ORDINANCE NO. 2022-07

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RUSK, TEXAS; AND TITLE XV "LAND USE REGULATIONS" CHAPTER 153 "UNIFIED DEVELOPMENT CODE" (UDC) OF THE RUSK CODE OF ORDINANCES PROVIDING MINIMUM FLOOR AREA PER SINGLE/MULTI/MOBILE HOME FAMILY DWELLING UNIT AND UPDATING TABLES TABLE 153-5 AND SECTION, 153.82; AND CONTAINING A SEVERABILITY CLAUSE.

WHEREAS, the City of Rusk is a home rule municipality located in Cherokee County, Texas created in accordance with the provisions of the Texas Local Government Code, The Texas Constitution and operating pursuant to the enabling legislation of the state of Texas; and

WHEREAS, the City Council of the City of Rusk, Texas (the "City Council") is empowered under Local Government Code 54.001 to do all acts and make all regulations which may be necessary or expedient for the promotion of the public health, safety and general welfare; and

WHEREAS, Section 211.003 of the Texas Local Government Code, empowers a municipality to, among other things, establish and amend zoning districts, classifications of land use, adopt a comprehensive plan to regulate the use of land and open spaces, adopt and amend zoning regulations, regulate population density, and regulate the use and location of buildings; and

WHEREAS, the City of Rusk has determined that clarifications and additions to the land use regulations outlined herein are necessary to protect public health, safety, morals, and general welfare.

WHEREAS, the City Council of the City of Rusk has determined that the hereinafter set forth requirements and regulations are reasonable and necessary for the zoning districts to which they are made to apply; and

WHEREAS, the Planning and Zoning Commission of the City of Rusk and the City Council of the City of Rusk, in compliance with the laws of the State of Texas and the ordinances of the City of Rusk, have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally and to all persons interested in and situated in the affected area and in the vicinity thereof; and

WHEREAS, the City Council finds this Ordinance to be reasonable and necessary.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RUSK, CHEROKEE COUNTY, TEXAS:

SECTION 1.

That Section, 153.29 and Table 153-1, of Chapter 153 of the Code of the City of Rusk is hereby amended to read as follows:

153.29 Dimensional Standards

All developments in residential districts must comply with Table 153-1 Dimensional Standards in Residential Districts.

Table 153-1. Dimensional Standards-Residential Districts

Residential Districts	**AG**	**R-1**	**R-2**	**R-3**	**MF**	**PD**	**SF-MH**	**MPH Manufactured Home Park**		**OTC-MF**
Minimum lot area (sq. ft.)	2 Acres	8,000	5,000	None	b.	5,000				
Minimum lot area per unit (sq. ft.)	2 Acres	8,000	6,000	5,000	None	b.	5,000	4,000	1,500	
Minimum street frontage (linear ft.)	100	35	35	20	None	b.	35	40	25	
Minimum Floor Area per Single/Multi/Mobile Home Family Dwelling Unit (sq. ft.)		80/400 Rule (d)	80/400 Rule (d)	N/A	375 SF Per Unit Min.	b.	375/800 Rule (e)	375/800 Rule (e)	375/800 Rule (e)	375
Setbacks										
Front	30	20	20	20(c)	25	b.	20	25	25	
Rear	20	15	15	15	15	b.	20	25	25	
Side interior	10	10	7.5	5	10	b.	5	15	15	
Side corner	15	15	10	10	15	b.	10	25	25	
Maximum lot coverage (%)	0.5	0.5	0.5	0.6	0.6	b.		N/A	N/A	
Maximum height (stories)	2.5	2.5	2.5	2.5	3	b.				
Recreation area						b.		a.	a.	

a. For 25 or more manufactured homes there shall be one or more recreation areas, based upon a minimum of 100 square feet for each lot and area not less than 2,500 square feet.

b. Submitted by the developer and subject to approval by the Planning and Zoning Commission and City Council.

c. When rear entry garages are planned, the Front setback shall be allowed at 15 feet.

d. 80/400 Rule - When a district is subject to this rule, the minimum square footage of any new residence shall be 80% of the average of the square footage of all single-family residential dwellings (whether occupied or not) within 400 feet of the boundary lines of the property upon which the new residential dwelling is to be situated. Square footage of surrounding properties will be obtained from the Cherokee County Appraisal District and will include the living area only. Decks, porches, garages and any other non-HVAC areas are not included. Residential dwellings situated within 400 feet, but in a different zoning district are excluded from the calculation of the average square footage.

e. 375/800 Rule - When a district is subject to this rule, the minimum square footage of any new non-manufactured home intended to be used as a residential dwelling shall be 375 square feet and the minimum square footage of any new or relocated manufactured home to said district shall be 800 square feet.

