

# Nonconformities

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## Municipal Zoning Regulations Texas Local Government Code Chapter 211

- 211.001 Purpose

“The powers granted under this subchapter are for the purpose of promoting the public health, safety, morals, or general welfare and protection and preserving places and areas of historical, cultural, or architectural importance and significance.”

- 211.013(b) Exceptions

“This subchapter does not authorize the governing body of a municipality to require the removal or destruction of property that exists at the time the governing body implements this subchapter and that is actually and necessarily used in a public service business.”

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## What are Nonconformities

- Under the common law, a non-conforming use of land or buildings is a use that existed legally when the zoning restriction became effective and has continued to exist. *City of University Park v. Benners*, 485 S.W.2d 773 (Tex. 1972)

### Common Nonconformities

#### Uses

Lots      Structures      Signs      Cell Phone Towers

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## Regulation of Non Conforming Situations

- **Permitting** nonconformities to continue as long as all other code provisions are met – requires registration application
- **Replacement** of nonconformities which are potentially undesirable and incompatible with surrounding conforming uses and require compliance with all other the regulations
- **Prohibiting expansions** of nonconformities unless required by law to meet minimum health and safety requirements required by government entity
- **Termination** of nonconformities resulting from destruction or abandonment

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## Nonconforming Lot

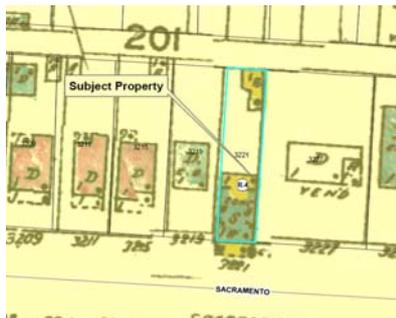
A-3 Zoning District Dimensional Standard	Subject Property
Lot Width: 40' for Single Family	24'2"
Front Yard: 10' for Single Family	7'9"
Side Yard: 5' each side for Single Family	1' to the West, 1' to the East



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## Nonconforming Structure

R4	3221 Sacramento
Front yard setback: 10' except a 20' driveway must be provided	0'
Side yard setback: 5'	0'



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Title search: Nonconformities

Also available as part of the eCourse

[Land Use 2017 - New Opportunities: Innovative District, Prior Non-Conformities, Government Property, and More](#)

First appeared as part of the conference materials for the  
21<sup>st</sup> Annual Land Use Conference session  
"Prior Non-Conformities"