(Motion was made by Charles Moore, seconded by Michele Chandler that the following Ordinance be passed:)

NO. 2009- 330

AN ORDINANCE BY THE CITY COUNCIL OF CITY OF PANORAMA VILLAGE, TEXAS CREATING A PLANNING AND ZONING ORDINANCE; INCORPORATING ALL THE AMENDMENTS TO ORDINANCE 2006-307, AS AMENDED; PROVIDING DEFINITIONS; PROVIDING FOR PLANNING AND ZONING COMMISSION AND PRESCRIBING ITS DUTIES; DEFINING ZONES AND DESIGNATING SUBDIVISION SECTIONS LOCATED THEREIN, TYPE OF DWELLING AND MINIMUM SQUARE FEET IN MAIN BUILDINGS; PROVIDING FOR OFFICIAL ZONING MAP; PROVIDING REGULATIONS FOR LAND USAGE; PROVIDING GENERAL RULES AND REGULATIONS, INCLUDING SUBMISSION OF PLANS FOR IMPROVEMENTS; BUILDING PERMITS REQUIRED, NON-TRANSFER OF PERMITS, COMPLETION TIME AND BUILDING PERMITS VOID, AND POSTING PERMIT ON SITE; BUILDING MUST CONFORM TO ZONE REQUIREMENTS AND MINIMUM YARDS, SPACES AND LOT AREA REQUIREMENTS FOR ANY BUILDING HEREAFTER ERECTED; NO PRIVATE WELLS PERMITTED; NO FENCES PERMITTED IN CERTAIN AREAS; NO SUBDIVIDING OF LOTS; NO NOXIOUS OR OFFENSIVE TRADES OR ACTIVITIES PERMITTED; NO WOOD SHINGLES; REGULATING ELECTRICAL WORK, PLUMBING, HEATING AND AIR CONDITIONING WORK, HAZARDOUS SYSTEMS, AND UTILITY CONNECTIONS; CLEARANCE OF BUILDINGS FROM LOT LINES; PROVIDING FOR DETACHED BUILDINGS AND LOTS HAVING LESS AREA THAN REQUIRED; PAVED OFF-STREET PARKING; DRAINAGE AND INSTALLATION OF DRIVEWAYS; PROVIDING FOR FAMILY ZONE REGULATIONS, ONE FAMILY DWELLING, ACCESSORY BUILDINGS, PRIVATE GARAGE, LOCATION OF IMPROVEMENTS ON LOTS, ONE MAIN BUILDING PER LOT, CONSTRUCTION IN CERTAIN ZONED SECTIONS, DISPLAY SIGNS, NON-USE OF CITY STREETS FOR DUMPING, NO USE OF OUT BUILDINGS FOR RESIDENCE; PROVIDING FOR FRONTAGE ON CERTAIN LOTS; PROVIDING FOR FEES; GRANTING PERMIT FOR SPECIAL USE; PROVIDING APPEAL TO CITY COUNCIL ON DECISIONS OF PLANNING AND ZONING COMMISSION; PROVIDING FOR ENFORCEMENT AND COMPLIANCE; PROVIDING PENALTY UP TO $500; REPEALING ORDINANCE 2006-307 AND AMENDMENTS, AND ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; PROVIDING FOR SAVINGS CLAUSE; PROVIDING AN OPEN MEETING CLAUSE; AND AN EFFECTIVE DATE AFTER PUBLICATION.

WHEREAS, it has been determined by the City Council that there is a need for the revision by the City Planning and Zoning Ordinance No. 2006-307, as amended, providing for a Planning and Zoning Commission in Panorama Village, Texas, and it is now deemed advisable to consolidate the original ordinance and the amendments into this recompiled and simplified ordinance; and

WHEREAS, the rules and regulations hereinafter established and adopted are a lawful exercise of the police powers of the City of Panorama Village, as established by law, and are promulgated for the purpose of affording uniformity of operation and development, freedom from discrimination, and to promote the general welfare of the City and the inhabitants thereof by:

1. Considering the character of the area and its suitability for particular uses.

2. Conserving and enhancing the value of existing buildings and developments.

3. Encouraging the most appropriate use of open lots and undeveloped land in the City.

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PANORAMA VILLAGE, TEXAS:

TABLE OF CONTENTS

I.	DEFINITIONS	4
II.	PLANNING AND ZONING COMMISSION	6
III.	CITY BUILDING INSPECTOR	6
IV.	CITY ZONING	7
V.	LAND USAGE	9
VI.	RULES AND REGULATIONS	11
VII.	LOT SET BACK LINES	18
VIII.	STRUCTURE INSPECTIONS	19
IX.	FEES	21
X.	PERMIT ISSUANCE	21
XI.	ENFORCEMENT	21
XII.	COMPLIANCE	22
XIII.	APPEAL TO CITY COUNCIL	23
XIV.	SPECIAL USE PERMIT	23
XV.	PENALTY	23
XVI.	REPEALING CLAUSE	23
XVIII.	OPEN MEETINGS CLAUSE	24
XIX.	EFFECTIVE DATE	24

I.
DEFINITIONS

"**Accessory Building**" means buildings that will be used for storage, pool houses, greenhouses, playhouses, tree houses, and similar types of buildings.

"**Application**" means the written application for a City Building Permit filed with the City Planning & Zoning Commission.