SECTION 2.

That Table 153-5, of Chapter 153 of the Code of the City of Rusk is hereby amended to read as follows:

Table 153-5. Residential District Use Table

Non-Residential District Use Table

Use Group	AG	B-1	B-2	MYU	OTC	LI
RESIDENTIAL						
Assisted Living/Retirement Center		Y	Y	Y		
Condominium		Y	Y	Y	S	
Crisis Center	S	S	S	S		S
Halfway House	S	S	S	S		S
Multi-Family (Apartment)		Y	Y	Y	S	S
Nursing Home/Rehabilitation		Y	Y	Y		
Rescue Mission/Home		S	S	S		S
Single-Family Attached			S	S		
Single-Family Detached	Y			Y		Y
Townhouse/Rowhouse				S		S
Two-Family Duplex /Three-Family Triplex				S		S
PUBLIC/CIVIC						
Cultural Facilities and Libraries	S	Y	Y	Y	S	Y
Day Care Center (Child or Adult)		Y	Y	Y		S
Parks and Open Space	Y	Y	Y	Y	Y	Y
Amphitheater	Y	Y	Y	Y	Y	
Animal Park	Y		S	S		
Zoo	S		S	S		
Post Office	Y	Y	Y	Y	Y	Y
Public Safety (Police/Fire)	Y	Y	Y	Y	Y	Y
Major Utilities	Y	S	S	S	S	Y
Minor Utilities	Y	Y	Y	Y	Y	Y
Church, Temple, Synagogue, Mosque, Church Activity/Recreational Center	Y	Y	Y	Y	Y	Y

College or University			Y	Y	S	Y
College Dormitory (Off Campus)						
College Fraternity/Sorority House						
Public School (Pre-School, K-12)	Y	Y	Y	Y	Y	Y
School activity center/field (public)	Y	Y	Y	Y	Y	Y
COMMERCIAL						
Agriculture						
Stables	Y					
Cattle Pens	Y					Y
Dairy Farm	Y					
Farm/Crop Production	Y					
Feed Lot	Y					
Fishing Pond	Y			S		Y
Orchard	Y					Y
Grain Storage Elevator	Y					Y
Greenhouse/Plant Nursery	Y		Y	S		Y
Livestock/Auction Facility	Y					
Tree Farm	Y					Y
Animal Services						
Kennel (Commercial)	Y		Y	S		Y
Pet Grooming (No overnight stay)	Y	Y	Y	Y	Y	Y
Pet Shop (No outdoor pens)	Y	Y	Y	Y	Y	Y
Pet Shop (Outdoor pens)	Y		Y	S		Y
Veterinary Clinic (No outdoor pens)	Y	Y	Y	Y	Y	Y
Veterinary Clinic (Outdoor pens)	Y		Y			Y
Banks and Financial Services						
Automatic Teller Machine (ATM)	Y	Y	Y	Y	Y	Y
Bank		Y	Y	Y	Y	Y
Credit Union/Bureau		Y	Y	Y	Y	Y

Pawn Shop		Y	Y	Y		Y
Bail Bonds		Y	Y	Y		Y
Construction Sales and Service						
Building Material/Home Supply Store (No Outdoor Storage		Y	Y	Y	Y	Y
Building Material/Home Supply Store (Outdoor Storage)		Y	Y			Y
Cabinet/Woodwork shop (Repair only)		Y	Y	Y	S	Y
Contractor's Shop/Storage yard			S	S		Y
Electrical, Plumbing, A/C, Heat (Wholesale)			S	S		Y
Lumber/Building Materials Sales Yard			S	S		Y
Eating and Drinking Establishments						
Bakery (Retail)		Y	Y	Y	Y	Y
Café, Coffee Shop, Tea Room		Y	Y	Y	Y	Y
Delicatessen		Y	Y	Y	Y	Y
Donut Shop		Y	Y	Y	Y	Y
Food Vendors (Mobile)			T	T	T	T
Ice Cream Parlor		Y	Y	Y	Y	Y
Restaurant		Y	Y	Y	Y	Y
Entertainment (Indoor)						
Club/Social Organization		S	Y	Y	Y	Y
Concert Facility		S	Y	Y	S	Y
Dance Hall, Nightclub, Disco, Bar			Y	S	Y	Y
Theater, Playhouse		S	Y	Y	Y	Y
Theater-Cinema	S	S	Y	Y	Y	Y
Entertainment (Outdoor)						
Amphitheater	Y	S	Y	Y	S	Y
Circus/Carnivals		T	T	T	T	T
Country Club	Y		Y	Y		S
Racetrack (Horse/Dog)	S					S

