major modifications are herein undertaken to streamline the existing ordinance by eliminating or updating obsolete or ineffective portions of the previous zoning ordinance. Necessary changes have been identified by:

- Citizens during the Comprehensive Plan effort
- Planning and Zoning Commission members
- Staff members of the City of Big Spring

## **SECTION 1-6. Application and Exceptions**

These zoning regulations apply to all land located within the City's corporate limits, except as follows:

(a) These regulations do not apply to a building, structure, or land owned or leased by the City, the State of Texas, or the United States, or an agency thereof.

(b) Except as otherwise specifically provided for herein, this chapter does not apply to the erection, construction, alteration, or maintenance of cables, conduits, lines, wires or vaults, or similar equipment lawfully installed and maintained by a public utility. This exemption does not apply to buildings, structures, or communication towers constructed by, owned, leased or controlled by a public utility.

## **SECTION 1-7. Effective Date**

The effective date of this Chapter and revision of the zoning ordinances of the City of Big Spring shall be effective on June 12, 2001.

## **SECTION 1-8. Violations and Penalties**

It is unlawful for any person to violate, or cause to allow any other person under his or her control or authority to violate, any provision or requirement of these zoning regulations. The violation of any of these zoning regulations is unlawful and may be punished by a fine not to exceed \$2,000 for each offense. Each day a violation occurs is a separate offense.

## **SECTION 1-9. Interpretation**

If any provision of these zoning regulations imposes a higher standard than that required by any other City regulation not contained in these zoning regulations, the provisions of these zoning regulations control. If any provision of any City regulation not contained in these zoning regulations imposes a higher standard, that regulation controls.

## **SECTION 1-10 to 1-15. Reserved**