"**Building Inspector**" means the individual duly appointed and authorized by the City to inspect and approve all structures constructed within the City.

"**Buildings**" shall mean any structure or addition thereto designed for habitation for people or animals, or for shelter of property.

"**Certificate of Occupancy**" refers to written authorization of the Commission to permit the owner of a residence to occupy the building upon its completion in accordance with the provisions of this Ordinance.

"**City**" means the City of Panorama Village, Texas.

"**City Council**" means the City Council of the City of Panorama Village, Texas.

"**City limits**" means the legal boundary limits of the City of Panorama Village, Texas.

"**Clearance**" means a building line established by the City Council to secure uniformity of appearance in the streets and along the fairways of the City.

"**Commission**" means the duly appointed Planning and Zoning Commission for the City of Panorama Village, Texas.

"**Construction**" means the process of creating or building a new structure, or repairing or improving an existing structure.

"**Dwelling**" means any building used for residential purposes, including house, townhouse, and apartment.

"**Fairway**" means a strip of land known as golf fairway of the Village Golf Club located adjacent to recorded lots in the City.

"**Fence**" means any man-made materials or landscaping used to control ingress or egress to a parcel of land.

"**Improvement**" means a valuable addition made to a lot or structure within the City.

"**Inoperable Vehicular Equipment**" means vehicular equipment that is incapable of being moved or activated under its own power within 24 hours.

"**Major Appliance**" means any appliance that requires 220-volt electric service.

"**Manufactured Mobile Home**" refers to any pre-fabricated house or part of a house designed to be moved, or constructed with prefabricated sections on-site, including a mobile home or trailer.

"**Nuisance**" means any act, occupation or structure that unreasonably annoys and disturbs another in the lawful possession and use of his property, or endangers life or health.

"**Open Storage**" means storage of item outside of a structure.

"**Patio Home**" means a single family dwelling that is constructed on or near the lot lines.

"**Permittee**" means the person or entity that has been issued a Building Permit by the City.

"**Person**" means a person, company or other legal entity.

"Recreational Vehicle" means a motor home, motorized dwelling, boat, jet ski, boat trailer, travel trailer, utility trailer, livestock trailer, pop-up tent trailer, self-contained pickup camper, and the like.

"**Single Family Dwelling**" means a living unit of multiple rooms for the use of one or more persons as a single housekeeping unit with space for eating, living and sleeping, with a single space with provisions for cooking, a single utility connection for water, wastewater, gas and electricity, and within which there are no solid partitions without access door (or doors) into the adjoining area.

"**Structure**" means any construction or any piece of work artificially built up or composed of parts joined together, including buildings, fence, slabs, swimming/wading pools, portable buildings, greenhouses, building alterations, building additions, garages and carports.

"**Townhouses**" means a single family dwelling of one to three stories that is connected to a similar house by a common sidewall.

"**Vehicular Equipment**" means cars, trucks, motorcycles, motor homes, and trailers of any design.

"**Unused Vehicular Equipment**" means vehicular equipment that has not been removed from the property for a period of one week.

"**Zone**" means a division within the City into districts to which certain structural regulations are imposed in accordance with a comprehensive plan.

"**Zoning Map**" refers to the official zoning map of the City of Panorama Village, Texas, which delineates the various zones within the City.

II.
PLANNING AND ZONING COMMISSION

1. PLANNING AND ZONING COMMISSION. There is hereby created a Planning and Zoning Commission ("Commission") which shall consist of a chairperson and three (3) members, to be appointed by the Mayor and approved by the City Council. Any vacancies shall be filled in the same manner as provided for in the original appointments.

2. QUALIFICATIONS. Each Commission Member shall be a resident, taxpayer, and qualified voter of the City of Panorama Village. At least one member of the Commission must be a licensed professional engineer.

3. DUTIES. The Commission, with Council approval, shall establish reasonable rules and regulations covering the use of land and the construction of structures in accordance with this Ordinance.

III.
CITY BUILDING INSPECTOR

1. CITY BUILDING INSPECTOR. There is hereby created a position of City Building Inspector who shall report to the Planning and Zoning Commission. The position will be filled by appointment of the Mayor and approved by the City Council. A designee approved by the City Council may serve in the absence of the Building Inspector.

2. QUALIFICATIONS. The City Building Inspector and his/her approved designees may be non-residents of the City so long as they are otherwise qualified to conduct building inspections for the City.

3. DUTIES. The City Building Inspector or his approved designees shall be responsible for inspection of all structures which require the issuance of a permit to insure they are constructed in accordance with the plans approved by the Commission and to enforce the terms of this Ordinance.

4. REMUNERATION. City Building Inspectors will be reimbursed in accordance with the Fee and Permit Schedule attached hereto as Appendix "A".

IV.
CITY ZONING

1. ZONE ALLOCATION. The City of Panorama Village is hereby divided into twenty-one (21) zones, and restricted as to type of land usage to be placed therein and minimum square feet for improvements. The location and boundaries of the Zones will be shown on the Official Zoning Map of the City of Panorama Village, and said Map, together with all notations, references and other information shown shall be on file with the City Secretary. This Zoning Map will be maintained and updated by the Commission.

