

ORDINANCE NO. 120

AN ORDINANCE OF THE CITY OF HOWARDWICK, TEXAS, PROVIDING FOR THE REPEAL OF AND REPLACEMENT OF CHAPTER 12 OF THE CODIFIED CODE OF ORDINANCES WITH A REVISED CHAPTER 12 PROVIDING A SEVERABILITY CLAUSE, OPEN MEETINGS AND AFFECTIVE DATE CLAUSES; AND PROVIDING RELATED MATERS

WHEREAS, the City of Howardwick desires and has now determined the need to update and clarify its Zoning ordinances for the citizens of the City of Howardwick and its growth; and

WHEREAS, the City Council does order the full repeal of Chapter 12 of the codified Code of Ordinances of the City of Howardwick, and the replacement with new provisions of the entire Chapter 12; and

WHEREAS, City Council of the City of Howardwick finds the following ordinance to be reasonable and beneficial to the general health, safety and welfare of the citizens the City of Howardwick;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOWARDWICK, TEXAS;

SECTION I.

CHAPTER 12

ZONING

ARTICLE 1. PLANNING AND ZONING COMMISSION

12.01 Planning and Zoning Commission

There does exist a planning and zoning commission, such commission is made up of the Mayor and City Council or such persons appointed to serve as the Planning and Zoning Commission by the Mayor and City Council. (Ord. 4, §1, 10/05/1971; Ord. 80, §1)

12.02 Powers of the Commission

Powers of the commission shall include the enforcement of ordinances in force that shall contribute to the orderly and pleasing development of a genteel retirement and recreation city. The Commission shall have the power to grant deviations or make changes to this zoning ordinance only following a public hearing to preserve the rights and protect the interests of any property owner in the City of Howardwick. (Ord. 4, §2, 10/05/1971; Ord. 80, §2 / Texas Local Govt. Code Title 7, Subtitle A, 211, § 211.006)

12.03 Term of office

All appointive officers of the Planning and Zoning commission shall hold their office during the pleasure of the City Council and shall deliver up their commissions, respectively, upon the request of the City Council. (Ord. 4, §3, 10/05/1971; Ord. 80, §3)

12.04 Definitions

12.04.01 Cottage: For the purpose of this document, the term cottage shall be interpreted to describe a single-family dwelling built on-site, of new material, aside from certain "rough in" materials which would be concealed on completion, and meeting or exceeding the 750 square footage requirement of 12.32. (Ord. 10, §1, 12/22/1971)

12.04.02 Tiny Home: A dwelling or recreational use structure specifically built for human habitation, typically of 500 square feet or less of living space. Tiny homes are to be installed on permanent foundations of either pier and beam or masonry. No wheels are allowed on tiny homes. They are allowable in any zone that allows manufactured housing.

12.04.03 Manufactured Housing: Mobile housing built off-site, designed to be moved into place, and built to the HUD code of 1976 minimum. Manufactured housing shall be no older than 15 years at the time of placement in the City of Howardwick. Placement shall be in accordance with R-1-CT: Green zoning designation.

12.04.04 Pre-fabricated structures: Consist of major components or structural assemblies built off-site and transported for assembly on-site. Pre-fabricated, or pre-fab structures are built on permanent foundations of pier and beam or masonry, and do not contain steel beam undercarriages. Pre-fab housing may be used to meet the structural requirements of a cottage provided the square footage meets or exceeds the minimum specification for the zone in which they are located.

12.04.05 Recreational Vehicles – RV parking on any lot or combination of lots zoned C-1RV (blue), for either private or for commercial use..

ARTICLE 2. ZONING

12.11 Zoning classifications

Zoning classification is as follows, identification and plat color:

R-1-C: White - Cottage - single family residential district

R-1-CT: Green - Manufactured Home and/or cottage - single family residential district.

C-1: Purple – Commercial District

C-1RV: Blue – Recreational Vehicle park district.

C-2: Yellow - Neighborhood Commercial District: grocery, laundry, beauty shop, etc. (not including gasoline service station or alcoholic beverages.)

C-7A – Red – Commercial district to include alcoholic beverages.

