Ordinance #011005A COPY

Relating to Living area and establishing standards for developing unimproved and improved lots. This ordinance is replacing the repealed Ordinance # 011005.

Section I: Definitions:

PROPERTY: Any lot or lots adjacent to each other. Lot not adjacent to each other will be considered separate properties.

Lot: A physically undivided tract or parcel of land having frontage on an access way and which is, or in the future may be, offered for sale, conveyance, transfer or improvement; which is designated as a distinct and separate tract; and which is identified by a tract or lot number or symbol in a duly approved city or subdivision plat which has been properly recorded.

Unimproved Lot: Any lot that has no connection to the city sewage and water system by a tap.

STRUCTURE: A building constructed or erected which requires location on the ground or attachment to something having location on the ground.

Dwelling unit. One or more rooms designed for occupancy by a person or family for living, sleeping cooking and bathing purposes Containing kitchen facilities, bath rooms and rooms with internal accessibility for use solely by the dwelling's occupants

LIVING AREA: That ***portion*** of a residential dwelling unit, which has ceilings, walls and floors, finished in a manner which is clearly intended for human occupancy. Area's containing kitchen facilities, bath rooms and rooms with internal accessibility for use solely by the dwelling's occupants. Living area shall exclude basements, garages, porches, verandahs,

easement. In these locations, no concrete may be poured within ten feet (10') of the center line of an easement, nor on City property.

SECTION SEVEN
ENFORCEMENT

Any person, firm, corporation or association of persons who shall violate any of the provisions of this ordinance shall, upon conviction, be fined in any sum not to exceed FIVE HUNDRED DOLLARS ($500.00) for each violation. Each day a violation is continued shall constitute a separate and punishable offense.

Any person, firm partnership or corporation violating this ordinance may be enjoined for continuing its violation and/or be required by a court of competent jurisdiction to remove any structure violating this ordinance.

SECTION EIGHT
REPEALING CLAUSE

All ordinances or part of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

SECTION NINE
SEVERABILITY CLAUSE

If any section, paragraph, sentence, clause, phrase or provision of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

SECTION TEN
EFFECTIVE DATE

This ordinance shall become effective on the 14th day of Dec, 2011, and shall be posted.

PASSED AND APPROVED THIS 14th day of Dec, 2011.

SIGNED: David Cann
MAYOR DAVID CANN

ATTEST: Judi Brown
CITY SECRETARY

Ordinance #011005A

Relating to Living area and establishing standards for developing unimproved and improved lots. This ordinance is replacing the repealed Ordinance #011005

Section 1: Definitions:

Property: Any lot of lots adjacent to each other. Lot not adjacent to each other will be considered separate properties.

Lot: A physically undivided tract or parcel of land having frontage on a access way and which is, or in the future may be, offered for sale, conveyance, transfer or improvement : which is designated as a distinct and separate tract: and which is identified by a tact or lot number or symbol in a duly approved city or subdivision plat which has been properly recorded.

Unimproved Lot: Any lot that has no connection to the city sewage and water system by a tap.

Structure: A building constructed or erected which requires location on the ground or attachment to something having location on the ground.

Dwelling unit: One or more rooms designated for occupancy by a person or family for living , sleeping, cooking and bathing purposes. Containing kitchen facilities, bathrooms and rooms with internal accessibility for use solely by the dwelling's occupants.

Living Area: That portion of a residential dwelling unit, which has ceilings, walls and floors, finished in a manner which is clearly intended for human occupancy. Area's containing kitchen facilities , bathrooms and rooms with internal accessibility for use solely by the dwelling's occupants Living areas shall exclude basements, garages, porches, verandahs.

breezeways, terraces and rooms not intended for heating and mechanical equipment and storage of the homes heating fuel.

ACCESSORY Building: A structure used customarily incidental and subordinate to a dwelling unit or use location on the same lot. A structure clearly intended not for a dwelling.

Addition: An extension of increase in floor area or height of a building or structure.

Gross Floor Area: Means the sum of the areas of a building measured by taking the outside dimensions of the building at each floor intended for occupancy or storage, not including the garage, or any exterior patios, courtyards, porches, balconies or deck areas.

Section II: Requirements

1. All structures hereafter installed, constructed or erected shall be built entirely of materials of types used for construction of conventional dwellings that meet wind code minimums. They will adhere to the International Residential Code, National Electrical Code and International Plumbing and Gas Code.
2. All dwelling units hereafter installed, constructed or erected shall include a minimum of 600 square feet of usable living area.
3. All dwelling units hereafter installed, constructed or erected must be sited on the property so as to allow future additions of accessory buildings which complements or enhances the property and adjoining properties.

4. Any accessory building placed on lots that do not have a dwelling unit already constructed complete must be sited on the property so as to allow a future dwelling unit to be sited which complements or enhances the property and the adjoining properties.

5. Any accessory building placed on lots that **do not** have a dwelling unit already constructed complete will be required to connect and or pay for tap fees to the city's water and sewer system.

6. All structures hereafter installed, constructed or erected must be completed, finished and maintained to a standard which complements or enhances adjoining properties. Building sites must be kept tidy as to not interfere with adjoining properties.

Section III: Penalties

1. Any person, firm, corporation or association of persons who shall violate any of the provisions of this Ordinance shall upon conviction, be fined in any sum not to exceed Five Hundred Dollars ($500.00) for each violation. Each day a violation is continued shall continued a separate and punishable offense.

2. Any person, firm, partnership or corporation violating this Ordinance may be enjoined for continuing its violation and/or be required by

court of competent jurisdiction to remove any structure violating this Ordinance.

Section IV: Repealing Clause

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of the conflict.

Section V: Severability Clause

If any section, paragraph, sentence, clause, phrase or provision of the ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section VI: Effective Date

This Ordinance #011005A shall become effective on the 11th day of February, 2009 upon its passage and approval according with the laws stated for a class C City in the state of Texas.

Passed and Approved this 11th day of FEBRUARY, 2009

Mayor Mustafa Cuellar

Sandra Mahan

Claudia Moore

ATTEST:

Mary J. Flores

City Secretary