Racetrack (Motorized)	S					S
Recreational Field	S	Y	Y	Y	S	Y
Rodeo Grounds	S					S
Theater, Drive-in	S		Y	Y	T	Y
Funeral and Internment Service						
Cemetery, Mausoleum	State Law: No new cemeteries within city limits. Existing cemeteries may be expanded.					
Columbarium	S	S	S	S	S	S
Monument Sales Lot			Y	Y		Y
Mortuary/Funeral Home/Crematory		Y	Y	Y	Y	Y
Lodging						
Bed and Breakfast	S	Y	Y	S	S	
Cabins, Rental	S		S	S		Y
Extended Stay Hotel			Y	S		Y
Hotel, Motel, Resort		S	Y	Y		Y
RV Park			S	S		Y
Medical, Dental, Optical						
Dentist Office		Y	Y	Y	Y	Y
Pharmacy (Apothecary)		Y	Y	Y	Y	Y
Physician's Office		Y	Y	Y	Y	Y
Psychologist Office		Y	Y	Y	Y	Y
Optometrist Office		Y	Y	Y	Y	Y
Laboratory, Medical		Y	Y	Y	Y	Y
Office						
Abstract Office		Y	Y	Y	Y	Y
Accounting Office		Y	Y	Y	Y	Y
Advertising/Public Relations Agency		Y	Y	Y	Y	Y

Architect's, Engineer's, Planner's Office		Y	Y	Y	Y	Y
Attorney's Office		Y	Y	Y	Y	Y
Collection Agency		Y	Y	Y	Y	Y
Data Processing Service		Y	Y	Y	Y	Y
Employment Agency		Y	Y	Y	Y	Y
Geologist/Oil and Gas Office		Y	Y	Y	Y	Y
Insurance Office		Y	Y	Y	Y	Y
Research Laboratory		Y	Y	Y	Y	Y
Answering Service Office		Y	Y	Y	Y	Y
Business serv (copy, fax, internet)		Y	Y	Y	Y	Y
Print Shop		Y	Y	Y	Y	Y
Protection Service Office		Y	Y	Y	Y	Y
Stocks and Bonds Brokerage Office		Y	Y	Y	Y	Y
Studio (Broadcasting/Recording)		Y	Y	Y	Y	Y
Tax Consultant/Financial Office		Y	Y	Y	Y	Y
Utility Company Office		Y	Y	Y	Y	Y
Office Park		Y	Y	Y	Y	Y
Parking Garage/Lot (Commercial)		Y	Y	Y	Y	Y
Personal & Consumer Service						
Alcohol Retail Sales/Package Store			Y	S	S	Y
Business, Professional School		Y	Y	Y	Y	Y
Catering Service		Y	Y	Y	Y	Y
Cleaning/Laundry (Pick-up/Drop-off)		Y	Y	Y	Y	Y
Cleaning/Laundry (On-site)			Y	Y		Y
Community Health/Welfare Center		Y	Y	Y	S	Y
Day Spa		Y	Y	Y	Y	Y
Framing Shop		Y	Y	Y	Y	Y
Gas Station/Convenience store			Y	Y	S	Y
Hair Salon		Y	Y	Y	Y	Y
Permanent Cosmetics		Y	Y	Y	Y	Y