12.12 Country Club Section

Country Club Section zoned all lots R-1-C (white), save and except lots 66, 67, 68, 69 which are additionally yellow). (Ord. 10, §3,4, 12/22/1971)

12.13 Pueblo Section, Nocona Section

Pueblo Section zoned all lots R-1-C (white) (Ord. 10, §5 , 12/22/1971)

12.14 Arrowhead, Peyton Place, Seminole Sections

Arrowhead, Peyton Place, Seminole Sections zoned all lots R-1-C (White) save and except Arrowhead section lots 363, 364 & 365 which shall be R-1-CT (green.) (Ord. 10, §6, 12/22/1971 and prior deviation granted by City Council)

12.15 Navajo Section

Navajo Section zoned all lots R-1-C (white) save and except lots 183 through 204, which shall be additionally C-1 (purple). Additionally, lots nos. 162, 163,164 are zoned C-2 (yellow), Howardwick City Hall. (Ord. 10, §7, 12/22/1971)

12.16 Country Club North Section

Country Club North Section zoned all lots R-1-C (white). Save lots 218 through 231 which shall be C-1 purple. (Ord. 10, §8, 12/22/1971)

12.17 Comanche, Apache, Cherokee, Misty Grove, Red Feather, Huron, portions of Carroll Creek Acres Sections

Comanche Section, Apache Section, Cherokee Section, Misty Grove Section, Red Feather Section, Huron Section, all of Section I in Carroll Creek Acres, and all of that 236 acres lying between Carroll Creek and the South and West boundaries of the City of Howardwick, all lots and acreage therein are zoned R-1-CT (green), save and except the lots fronting State Highway 70 in Section I of Carroll Creek Acres, which lots shall be additionally C-2 (yellow) with the exception of lot 4, which shall be designated C-7A (red), and all of Red Feather Section, and all of Carroll Creek acres, which lots shall be additionally C1-RV(blue). (Ord. 10, §9, 12/22/1971)

12.18 Saints Roost

All lots contained within the Saints Roost additions 1 and 2 are designated R-1-CT, (green), and/or C1-RV (blue).

12.19 Gasoline Stations

Gasoline station placement shall be by special permit granted by City Council. (Ord. 10, §10, 12/22/1971)

12.20 Red Zone

That certain 6.096 acres lying in the southeast corner of the City of Howardwick, being more particularly described by metes and bounds as follows:

Beginning at a 3/8 inch iron rod in the East right of way line of Highway No. 70 from whence the Southeast corner of Section 2, bears S. 00° 5' 20" W., 1970.0 feet and S. 89° 54' 40" E., 2611.1 feet;
Thence S. 00° 5' 20" W., 360.8 feet to an iron rod;
Thence S. 89° 54' 40" E., 124.4 feet to a 3/8 inch iron rod in the North boundary line of the Greenbelt Municipal and Industrial Water Authority;
Thence S. 68° 08' 20" E., along the North boundary line of the Greenbelt Water Authority a distance of 652.3 feet to a iron rod;
Thence N. 05° 24'00" W., 526.4 feet to an iron rod;
Thence S. 79° 00'00" W., 398.4 feet to an iron-rod;
Thence N. 30° 25'00" W., 187.6 feet to an iron rod;
Thence S. 86° 39'30" W., 192.8 feet to the BEGINNING CORNER of this tract., zoned C-7A RED.

(Ord. 10, §11, 12/22/1971)

12.21 Application fee

Any application to the City Council for a change in zoning within the City of Howardwick will be reviewed by the City Council for compatibility with the surrounding zoning, and impacts on traffic, noise, infrastructure or other factors as may be detrimental to established areas or residents’ rights to quiet enjoyment. If an application is approved by the City Council to move forward, the submission shall be accompanied by a fee to be determined by the City Council to defray the expenses of the city in meeting the legal requirements to affect such zoning change.

(Ord. 41, §1, 09/12/1977; Ord. 85, §1)

12.22 Reconsideration of request

In the event a request for zoning change is disapproved by the City Council, then such request for zoning change may not be reconsidered again for a period of six (6) months or until the City Council meeting next following the regular general election for the City of Howardwick, whichever event shall occur first. (Ord. 41, §2, 09/12/1977)

Sections 12.23 through 12.29 reserved.