ZONE	NAME	VOL.*	PAGE*	TYPE OF LAND USE	REQ. SQ. FT.	NOTES
1	Greenbriar Sec. 1	7	178	Single Family	2500	
2	Greenbriar Sec. 2	7	413	Single Family	2500	
3	Indian Creek	7	183	Single Family	1500	
4	Quail Creek, Sec. 1	7	329	Single Family	2000	
5	Quail Creek, Sec. 2	7	433	Single Family	2000	
6	Thunderbird	7	233	Single Family	1500	
7	Wingedfoot Sec. 1	7	277	Single Family	3000	
8	Wingedfoot Sec. 2	7	413	Single Family	3000	
9	Cherry Hills	7	423	Single Family	2000	
10	Hiwon Sec. 1	8	29	Single Family	2100	
11	Hiwon, Sec. 2	8	31	Single Family	2100	
12	Hiwon, Sec 3	8	32	Single Family	2100	
13	Westchester			Single Family	2000	See Note 1 below
14	Apple Valley	9	3	Single Family	1500	Zero Lot Lines - 5-ft. BL One Side
15	Hallmark				2000 1500	Fairway Lots Off Fairway Lots - Zero Lot Line
16	Panorama Country House Settlement	11	66	Condominium Townhomes	1000	Single Family
17	Not Assigned					
18	Not Assigned					
19	Parkside of Panorama	66		Single Family	1400	Zero Lot Lines - 5-ft. BL One Side
A.	Westchester Business Area			Commercial	See Ordinance 80-14	
B.	Parkside Business Area			Commercial	See Ordinance 80-14	
Note 1.	There will be no open storage of motor homes, travel trailers, boats, trailers or other such items in this zone. All storage of such items must be enclosed in a structure compatible with the house.					
Note 2.	Calculation of Square Footage: In calculating the structure area requirements in Zones 1 through 21, only the heated and/or air conditioned spaces of the main structure will be used in the calculation.					

** Recorded in Map Records of the County Clerk of Montgomery County, Texas*

The above listed "Required Square Footage" is the preferred area of the home. Depending on lot size and surrounding home size, the City Council has the right to grant variances to builders for homes with lesser living areas.

V.
LAND USAGE

1. USE OF LAND. No lot shall have on it a recreational vehicle, tent, shack or outbuilding. No unfinished structure or recreational vehicle may be used as a residence. (See RV Ordinance No. 2008-318, as amended, for additional information regarding parking of recreational vehicles). All factory manufactured homes, pre-fabricated homes, and mobile homes are prohibited within the City. No land shall be used except for a purpose permitted in the Zone in which it is located. Open storage on any land, vacant or improved, within the City of any trash, debris, boxes, crates, containers (other than residential type garbage cans), empty or otherwise, inoperable vehicles or unused vehicular equipment, structures, construction materials, devices, or contrivances of any nature or kind whatsoever which is not necessary to or customarily found in a restricted neighborhood of single family residential units shall be deemed a violation of this Ordinance.

2. NO DRILLING AND MINING OPERATIONS.

   a. Private Water Wells Prohibited. No private water wells are permitted to be dug, drilled or operated within the City.

   b. Drilling, Quarrying, Mining, and Prospecting Prohibited. No drilling, refining, quarrying, mining or prospecting for oil, gas, or other minerals of any kind shall be permitted within the City.

3. SINGLE FAMILY DWELLINGS. There shall be only one single family dwelling per lot within the applicable zone. It shall be unlawful, after the original construction of a single-family dwelling, to make any alterations and/or additions thereto which would convert its use to other than its original purpose. The regulations and uses for Townhouses and Patio Homes shall be the same as for Single Family Dwellings; except that units with a common wall, composed of two or more family units shall have a two (2) hour rated masonry fire wall between each unit extending at least twelve (12) inches above the roof ridge.

4. HOME BUSINESSES. Home businesses will be allowed in a single family dwelling if such business meets the following requirements:

   a. Only members of the immediate family (spouses, sons, and/or

daughters) are employees of such business.

b. The business is not outwardly noticeable from the exterior.

c. No advertising of the business is located on the dwelling, in the windows of the dwelling, or on the lot on which the dwelling is located

d. There is no advertising of the business within the City.

e. No noxious or offensive trades or activities shall be conducted in any dwelling or on any lot which will cause a nuisance or be offensive to residents or reasonable and ordinary sensitivities.

f. No home business that provides assisted living or nursing care in a dwelling will be permitted to operate in the City.

5. ACCESSORY BUILDINGS. Buildings customarily constructed adjacent to a single family dwelling must be approved in writing by the Commission. No occupation or business may be operated from an Accessory Building.

   a. GOLF COURSE LOTS. On golf course lots, there shall be no portable buildings and greenhouses, aboveground swimming pools, pool houses or other such structures erected between the back of the residence and the back property line. Gazebos and hot tubs will be permitted as long as they are located on the lot and not closer than ten (10) feet from the back property line. On golf course lots, construction of portable buildings and greenhouses may be constructed between the residence and the side property lines as long as they do not extend past the back of the house or the front of the house. Materials of construction must be similar to the materials used in the main residence construction.

   b. INTERIOR LOTS. On interior lots, any type of Accessory Building may be constructed as long as the building does not extend past the front of residence. The materials of construction must be similar to the materials of construction of the main residence.