Art, Ceramic, Craft Workshop		Y	Y	Y	Y	Y
Laundry (Self Service)			Y	Y		Y
Massage Therapist		Y	Y	Y	Y	Y
Optical/Eyewear Store		Y	Y	Y	Y	Y
Palm Reader						Y
Photography Studio		Y	Y	Y	Y	Y
Art Studio, Instructional or Gallery		Y	Y	Y	Y	Y
Tailor/Seamstress Shop		Y	Y	Y	Y	Y
Tanning Salon		Y	Y	Y	Y	Y
Tattoo Studio/Body Piercing		Y	**Y**			Y
Travel Agency		Y	Y	Y	Y	Y
Retail Sales and Services						
Antique Mall, Multiple Dealers		Y	Y	Y	Y	Y
Antique Shop		Y	Y	Y	Y	Y
Antique Shop (With Outdoor Display)		Y	Y	Y	Y	Y
Arts and Crafts Supply Store		Y	Y	Y	Y	Y
Auto Supply (Without Installation)			Y	Y		Y
Bicycle Shop		Y	Y	Y	Y	Y
Book Store		Y	Y	Y	Y	Y
Camera, Photography Store		Y	Y	Y	Y	Y
Cleaning Plant (Commercial)			Y	S		Y
Clothing/Apparel (Custom Made)		Y	Y	Y	Y	Y
Clothing/Apparel Store			Y	Y	Y	Y
Confectionery Shop (Retail)		Y	Y	Y	Y	Y
Department Store			Y	Y	Y	Y
Discount Store			Y	Y	Y	Y
Drug Store		Y	Y	Y	Y	Y
Feed/Seed Store			Y	Y	Y	Y
Flea Market (Indoor Only)			Y	Y	Y	Y
Flea Market (Outdoor Display/Sales)			Y	Y	S	Y

Florist		Y	Y	Y	Y	Y
Food, Grocery Store			Y	Y	Y	Y
Fruit-Vegetable/Produce Market		Y	Y	Y	Y	Y
Fruit-Vegetable Stand		Y	Y	Y	Y	Y
Furniture/Appliance (Sales and Service)			Y	Y	Y	Y
Gift Shop		Y	Y	Y	Y	Y
Hardware Store			Y	Y	Y	Y
Jewelry (Custom Made)		Y	Y	Y	Y	Y
Jewelry Store		Y	Y	Y	Y	Y
Key/Locksmith Shop		Y	Y	Y	Y	Y
Lawn and Garden			Y	Y	Y	Y
Lawn/Garden (Outdoor Display/Sales)			Y	Y	Y	Y
Lawn/Garden Equip Sales/Service			Y	Y	S	Y
Meat/Seafood Market (No processing)		Y	Y	Y	Y	Y
Medical Appliance Store		Y	Y	Y	Y	Y
Music Store		Y	Y	Y	Y	Y
Outdoor Display			Y	Y	Y	Y
Outdoor Storage			Y	Y		Y
Second Hand Store		Y	Y	Y	Y	Y
Sewing Machine Sales and Service		Y	Y	Y	Y	Y
Shoe Repair Shop		Y	Y	Y	Y	Y
Shoe Store		Y	Y	Y	Y	Y
Shoes, Boots, Purses (Custom Made)		Y	Y	Y	Y	Y
Skateboard & Bicycle sales		Y	Y	Y	Y	Y
Swimming Pool Sales/Supplies			Y	Y		Y
Taxidermy Shop	Y	Y	Y	Y	Y	Y
Tobacco Store		Y	Y	Y	Y	Y
Video Store		Y	Y	Y	Y	Y
Self-Service Storage Facility			Y			Y
Sexually Oriented Business						Y

SPORTS & RECREATION-INDOOR						
Archery Range			Y	Y		Y
Bingo Parlor			Y	Y	S	Y
Bowling Alley		Y	Y	Y		Y
Commercial Amusement Center		Y	Y	Y	Y	Y
Commercial Recreation Center		S	Y	Y	S	Y
Firearms Range (Indoor)	S	S	Y	S		Y
Pool Hall, Game Room (See Ch. 111-CO)			Y	Y	Y	Y
Private Recreational Club			S	S		S
Skating Rink		S	Y	Y		Y
SPORTS & RECREATION-OUTDOOR						
Archery Range	S		S			S
Commercial Amusement Park	S		Y	Y		Y
Commercial Recreation Center			Y	Y	Y	Y
Day Camp	Y		S	Y		Y
Fish Pond (Commercial)	Y					
Go-Cart Track	S	S	S	S		Y
Golf Course, Mini Golf & Driving Rng	S	S	S	S		Y
Marina/Boat Dock			S	S		Y
Riding Stable/Club	S		S	S		Y
Rodeo Grounds	S					S
Skateboard Park	Y		Y	Y		Y
Skeet/Trap Range	S					S
Telecom/Broadcast Towers/Bldgs	S	S	S	S	S	S
VEHICLE AND EQUIPMENT SALES, RENTAL AND REPAIR						