ARTICLE 3. ZONING AND/OR BUILDING REGULATIONS

12.30 Zoning

The City of Howardwick administers zoning responsibilities and exercises its authority through the City Administration consisting of the Mayor, City Council, and may optionally include citizens appointed to serve in order to protect the health, safety, and wellbeing of all its citizens in accordance with Texas State Code, title 7, chapter 211.

The City of Howardwick insists on strict compliance with building codes and strongly recommend they be followed in order to ensure structures are safe for habitation and structurally robust. Any obviously substandard structures may be designated as such by the City Council or by a Building Standards Committee as may be formed in the future, with actions to mitigate as provided by State Law initiated.

(local govt. code, title 2, subtitle D, chapter 54)

12.31 Set backs

Buildings on non-corner lots shall not be located nearer than:

- 20 feet from the front property line
- 05 feet from each side property line
- 05 feet from the rear property line

Buildings on corner lots shall not be located nearer than:
20 feet from front property line
10 feet from side property line which borders a street
05 feet from other side property line
05 feet from the rear property line

No building; shall be erected or located nearer the property lines than set out above except by special permit by City Council.
(Ord. 53, §2, 03/12/1983; Ord. 54, 04/09/1983)

12.32 Square footage of living spaces

All permanent residential structures, with the exception of tiny homes, shall have a minimum 750 square feet living area, computed without regard to porches, garages and out-buildings. All water front lots, 900 sq. ft, Nacona Hills, 1000 sq. ft. Anything less by special permit from City Council only. (Ord. 53, §3, 03/12/1983)

12.33 Recreational vehicles in areas other than areas zoned C-1RV

Recreational vehicles may be placed on residential lots for a period not to exceed six (6) months while a permanent structure is built. The grant of this permission is conditional upon a residence being constructed on such lot, with a valid building permit in effect. The Planning and Zoning Commission may renew and extend the time allowed hereunder. RVs may be permanently stored on the owner's property following completion of the structure.
(Ord. 53, §4, 03/12/1983; Ord. 86, §1)

12.34 General requirements of residential structures

A. All electrical, sewer and water utilities constructed, installed or maintained on any property with the City limits of the City of Howardwick, Texas are required to meet the requirements of all State and Federal laws regarding their installation, construction or maintenance.

B. Move-in Structures. Structures proposed to be moved within the city limits of the City of Howardwick must apply for a building permit available at City Hall. All the Planning and Zoning Commission will review the permit to ensure that it complies with the following requirements:

1. That the floor plan shall indicate that the structure has a minimum of 750 square feet of living area, computed without regard to porches, garages and out-buildings. All water front lots must have 900 square feet of living area. All structures proposed to be moved to Nacona Hills must have a square footage of no less than 1000 square feet.

2. That the utilities proposed for the structure are certified to be in compliance with state and federal laws governing their construction, installation, repair or maintenance. If the permit is approved, the owner of such property shall be required to present to the city such assurances.
3. Proof, through a land survey, that the structure shall be placed upon the property in such a way that it meets the setback requirements for that particular lot within the city.

C. Additional General Requirements. No 'stick built' structure constructed more than 15 years prior to permit application will be permitted to be placed within any zone of the city except by special allowance by the City Council for historically significant structures. All construction or work involved with the placing of an approved move in structure upon a lot within the city must be completed within 180 days of receiving approval of a permit. (Ord. 53, §6, 03/12/1983; Ord. 86, §2)

Sections 12.35 through 12.39 reserved.

ARTICLE 4. ADDITIONAL REQUIREMENTS

12.40 Mowing

It is the duty and responsibility of all of the property owners to keep the property mowed. No owner of any lot, place or area within the city, or agent of such owner, shall permit weeds, grass or other natural growth to be of such density, height or quantity as to constitute a menace and hazard to the health and wellbeing of this community. Any lot, place or area where such growth is allowed to remain shall be declared a public nuisance. (Ord. 53, §6, 03/12/1983)

12.41 Motor Vehicles

All motor vehicles parked on streets or on private property must be currently licensed or removed within thirty (30) days of complaint. (Ord. 53, §6, 03/12/1983)

12.42 Permits

1. Building permits shall be required before any new structure, move-in structure, manufactured home, or other permanent structure, is placed on a lot. A valid permit is required before the installation of any utility service or septic system construction is begun. A valid septic system permit from TECQ is required prior to a building permit being issued by the city, and evidence of acceptable inspections performed before such structure can be inhabited or put into service.