6. FREE STANDING GARAGE. A free standing garage with or without storerooms and/or utilities shall be permitted as an Accessory Building, provided that the garage conforms to the lot line restrictions of the respective Zone and is built of materials in conformity with the principal

residential building. All free-standing garages must be built and used in conjunction with a main residential structure.

7. LOCATION OF IMPROVEMENTS ON LOTS. All improvements shall be constructed on the lot facing the street. Structures on corner lots shall front to the smallest side of the lot which is adjacent to a street.

8. ONE MAIN BUILDING PER LOT. There shall be no more than one (1) main building per lot.

9. OFF-STREET PARKING SPACES PER FAMILY UNIT. A minimum of two off-street parking spaces shall be provided for each family unit.

10. NON-USE FOR DUMPING. No lot (developed or undeveloped) or City street shall be used or maintained as a dumping ground for rubbish, trash, garbage or any other waste. During structure construction, the owner/builder/contractor shall maintain an adequate-sized container for disposal of all construction materials. Domestic waste shall be kept in a sanitary container for the storage and disposal of household waste material.

VI.
RULES AND REGULATIONS

1. CONSTRUCTION PLANS REQUIRE APPROVAL.

   a. All plans for construction, improvements, and additions to be made on any of the lots located within the City of Panorama Village must be approved by the Commission. No clearing of a building lot, removal of trees (except for dead trees), lot leveling or building pad installation may occur without a Building Permit or the written approval of the Planning and Zoning Commission. CAVEAT: The Commission's approval of plans is *not* a certification of the designs or materials.
   b. All plans and construction must comply with the following building codes as enacted by City Ordinance No. 2009-325, as amended:
      i. ICC Building Code – 2009 Edition
      ii. ICC Residential Code for One and Two-Family Dwellings – 2009 Edition
      iii. ICC Fire Code – 2009 Edition
      iv. ICC Fuel Gas Code – 2009 Edition
      v. ICC Mechanical Code – 2009 Edition

vi. ICC Plumbing Code – 2009 Edition
vii. ICC Existing Building Code – 2009 Edition
viii. ICC Property Maintenance Code – 2009 Edition
ix. ICC Energy Conservation Code – 2009 Edition
x. NEPA National Electric Code – 2008 Edition.

2. IMPROVEMENTS REQUIRING COMMISSION APPROVAL. The following will require Commission approval:
   a. New houses
   b. Townhouses
   c. Patio Homes
   d. Condominiums
   e. All Commercial Construction
   f. House Renovation/ Alteration involving plumbing or electrical modifications
   g. House Additions
   h. Swimming Pools, Hot Tubs, Spas, In-ground Wading Pools
   i. Patios
   j. Sprinkler Systems
   k. Slabs
   l. Fences
   m. Carports
   n. Free Standing Garages or Portable Buildings
   o. Greenhouses
   p. Accessory Buildings
   q. Storm Drainage Construction

3. COMPLIANCE WITH TEXAS RESIDENTIAL CONSTRUCTION COMMISSION ACT. No permit will be issued until evidence of registration with the Texas Residential Construction Commission is submitted for any builder or contractor constructing a new home or remodeling an existing home whose work exceeds $10,000.00 in cost, as required by the Texas Residential Construction Commission Act.

4. PLAN PRESENTATION. Plans along with a Permit Application are to be submitted to the Commission for approval. The Commission shall review the proposed package and give its written approval/disapproval within thirty (30) days, after the date of submission.

   a. Plans may be submitted to the Commission on A, B, C, or D- size drawings depending on the type of project

   b. New residential structure must be submitted on D-size drawings and include a Plot Plan, a Foundation Plan, a Floor Plan, a Framing Plan, a Front Elevation Plan, a Back Elevation Plan, Side Elevation Plan, and a Drainage Plan.

5. PLOT PLAN. This plan must show the location of the proposed structure with respect to the lot lines and set back lines. Lot and first level elevations must be shown on this plan. All elevations must be referenced to the centerline of the street or streets adjacent to the lot shown on the plot plan. Plot plans must be reviewed, sealed, signed and dated by a registered Texas Land Surveyor. All seals and signatures on documents and drawings must be originals. See City Ordinance 96-228 for FEMA flood plain data.

6. FOUNDATION PLAN. This plan must include the location, with respect to the structure floor plans, of all grade beams and piers (if required). Tops of foundations must be designed so that the top of the first floor level of the structure will be a minimum of eight inches (8") above the adjacent finish ground level at any point around the perimeter of the slab. This plan must also include the location and specifications of all reinforcing steel and concrete. All foundation plans must be reviewed, signed and sealed by a Texas Registered Professional Engineer. All seals and signatures on documents and drawings must be the originals.

7. FLOOR PLAN. This plan must include room dimensions, electrical fixture and wiring schematic, air conditioning duct schematic, and gas pipe schematic.

8. ELEVATION PLANS. These plans must show the appearance of the front, side and back of the structure to be constructed. These plans must indicate the construction material for the exterior wall of the structure and the exterior dimensions of the structure.

9. DRAINAGE PLANS. See City Ordinance 96-228, as amended, Flood

Damage Prevention Ordinance, which provides flood plain management regulations, as described by Federal and State law.

