

ORDINANCE NO: 568

AN ORDINANCE FOR THE CITY OF WEST COLUMBIA, TEXAS, AMENDING CHAPTER 5 OF THE CODE OF ORDINANCES ENTITLED BUILDINGS AND BUILDING REGULATIONS BY THE ADDITION OF ARTICLE VI ENTITLED BUILDING PERMITS FOR NON SINGLE FAMILY CONSTRUCTION, PROVIDING FOR A HEARING AND OBTAINING THE CONSENT OF ABUTTING LAND OWNERS FOR NON SINGLE FAMILY CONSTRUCTION WITHIN SINGLE FAMILY AREAS WITHIN THE CITY AND ITS EXTRATERRITORIAL JURISDICTION; PROVIDING FOR THE REPEAL OF ALL CODE PROVISIONS, ORDINANCES, RESOLUTIONS AND/OR INFORMAL POLICIES OF THE CITY OF WEST COLUMBIA TO THE EXTENT THAT THEY ARE INCONSISTENT OR IN CONFLICT WITH THIS ORDINANCE; CONTAINING A SEVERABILITY CLAUSE; PROVIDING THAT THE VIOLATION OF THIS ORDINANCE SHALL CONSTITUTE AN OFFENSE PUNISHABLE BY A FINE NOT TO EXCEED \$2,000.00; AND PROVIDING AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST COLUMBIA, TEXAS:

Section One

The Code of Ordinances of the West Columbia, Texas, shall be and is hereby amended by the addition to Chapter 4 entitled Buildings and Building Regulations of an Article VI entitled Building Permits for Non-Single Family Construction, as follows:

Article VI:

Section 4-270 Purpose

This Chapter has been adopted for the purpose of promoting health, safety and the general welfare of the City, and for the protection and preservation of the property rights and investments of the owners of single family dwellings within the City.

Section 4-271 Rules of Construction

- A. Words, phrases and terms defined in this chapter shall be given the defined meaning, unless the context clearly indicates a different meaning.
- B. Words, phrases and terms not defined in this chapter shall be given their usual and customary meanings.
- C. The text of the chapter shall control captions, titles and maps.
- D. The word "shall" is mandatory and not permissive. The word "may" is permissive and not mandatory.
- E. Words used in the singular include the plural and words used in the plural include the singular. Words used in the present tense include the future tense and words used in the future tense include the present tense.
- F. It is the desire and intent of the City Council that this chapter shall be construed, to the extent reasonably possible, in a manner which is consistent with all other provisions in the Code of Ordinances in the City of West Columbia, including, but not limited to , the Subdivision Ordinance, the Building Code, and the Manufactured Housing Code. In the event any conflict between or inconsistency with those other code provisions are not amenable to and interpretation and which is consistent with this chapter, then the provisions which are most stringent and restrictive, as determined by the City Manager, shall control.

Section 4-272 Definitions

- 1. **Adjoins:** Sharing a common boundary line including an extension of property to the centerline of any streets, highways, or public rights of way on which the property in question abuts and corner to corner touching such as lots which lie diagonally across an intersection, one from the other.

2. **Building:** A structure designed, built, or occupied as a shelter or roofed enclosure for persons, animals, or property, except such structures as may be otherwise specifically defined herein.
3. **Building Code:** Article III, Chapter 10, Code of Ordinances
4. **Duplex:** A two family dwelling
5. **Family:** A single individual, living upon the premises as a separate house keeping unit, or a collective body of persons living together upon the premises as a separate housekeeping unit, whether or not they are living in a domestic relationship based upon birth, marriage, or other domestic bond. A family is distinguished from a group occupying a rooming or boarding house, club or lodge or living in a hotel or motel or other arrangement by the fact that they function together as a single housekeeping unit.
6. **Owner:** The person or entity who has legal title to the property or who has effective custody and control of the property.
7. **Single Family Dwelling:** A detached house designed for and occupied exclusively as the residence of a single family living as an independent housing unit.
8. **Street:** a public way for vehicular traffic, other than an alley, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place or however otherwise designated. For the purposes of this ordinance, a street extends from lot line to lot line, and includes all of the parkways, sidewalks, driveways, and other areas within the public right of way.
9. **Subdivision Code:** Chapter 17 of the West Columbia Code of Ordinances

10. **Use:** As a noun the purpose for which land, and/or the buildings or structures thereon, is designed, arranged or intended to be occupied or used, or for which it is occupied maintained, rented or leased.
11. **Vacant/Undeveloped:** Land not subdivided or relatively undeveloped or in agricultural uses with some dwelling and some accessory uses. It is intended that the land in this category will be reclassified to its appropriate residential, commercial or industrial category in accordance with the amendment procedures set forth herein whenever such land is subdivided into urban building sites.

**Section 4-273 Building Permits for Buildings other than
Single Family Dwellings**

No building permit shall be issued for any use other than a single family dwelling if the property for which the permit is to be issued adjoin any other property presently occupied by a single family dwelling except under one of the following two conditions:

- (A) The person seeking the issuance of the permit in question files with the City Manager upon forms acceptable to the City the written consent from the owners of each tract, lot or parcel abutting the property where the building is to be constructed; or
- (B) Following a public hearing, notice of which shall be published at least twice in the official newspaper of the City regarding the requested permit, the City Council approves the issuance of the permit. With regard to any such public hearing and approval, the City Council shall take into account the nature of the proposed building and its use, the existing uses of land in the vicinity of the building site in question; and the probable effect that such approval will have upon the public health, safety, convenience, property values and welfare of the residents and owners of property in the vicinity of the building site in question.

Section Two

Any rules, ordinances, police regulations, resolutions, and/or policies of the City of West Columbia, whether written, or otherwise, which are in any manner in conflict with or inconsistent with this ordinance, shall be and are hereby repealed to the extent of such conflict and/or inconsistency.

Section Three

It is hereby declared to be the intention of the City Council that the several provisions of this ordinance are severable, and if any court of competent jurisdiction enters a final order which holds that any section, subsection, sentence, clause, phrase, or other portion of this ordinance is invalid, illegal, or otherwise unenforceable, then any such portion shall be deemed a separate, distinct and independent provision, and any such ruling shall not affect any other provision of this ordinance which are not specifically designated as being illegal, invalid or unenforceable.

Section Four

Failure to observe and obey the ordinance adopted above shall constitute a misdemeanor, and shall be punishable by a fine not to exceed Two Thousand Dollars (\$2000.00).

Section Five

This ordinance shall be effective and applicable immediately from and after the date of its passage and approval by the City Council of the City of West Columbia, and the publication of its caption as provided by law.

PASSED AND APPROVED this the 13th day of
July, 2009.


LAURIE B. KINCANNON, Mayor

ATTEST:


KELLI KUBAN, City Secretary