Automobile Dealership		Y	Y	Y		Y
Motorcycle Dealership		Y	Y	Y		Y
Auto Detail Shop		Y	Y	Y		Y
Auto Glass, Muffler, Upholstery, Hedlnr			Y	Y		Y
Auto Rental Agency			Y	Y	S	Y
Auto/Truck Equipment Auction Facility			Y	Y		Y
Battery Service Shop			Y	Y		Y
Car Wash			Y	Y		Y
Tire Sales and Service			Y	Y		Y
Tire Sales/Srvc with Outdoor Disp			Y	Y		Y
Auto and Motorcycle Service Garage			Y	Y		Y
Auto Repair Services, Major			Y			Y
Auto Repair Services, Minor			Y	Y		Y
Auto Supply (With Install)			Y	Y		Y
Auto/Truck Paint and Body Shop			Y	Y		Y
Vehicle Towing Service			Y	Y		Y
HEAVY EQUIPMENT/VEHICLE SALES/RENTAL						
Boat Dealership			Y	Y		Y
Heavy Equip/Machinery Rental Yard			Y	Y		Y
Heavy Mchnry Dealer (Sales/Service)			Y	Y		Y
Manufactured Housing Sales Lot						Y
R. V. Dealership			Y	Y		Y
Truck Stop (Fuel, Service)			Y	Y		Y
Truck/Heavy Equipment Rental Facility						Y
Truck/Tractor (Sales, Rental & Srvc)			Y	Y		Y

Industrial District Use Table

Use Group	AG	PO	INT	B-1	B-2	MYU	OTC	LI	P-OS
Industrial									
Limited								Y	
Electronic/Electrical Equipment Mfg.								Y	
Food Manufacturing/Processing Plan								Y	
Furniture/Fixtures Manufacturing Plant								Y	
Lithographic Shop/Commercial Printer					Y			Y	
Meat/Fish Packing Plant								Y	
Milk Distribution Station					Y			Y	
Newspaper Printing Plant					Y			Y	
Poultry Processing Plant								Y	
Printing/Publishing Plant					Y			Y	
Sheet Metal Fabrication Shop								Y	
Sign Contractor's Shop/Yard								Y	
Acid Manufacturing Plant								Y	
Auto/Truck Assembly Plant								Y	
Boat Manufacturing Plant								Y	
Chemicals/Allied Products Mfg. Plant								Y	
Fabricate Metal/Welding								Y	
Fertilizer Plant								Y	

Grain/Feed Processing Plant								Y	
Foundry/Metals Manufacturing Plant								Y	
Home Appliance Manufacturing Plant								Y	
Industrial/Commercial Equipment Mfg.								Y	
Motor Freight Terminal								Y	
Pulp-Paper Mill								Y	
Railroad Depot						S		Y	
Railroad Freight Terminal						S		Y	
Sand, Gravel, Stone, Earth, Mineral Extraction						S		S	
Sand, Gravel, Stone, Earth, Mineral Sales						*Y*		*Y*	
Textile Mill								Y	
Tire Retreading/Vulcanizing Plant								Y	
Wood Products Mfg. Plant (10+ Employees)					S	S		Y	
Oil and Gas Exploration (Drilling Activity)	S	S	S	S	S	S	S	S	
Oil and Gas Exploration (Producing Well)	S	S	S	S	S	S	S	S	S
Oil and Gas Field Equipment Sales/Rental								Y	S
Oil and Gas Treatment/Processing Plant								Y	
Petroleum Refinery								Y	
Petroleum Tank Farm								Y	

Research Laboratory									
Laboratory Mfg.								Y	
Warehousing and Wholesaling									
Frozen Food Locker Plant								Y	Warehousing and Wholesaling
Hauling and Storage Facility								Y	
Warehouse and Distribution Center								Y	
Waste and Disposal									
Junk/Salvage Yard								Y	
Sanitary Landfill								Y	
Recycling Facilities									
Building Materials Salvage Yard								Y	
Industrial Recycling Plant								Y	
Recycling Center/Collection (Cans, Glass, Paper)			S	S	Y	S		Y	
Recycling Center (Hazardous Material)								Y	

SECTION 3.

That Section, 153.82 of Chapter 153 of the Code of the City of Rusk is hereby amended to read as follows:

153.82 Special Uses

The City Council may, after public hearing and proper notice to all parties affected, and, after recommendation from the Planning and Zoning Commission containing such requirements and safeguards as are necessary to protect adjoining property, authorize by ordinance the location of any of the following:

A. Any use of a public building to be erected or used by the city, county, state or federal government in any district.

B. Dwelling units in L-1.

C. Day nurseries keeping more than four children in any residential district, as allowed by Table 153-5.

D. Dog kennels and veterinarian hospitals in the commercial district or on sites of five acres or more in any district, as allowed by Table 153-5.