A drainage plan must be submitted to and approved in writing by the Commission prior to the construction of any residence or driveway. All drainage plans must show the lot address, elevations of the lot corners and house first level corners relative to the centerline of the street in the front of the house. Lot drainage must also be indicated on this plan. All drainage must be directed away from the slab at a slope of four inches (4") in ten (10) feet where possible. All foundations must be a minimum of twelve inches (12") above the 100-year flood plain. All lot drainage shall not be harmful, destructive or a nuisance to the adjacent lots. Driveways shall permit the free flow of water in road ditches. Where possible all drainage must flow toward the street. In some cases gutters may be required on structures, in which case the downspouts and underground drain conduits must be installed so as to direct the flow of runoff toward the streets. Requirement for gutters will be determined at the time of plan approval. Any and all culverts or conduits installed in street ditches shall be of a minimum diameter of eighteen (18") inches, must extend the entire width of the driveway or be at east ten feet (10') in length, and must be kept clean. All culverts must end in a concrete headwall with driveway curbs and inlet/outlet flow directors. Culvert material may be concrete or HDPE. See Detail 101-A.9 found at Appendix "B" attached to this Ordinance.

10. LANDSCAPE SPRINKLER SYSTEMS PLAN. New landscape sprinkler system plans must be signed, sealed and dated by a Registered Texas Sprinkler System Designer. All signatures and seals must be originals.

    a. System must have a testable backflow preventer, and test results must be provided to the City upon installation.

    b. System must have a shut-off valve to provide separation of house service and sprinkler line.

    c. System must have a rain sensor with automatic shutoff during periods of precipitation.

    d. System must be inspected by a designated City inspector.

    e. Once the new landscape sprinkler system has been approved and placed in operation, modifications or additions to the system may be made without a permit, provided the back flow preventer meets the

requirements of both the City and State.

11. FENCE PLAN. Fence plans must be submitted for approval by the Commission. No fences shall be erected from the front or side of a residence towards the street or from a residence towards the fairway of the golf course. No vacant lot may be fenced. No fences shall be erected on City streets, utility easements, or drainage easements.

    a. **Golf Course Lots**: Residences that are adjacent to the fairways may have fences in the side yards. Residences that are adjacent to the golf course will be allowed to erect fences in their back yards only around swimming pools for safety considerations. A decorative black single strand chain fence may be installed along the property lines of golf course lots to prevent golf carts from entering a residential golf course lot.
    b. **Non Golf Course Lots**: Residences that are not adjacent to the golf course may have fences in their back and side yards.
    c. **Fence Materials**: Materials for construction of fences must be cedar, pine, vinyl, decorative iron/steel, or other similar material. No woven wire, barb wire, or other similar material may be used as fencing. Chain link fencing is permissible except when facing the golf course. However, a black decorative one-strand chain fence is permissible along golf course property lines to prevent golf carts from entering golf course residential lots.

12. BUILDING MUST CONFORM TO ZONE REQUIREMENTS. All buildings shall conform to the regulations of the Zone in which they are located. Any deviations from the Zone requirements must be reviewed by the Commission and approved by the Council.

13. NO SUBDIVIDING OF LOTS. No lots may be subdivided in whole or in part without the written consent of the Commission.

14. NO NOXIOUS OR OFFENSIVE ACTIVITIES PERMITTED. No noxious or offensive trade or activity that adversely affects the health or safety of the public shall be carried on or upon any lot or tract in the City, nor shall anything be done thereon which may be or become an unreasonable annoyance or nuisance to the neighborhood.

15. ELECTRICAL WORK. All electrical work performed within the City shall

be installed with materials approved by and in accordance with the provisions of the latest editions of the National Electrical Code and International Residential Code with the following exceptions and/or additions:

a. No wire or cable smaller than #12 will be permitted except for control wiring, signal or communication systems, or other low voltage work.

b. An Arc-Fault Circuit Interrupter (AFCI) as required by the National Electrical Code must protect all bedrooms in the house.

c. A Ground Fault Interrupter (GFI) as required by the National Electrical Code must protect all exterior electrical receptacles and electrical receptacles in kitchens, bathrooms, utility (laundry) rooms, and garages.

d. Every major appliance shall be on a separate circuit, and wire size and branch circuit protection shall be in accordance with the applicable section of the National Electrical Code.

e. No aluminum conductors shall be used on any electrical system of any kind.

f. No service disconnecting means, circuit breaker, or fuse panel shall be installed within a storage or clothes closet within a building unless the working clearance about such equipment shall be as required by the applicable table of the National Electrical Code.

g. All electrical wiring must be inspected by the City prior to the insulation installation.

h. Electric Service Request

   i. Temporary Electric Service. The Contractor must erect a temporary pole and appropriate meter box, circuit breaker panel and receptacles on the lot where the structure is being erected if the Contractor wants the local electric utility company to provide electric service during construction. After the temporary electric facilities have been erected and inspected by the City, the City will advise the local electric utility company that the temporary electric facility for the proposed construction site is ready for service. It is the responsibility of the Contractor to make application for service with the local electrical utility. Temporary electric service will

be permitted at the construction site only during the initial 6-month construction period allowed by the original permit. Extensions can be granted with Commission approval

ii. Permanent Electric Service. Upon completion of the structure and after all appliances are in place, the Contractor must contact the City and request permanent electric service. The City will inspect the structure and advise the local electric utility that the location is ready for permanent electric service. It is the responsibility of the owner/contractor to arrange the electric service installation with the local electric utility.

i. All circuits must be identified in the main electrical panel.

