

ORDINANCE NO. O-13-42

AN ORDINANCE OF THE CITY OF MISSOURI CITY, TEXAS, AMENDING SECTION 4, DEFINITIONS, AND SECTION 7, USE DISTRICTS, OF APPENDIX A OF THE MISSOURI CITY CODE, ENTITLED "THE CITY OF MISSOURI CITY ZONING ORDINANCE;" PROVIDING RULES AND REGULATIONS RELATING TO PAWNSHOPS; PROVIDING FOR REPEAL; PROVIDING A PENALTY; AND PROVIDING FOR SEVERABILITY.

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WHEREAS, Subsection 211.0035(b) of the Texas Local Government Code provides that, for the purposes of zoning regulation and determination of zoning district boundaries, the governing body of a municipality shall designate pawnshops that have been licensed to transact business by the Consumer Credit Commissioner under Chapter 371, Finance Code, as a permitted use in one or more zoning classifications; and

WHEREAS, the Planning and Zoning Commission and the City Council of the City of Missouri City have each conducted, in the time and manner and after the notice required by law and the City of Missouri City Zoning Ordinance, a public hearing on the proposed amendments to the City of Missouri City Zoning Ordinance; and

WHEREAS, all persons appearing at such public hearings who desired to speak on such proposed amendments were afforded that opportunity and their comments were duly noted and considered; and

WHEREAS, the Planning and Zoning Commission of the City of Missouri City has issued its final report to the City Council of the City of Missouri City; and

WHEREAS, the City Council of the City of Missouri City now deems it appropriate to approve the proposed amendments; now therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MISSOURI CITY, TEXAS:

Section 1. The facts and recitations set forth in the preamble of this Ordinance are hereby found to be true and correct.

Section 2. The Code of Ordinances of the City of Missouri City, Texas, is hereby amended by inserting a new Subsection (41.1) of Section 4 of Appendix A thereof to provide as follows:

**“APPENDIX A
ZONING**

.....

SECTION 4. DEFINITIONS

The following words, terms, and phrases, when used in this appendix, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. The terms not defined herein shall be construed in accordance with the ordinances of the city or their customary usage and meaning.

When necessary for a reasonable construction of this ordinance, words in the singular shall include the plural, words in the plural shall include the singular, and words used or defined in one tense or form shall include other tenses or derivative forms. The word "building" shall include the word "structure," the words "shall" or "will" are mandatory and the word "may" is permissive.

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(41.1) *Pawnshop*: A business meeting the definition of a pawnshop, as that term is defined by Section 371.003 of the Texas Finance Code, that has been licensed to transact business by the Consumer Credit Commissioner.”

Section 3. The Code of Ordinances of the City of Missouri City, Texas, is hereby amended by deleting Subsection 7.12.B of Section 7 of Appendix A thereof and substituting therefor new Subsection 7.12.B of Section 7 of Appendix A to provide as follows:

**“APPENDIX A
ZONING**

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SECTION 7. USE DISTRICTS

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7.12. LC-3 retail district.

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B. *Use regulations.* In the LC-3 retail district, no building or land shall be used and no building shall be hereafter erected, reconstructed, altered or enlarged, unless otherwise provided in this ordinance, except for one or more of the following type uses:

1. Any use permitted in LC-2 district.
2. Bakery, candy manufacturing.
3. Electrical and gas appliance sales and services.
4. Furniture showroom and/or warehouse.
5. Gasoline service station.
6. Job printing.
7. Lounges.
8. Medical care facilities, hospital and medical, surgical or dental laboratories.
9. Motels, hotels.
10. Motorcycle sales and services.
11. Pawnshops.
12. Plumbing and heating appliance sales and services.
13. Retail stores.
14. Tire, battery, and other automobile accessory sales and services.
15. Variety, department and discount stores.
16. Specific use as permitted in section 15 hereof.”

Section 4. *Repeal.* Any ordinance or any part of an ordinance in conflict herewith shall be and is hereby repealed only to the extent of such conflict.

Section 5. *Penalty.* Any person, firm, partnership, association, corporation, company, or organization of any kind who or which violates any provision of this zoning ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in an amount not to exceed Five Hundred Dollars (\$500.00). Each day during which said violation shall exist or occur shall constitute a separate offense. The owner or owners of any property or of premises where any violation of this zoning ordinance shall occur, and any agent, contractor, builder, architect, person, or corporation who shall assist in the commission of such offense shall be guilty of a separate offense unless otherwise prohibited by law and, upon conviction thereof, shall be punished as above provided.

Section 6. *Severability.* In the event any section, paragraph, subdivision, clause, phrase, provision, sentence or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Missouri City, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

PASSED and APPROVED on first reading this 2nd day of December, 2013.

PASSED, APPROVED and ADOPTED on second and final reading this 16th day of December, 2013.