E. In any district, as allowed by Table 153-5, a commercial or recreational establishment or development primarily for entertainment which shall include, but not be limited to:

1. Miniature golf course.
2. Driving range.
3. Sports arena.
4. Bowling alley.
5. Drive-in theater.
6. Roller skating rink.
7. Ice skating rink.
8. Movie theater/cinema.
9. Outdoor or indoor stage for theatrical or musical productions.
10. Tennis courts.
11. Baseball batting cages.
12. Basketball practice courts.
13. Rodeo grounds.

14. Race car tracks.

15. Off-the-road vehicle, go-cart tracks.

This shall not apply to a facility operated by a governmental entity or a privately owned noncommercial facility.

F. Riding academy or public stable on sites of five acres or more in any district, as allowed by Table 153-5.

G. Radio broadcasting towers and stations, television towers and television transmitting stations in any district, as allowed by Table 153-5.

H. Any installation of a public utility either privately or publicly owned in any district, as allowed by Table 153-5.

I. Gas and electrical public utility regulating stations in any district, as allowed by Table 153-5.

J. Hospitals, children's homes, convalescent homes, old people's homes, maternity homes in an apartment district where a site of five acres or more is provided.

K. Homes for the insane, alcoholic, feeble-minded and narcotic addicts in a commercial district or in any district, as allowed by Table 153-5, where a site of twenty (20) acres or more is provided.

L. Lodges, boardinghouses, rooming houses in an apartment district.

M. Private clubs and community buildings in an apartment or less restricted district or on a site of three acres or more in any district, as allowed by Table 153-5.

N. Drive-in theaters in a local retail district or on sites of ten acres or more in any district, as allowed by Table 153-5.

O. Commercial greenhouses and nurseries in any district, as allowed by Table 153-5.

P. Trailer parks in a commercial district or on sites of 20 acres or more in any district, as allowed by Table 153-5.

Q. Rock quarries, sand, gravel, earth excavations and drilling and extraction of underground mineral resources in industrial districts.

R. Every special use permit granted under the provisions of this article shall be considered as an amendment to the zoning ordinance as applicable to such property. In granting such permit the City Council may impose conditions which shall be complied with by the grantee before a certificate of occupancy may be issued by the Building Official for the use of the buildings on such property pursuant to the special use permit; and such conditions shall not be construed as conditions precedent to the granting of a special use permit for the change in zoning of such property, but shall be construed as conditions

precedent to the granting of the certificate of occupancy. The following are examples of regulating measures which may be included in the requirements for a special use permit:

1. Parking stipulated as part of recommendation;
2. Site plan required in all applications;
3. Approval of means of ingress and egress;
4. Approval of building size and location;
5. Control of outside lighting and screening;
6. Special setbacks and/or building lines;
7. Surfacing of parking areas and drives;
8. Installation of curbs and drainage structures;
9. Approval of use permitted.

SECTION 4.

Buildings that are currently being built and or remodeled based on a plan submitted to the City's Code enforcement officer or being legally used in a manner inconsistent with the terms of this ordinance prior to the passage of this ordinance shall be grandfathered to their existing size and legal, permitted, and or special use(s).

SECTION 5.

The remainder of Chapter 153 of the Code of the City of Rusk, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 6.

If any section, paragraph, sentence, clause or phrase of this ordinance is ever held to be invalid or unenforceable by court of competent jurisdiction, this holding shall not affect the validity and enforceability of all of the other provisions of this ordinance which can reasonably be given effect without any such invalid portion.

SECTION 7.

All ordinances, or parts thereof, that 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 regulated, herein.

SECTION 8.

All rights and remedies of the City of Rusk, Texas are expressly saved as to any and all violations of the provisions of any other ordinance affecting zoning regulation which have secured at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances same shall not be affected by this Ordinance but may be prosecuted until final disposition by the court.

SECTION 9.

The City Secretary of the City of Rusk is hereby directed to publish on the City Website as required by Article 6 Section 4 of the Rusk Charter.

SECTION 10.

This Ordinance shall become effective from and after its date of passage and publication as required by law.

INTRODUCED, READ and **ADOPTED** this the 18th day of August 2022.

_____
BEN MIDDLEBROOKS, Mayor

Attest:

_____
CINDA ETHERIDGE, City Secretary