16. PLUMBING, HEATING AND AIR CONDITIONING WORK. All plumbing, heating and air-conditioning work performed within the City shall be installed with materials approved by and in accordance with the latest edition of the International Residential Code, with the following exceptions and/or additions:

a. No gas-fired water heater shall be installed in any closet, alcove, or attic space unless the clearances from combustible materials as recommended by the manufacturer are maintained; and in no case shall the clearance above the bonnet of such water heater be less than eighteen (18) inches.

b. All gas-fired water heaters installed in garages and areas where flammable liquids are stored must be installed so the water heater is a minimum of eighteen (18) inches above the floor or as directed by manufacturer's installation instructions.

c. All services for natural gas, on the customer side of the gas meter shall be installed using black steel pipe or polyethylene pipe with a minimum SDR of 11.5. Plastic pipe will not be permitted above ground or inside a building.

d. All interior gas piping must be steel or approved stainless steel flexible tubing. No copper piping or tubing will be permitted for natural gas piping inside a structure.

e. All gas piping must be tested to a minimum of 10 psi. A pressure gauge with a dial of no less than 4 inches in diameter and a range of no greater than 0 to 20 psi will be used to measure the test pressure.

f. All interior water piping will be steel, copper, or approved plastic CPVC piping

17. UTILITY CONNECTIONS. It shall be unlawful for any person to apply to a utility company, public or private, which supplies any type of energy system, such as natural gas, LPG, electric, or any other potentially dangerous substance, to connect the service to any structure or other project within the City without first obtaining written confirmation that the construction has been approved by the City. Upon completion of the structure and with all appliances in place, the Owner/Builder/Contractor must contact the City and request gas service. The City will inspect the structure and advise the local gas utility that the location is ready for gas service. It is the responsibility of the Owner/Builder/Contractor to arrange the gas service installation with the local gas provider.

18. HAZARDOUS SYSTEMS. From time to time, other requirements concerning the installation of potentially hazardous systems may be added or amended as a part of this Ordinance, after due notice, will become as effective and enforceable as any previous requirements.

19. PORTABLE TOILETS. All contractors shall be required to provide a portable toilet at each building site, and said toilet must be located on the lot where construction is occurring.

20. REFUSE CONTAINERS. All construction refuse materials must be placed in a refuse container during construction and removed from the lot before a Certificate of Occupancy can be issued by the City.

21. PAVED OFF-STREET PARKING. Each dwelling shall have a paved driveway and a garage. The design and construction materials of garages must correspond to the design and construction materials of the residence.

22. CONSTRUCTION MATERIALS

a. Exterior walls. Exterior walls of all structures shall be constructed with no less than fifty- one (51%) percent masonry veneer, stucco, or Hardie Plank (or approved equal). In computing this percentage, all gables, windows and door openings shall be excluded from the required areas. All freestanding garages or carports must meet the same material requirements as the main structure on the lot. The Commission may waive the fifty-one (51) per cent masonry restriction if, in its opinion, the masonry restriction would materially

affect the design and beauty of the proposed residence.

b. Driveways. All driveways must be constructed of reinforced concrete or macadam. Concrete shall be a minimum of four (4) inches thick and 3000 pound rating. Macadam shall be a minimum of two (2") inches thick.

c. Roofs. Wood shingles may not be used for roofing or siding on either new construction or for the replacement of existing roofs. All roof replacement must be either composition fire retardant materials or approved metal roof material.

d. Foundations. All foundations and slabs must be poured reinforced concrete. If the design engineer determines that piers are required for proper slab support, then the pier must be constructed of reinforced concrete.

e. Framing Materials. Materials used for structure framing must be wood or steel.

f. Expansion Joints. Materials used for expansion joints in driveways, sidewalks, and patios must of made of redwood, cedar, pressure treated wood, or other material approved by the Commission.

23. SMOKE ALARMS. All new dwellings must have approved audible smoke alarms installed at or near all sleeping areas.

VII.
LOT SETBACK LINES

1. ALL BUILDINGS. All main, detached and other buildings and structures, including patios, pools and porches, must have the following clearances from lot lines:.

   a. Front – Twenty Five (25) Feet
   b. Rear – Twenty (20) Feet
   c. Fairway – Twenty (20) Feet
   d. Sides except Corner Lots – Ten (10) Feet
   e. Sides -Corner Lots – Fifteen (15) Feet on Street Side

   Lots that have a frontage length of sixty-five (65) feet or less may have a clearance between the building and side lot lines of seven and one half (7

1/2) feet except corner lots which must have fifteen (15) feet, on the side street side of the lot. Seven and one-half (7-1/2) feet on all lots with a frontage of sixty-five (65) feet or under is required on other than corner lots.

2. LOTS HAVING LESS AREA THAN REQUIRED. These regulations shall not prohibit the erection of a dwelling on a lot having less area, width and/or depth than herein required, which existed upon the effective date of this Ordinance, with approval of the Commission. For any structure that cannot meet the area requirement set out in Section IV, Paragraph 1, plans must be submitted for the structure to the Commission for forwarding to the City Council, with recommendations for the Council's approval of a variance to this Ordinance.

