

**ORDINANCE NO. 11-18-2025-1**

**AN ORDINANCE OF THE CITY OF MERKEL, TEXAS AMENDING ORDINANCE NO. 072798; REVISING ARTICLE II "PERMITTED USES AND AREA REGULATIONS", SECTION 6 "NON-CONFORMING USES" TO UPDATE PROVISIONS REGARDING NONCONFORMING USES; PROVIDING A PENALTY; PROVIDING REPEALER AND SEVERABILITY CLAUSES; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Merkel, Texas (the "City") is a general law municipality operating pursuant to the laws of the State of Texas;

**WHEREAS**, the City Council of the City (the "City Council") has adopted a comprehensive zoning ordinance designated as Ordinance No. 072798 (the "Zoning Ordinance") pursuant to Chapter 211 of the Texas Local Government Code;

**WHEREAS**, City staff has recommended that the provisions of the Zoning Ordinance addressing non-conforming use status be updated and clarified;

**WHEREAS**, the City published notice of public hearings to receive public input regarding the changes contemplated by this Ordinance;

**WHEREAS**, the Planning and Zoning Commission of the City (the "Commission") held a public hearing regarding the adoption of this Ordinance on November 6, 2025 and has recommended that the City Council approve said Ordinance; and

**WHEREAS**, the City Council held a public hearing on November 18, 2025 and has given reasonable consideration, among other things, to the recommendation of the Commission, the compatibility of the changes proposed by this Ordinance with the City's comprehensive plan and the Zoning Ordinance, and whether the proposed elimination of the Overlay Districts would result in a logical and orderly pattern of development in the City and finds that the requested zoning change should be granted.

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

**I. Amendment.** Article II "Permitted Uses and Area Regulations", Section 6 "Non-Conforming Uses" of Ordinance No. 727-98, adopted on September 9, 1998 is hereby amended to read as follows, and all other provisions of said Ordinance No. 727-98, as amended, shall remain in full force and effect.

**SEC. 6. NON-CONFORMING USES:**

6-1. Continuance of Use. Any non-conforming use of land or structures may be continued for so long as the non-conforming use is being pursued. If, however, the non-conforming use is intentionally abandoned for a continuous period of six (6) months, the building, structure, or tract of land where the non-conforming use previously existed shall thereafter be occupied and used only for a

conforming use. For purposes of this section "intentionally abandoned" means that the land or structure is not actively and continuously occupied or used for the non-conforming use.

6-2. Change of Use. A non-conforming use may be changed to any conforming use. A non-conforming use shall not be changed to any other type of non-conforming use.

6-3. Enlargement. A non-conforming use shall not be enlarged or extended.


**II. Penalty.** Any person, firm, or corporation violating any of the provisions of this Ordinance shall be deemed guilty of a class C misdemeanor, and upon conviction thereof shall be punished by a fine of not more than two thousand dollars (\$2,000.00).

**III. Repeal.** Any and all ordinances or ordinance provisions in conflict herewith are hereby repealed or amended to the extent of such conflict.

**IV. Severability.** If any provision or any section of this ordinance shall for any reason be adjudged invalid or unconstitutional by a court of competent jurisdiction, such judgement shall not affect or invalidate the remaining provisions or sections, which shall remain in full force and effect.

**V. Effective Date.** This ordinance, being a penal ordinance, shall become effective after adoption and its publication as required by the Texas Local Government Code.

**PASSED AND APPROVED this 18<sup>th</sup> day of November 2025.**

  
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Ray Cobb, Mayor

ATTEST:

  
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Evelyn Morse, City Secretary