2. Building permits shall be valid for a period of six (6) months from the date of issuance, and may be renewed and extended for an additional six (6) month period by ruling of the Planning and Zoning Commission.

3. No permit shall be required for cellars on properties with an existing residential structure or building permit appropriate for the area.

Fees for building permits are as follows:

\$75.00 - for original permits for residential structures to include tiny home, manufactured home and stick built home.

\$25.00 for renewal permits for residential structures

\$40.00 for all external additions on existing structures to include attached and free standing Garages, Carports and Storage.

\$50.00 for RV parking permit

\$100.00 for original permits for commercial structures

\$50.00 for renewal permits for commercial structures

(Ord. 53, §8, 03/12/1983)

4. Multi-family dwellings on any property are by special exemption and permit only. (Ord. 53, §1, 03/12/1983)

5. Permits are required for RV camping, and are available from City Hall. No permit is needed for storage of an RV on an owner's property where a habitable permanent residence is present.

12.43 On-site sewage disposal systems

A land owner or person in control of land may not construct, alter, repair, or extend, an on-site sewage disposal system that does not comply with Texas Health and Safety Code as administered by Texas Environmental Commission Quality (TCEQ) through their permitting and inspection processes. Any such actions require a valid permit before any work is done, and an inspection on completion. On-site sewage systems may be installed by the land owner in accordance with permitting and inspections by TCEQ.

All sewage must be disposed of in a dump site specifically designed for receipt of such sewage, or in an approved on-site sewage system regardless of type of housing or RV. In no instance, may raw sewage be dumped on the ground as it creates a serious health hazard. **Infractions are cited by Howardwick Code Enforcement and prosecuted by TCEQ or the Environmental Protection Agency and will result in significant penalties.**

(TX. Health & Safety Code, Subtitle B., chapter 366)

12.44 Water System Protection Zone :

In order to proactively protect the City water supply from potential contamination, a protective zone extending 150 feet in any direction from the water wells has been established. Any use of those areas must be in accordance with Howardwick Ordinance No. 119, section 3.

12.45 Live stock within Howardwick City limits :

Livestock to include cattle, horses, poultry, swine, goats and similar animals commonly known as farm animals, kept for domestic use or for pleasure are prohibited within the city limits with the exception of the Carol Creek Acres addition. One-acre tract minimum is required for each horse or cow. Goats or swine require a minimum of one-acre for each four animals.

The only exception is for such an animal that has been domesticated to the point it shares the property owners' primary residence as its main habitat, and is considered a pet.

Poultry to include chickens, quail, pheasant, or turkeys are allowable so long as their numbers or location do not prompt complaints from neighbors due to noise or sanitation.

12.46 Enforcement

Any person or persons not complying with the above regulations are subject to a fine of not more than the maximum allowable by state statute. Each day shall be a separate offense, so penalties compound. (Ord. 53, §9, 03/12/1983)

Sections 12.47 through 12.59 reserved.

SECTION II.

It is the intent of the City Council that each word, paragraph, sentence, subdivision, clause, phrase or section of this Ordinance be deemed severable, and should such word, paragraph, sentence, subdivision, clause, phrase or section be declared invalid or unconstitutional for any reason, such declaration of invalidity or unconstitutionality shall not be construed to affect the validity of those provisions of this Ordinance left standing, or the validity of any other ordinances of the City of Howardwick.

SECTION III.

The remainder of the City of Howardwick Code of Ordinances remains in full force and effect, save as amended herein.

SECTION IV.

This Ordinance shall take effect and shall be in full force from and after its adoption and publication as provided by law.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Howardwick, Texas, this the _____ day of December, 2019.

BY: _____

Tony Clemishire, Mayor

ATTEST:

BY: _____

Sandra Childress, City Secretary

SEAL