3. EXCEPTION. Zero lot lines are permitted in Apple Valley (Zone 14), Hallmark (Zone 15) and Parkside (Zone 19).

VIII.
STRUCTURE INSPECTIONS

1. REQUIRED INSPECTIONS. All permits require certain inspections. Below are the required inspections. After an Owner/Builder/Contractor requests a project inspection, the City Building Inspector or his designee will make the requested inspection within forty-eight (48) hours. Should additional inspections be required, the Owner/Builder/Contractor will be accessed a fee as set out in the Fee and Permit Schedule found in Appendix "A" of this Ordinance, for each additional inspection until the original requested inspection is satisfactory.

2. NEW HOMES, PATIO HOMES, TOWNHOUSES, CONDOS, COMMERCIAL CONSTRUCTION, HOME ADDITIONS & RENOVATIONS.

   a. Foundation Inspection. This inspection verifies the location of the structure with respect to building lines.

   b. Slab Inspection. This inspection must be completed prior to the placement of concrete within the foundation forms. Verification of steel placement, elevation, and slab thickness will occur at this inspection.

   c. Cover-up Inspection. This inspection is completed when all electrical, plumbing, and air conditioning rough-in is complete and prior to the placement of insulation or dry wall.

d. Utility Inspection. This inspection must be done prior to the connection of sewer and water connections.

e. Driveway Inspection. This inspection must be completed prior to placement of concrete or macadam in the driveway. All drainage culverts and steel reinforcement must be complete prior to this inspection.

f. Final Inspection. This inspection will be completed when the structure is ready for occupancy. If the structure passes this inspection, a Certificate of Occupancy will be issued.

3. GAZEBOS, PATIOS AND ACCESSORY BUILDINGS.

a. Foundation Inspection. This inspection involves location of the structure with respect to the lot building lines and type of foundation. No structure is considered complete until the final inspection as required by the permit is completed or, in the case of a residence, a Certificate of Occupancy is issued to the owner/builder.

b. Portable Buildings. Portable buildings will be inspected with regard to location with respect to property line and compatibility of materials of construction with respect to the adjacent residence.

4. SPRINKLER SYSTEMS. A Final inspection is required to verify the installation of the back flow protection device.

5. FENCES. All fences must be inspected upon completion of installation.

6. SWIMMING POOLS. All swimming pools must be inspected and installed per International Residential Code.

IX.
FEES

1. FEES. All residential and commercial fees are incorporated into the Fee and Permit Schedule attached hereto as Appendix "A".

2. REFUNDS. No portion of the permit fee will be refunded after the construction permit is issued.

3. GENERAL. No construction permit will be issued until all fees are paid in full.

X.
PERMIT ISSUANCE

1. After all the above requirements are completed and the Commission has approved all documents, the Planning & Zoning Secretary will be advised to collect the required fees and issue a construction permit.

XI.
ENFORCEMENT

1. ENFORCEMENT BY BUILDING INSPECTOR. This Ordinance shall be administered and enforced by the City Building Inspector or his designee. Certain inspections will be made during the progress of the construction as designated by the Commission. A list of these required inspections will be issued with the Building Permit, must be posted on the site, and will be initialed by the Building Inspector or his designee when inspections are made. It shall be the duty of the Owner/Builder/Contractor to call for the various inspections as the construction progresses, and no additional work is to be done until each of these inspections has been made and approved at its proper time. The Building Inspector may make other unannounced inspections as the project progresses. These inspections will not interfere with the progress of the project.

2. RIGHT TO ENTER PREMISES. The Building Inspector, or his duly authorized designee, shall have the right to enter any premises at any reasonable time to inspect sites or buildings, so as to insure compliance with the provisions of this Ordinance.

3. NOTICE IN WRITING. The Building Inspector or his designee may, by written notice to the Owner/Builder/Contractor, stop any work or construction which is in violation of the provisions of this Ordinance. Such construction shall not proceed until it is authorized by the Building Inspector or his designee.

4. CIVIL ACTION. The City Council may bring a civil action for the enforcement of this Ordinance as authorized by the Texas Local Government Code.

XII.
COMPLIANCE

1. FAILURE TO COMPLY. Failure to comply with the provisions of this Ordinance will be considered an offense subject to the penalty provisions in Section XV of this Ordinance. No Building Permit for any future construction within the City will be issued to such violator until all permit fees and all penalties assessed have been paid in full. Fees for all sewer and water taps are to be paid at the time the Building Permit is issued, and no portion of such fee is refundable.

2. COMPLETION TIME. The completion time for all buildings shall be 180 calendar days from the date of the Building Permit.

3. EXTENSIONS. A thirty (30) day permit extension may be granted after a proper application is submitted to and approved by the Commission. All such extension requests must be accompanied by a One Hundred Dollar ($100.00) per month permit extension fee, which is not refundable. The maximum number of permit extensions at One Hundred Dollars and 00/100 Dollars ($100.00) per extension will be three (3), after which time the cost of the extension will increase to Five Hundred and 00/100 Dollars ($500.00) per month.

4. NON-TRANSFER OF PERMITS. A Building Permit is not transferable or assignable without the written consent of the Commission.

5. PERMITS VOID. All permits and permit extensions shall be void after the expiration date set out therein, and construction started thereunder shall cease.

6. POSTING PERMIT ON SITE. A copy of the Building Permit and a list of required inspections shall be posted in a waterproof container at a visible position on the construction site by Permitee/Contractor/Builder/Owner.

XIII.
APPEAL TO CITY COUNCIL

Any person shall have the right to appeal directly to the City Council any ruling of the Planning and Zoning Commission.

XIV.
SPECIAL USE PERMIT

The City Council may, upon recommendation of the Commission, grant a Building Permit for a special use or special project in any Zone, provided such use or project shall not adversely affect the overall comprehensive plan of this Ordinance and shall not adversely affect the property or property values in the Zone.

XV.
PENALTY

Any person who violates any of the provisions of this Ordinance herein shall be guilty of a misdemeanor, and upon conviction thereof shall be fined an amount not to exceed Five Hundred and No/l00 Dollars ($500.00). Each and every violation of such provisions shall constitute a separate offense, and each day such violation shall be permitted to exist shall constitute a separate offense.

XVI.
REPEALING CLAUSE

Ordinance No. 2006-307, dated November 28, 2006, as amended, and all other ordinances, amendments, or parts of ordinances previously passed in conflict with the provisions of this Ordinance are hereby expressly repealed.

XVII.
SAVINGS CLAUSE

If any clause, phrase, sentence or paragraph of this Ordinance shall be held void or unconstitutional for any reason, by a Court of competent jurisdiction, same shall not affect the other parts thereof.

XVIII.
OPEN MEETINGS CLAUSE

It is hereby officially found and determined that the meeting at which this

Ordinance was considered was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code. 23

XIX.
EFFECTIVE DATE

This Ordinance shall become effective on and after its publication as provided by law. All permits, building construction or home construction that was started prior to the effective date of this Ordinance will be exempt of the requirements set forth in this Ordinance and will be required to meet the specifications of previous ordinances in effect at the time of their construction.

PASSED AND APPROVED THIS THE 26th DAY OF May 2009.

Howard Kravetz, Mayor

ATTEST:

Lisa Evans, City Secretary

APPROVED AS TO FORM:

Larry L. Foerster, City Attorney

APPENDIX "A"

FEE AND PERMIT SCHEDULE

1. RESIDENTIAL PERMIT FEES (New Houses, Townhouses, Patio Homes, and Condominiums). Applicant shall file an application for the construction or improvement (on a form to be furnished by the City), accompanied with a required Fee of Forty-Four Cents ($0.44) per square foot, not to be less than One Hundred Twenty Five and no/100 Dollars ($125.00) nor to exceed Eight Hundred Seventy Five and no/100 Dollars ($875.00), along with plans that have been approved by the Commission. Residential permits do NOT include fence or sprinkler systems. Failure to comply with this provision will be considered an offense subject to the penalty provisions in Section XV of this Ordinance. No Building Permit for any future construction within the City will be issued to such violator until all permit fees and all penalties assessed have been paid in full. Fees for all sewer and water taps are to be paid at the time the Building Permit for the structure is issued.

2. COMMERCIAL PERMIT FEES. The following shall be used for all Commercial Buildings.

   a. 0 to 2,000 Sq. Ft. $0.44per Sq. Ft., then

   b. 2001 to 5,000 Sq. Ft. $0.36 per Sq. Ft., then

   c. 5001 to 10,000 Sq. Ft. $0.30 per Sq. Ft., then

   d. 10,001 to 20,000 Sq. Ft. $0.28 per Sq. Ft., then

   e. 20,001 to 50,000 Sq. Ft. $0.24 per Sq. Ft., then

   f. 50,001 to 100,000 Sq. Ft. $0.22 per Sq. Ft., then

   g. 100,001 to 200,000 Sq. Ft. $0.20 per Sq. Ft., then

   h. 200,000 and up $0.18 per Sq. Ft.

3. ADDITIONS, RENOVATIONS, ALTERATIONS, SWIMMING POOLS. HOT TUBS, IN-GROUND WADING POOLS, CARPORTS, DRIVEWAYS, ACCESSORY BUILDINGS, SLABS, AND PATIOS. Fees for these items will be Forty-Four Cents ($0.44) per square foot, but not less than Sixty-Five and 00/100 Dollars ($65.00) nor more than Two Hundred and 00/100 Dollars ($200.00). No fee will be accessed for repair of damages due to

fire, flood, or other natural disaster.

4. FENCES. Fees for fences will be Fifty and 00/100 Dollars ($50.00).

5. SPRINKLER SYSTEM. Fees for the installation of a sprinkler system are as follows:

a. Issuing of permit - $30.00

b. Each sprinkler head @ $.50 per head

6-1. SEWER AND WATER TAP FEES

a.	Short Sewer Tap	Four Hundred Fifty Dollars ($450.00)
b.	Long Sewer Taps (including road bore)	Six Hundred Dollars ($600.00)

6-2. WATER TAP FEES & CUSTOMER SERVICE INSPECTION FEE AS REQUIRED BY TCEQ

a.	Short Water Tap	Five Hundred Fifty Dollars ($550.00)
b.	Long Water Tap	
	(including road bore)	Six Hundred Dollars ($600.00)

7. CITY INSPECTIONS. Remuneration for City Inspections shall be $25.00 per inspection.