

ORDINANCE 2009-50

AN ORDINANCE AMENDING ZONING REGULATION DEFINITIONS AND AMENDING THE ALLOWABLE HEIGHT OF CONSTRUCTION.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF SHOREACRES, THAT:

If any section, clause, sentence, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance; and,

That section 74-1 of the Shoreacres City Code is hereby amended to read as follows:

Sec. 74-1. Definitions.

(a) For the purposes of this chapter, the following words and terms as used herein are defined. Words used in the present tense include the future; words in the singular number include the plural number and words in the plural number include the singular; the word "building" includes the word "structure", the word "lot" includes the word "plot"; the word "shall" is mandatory and not discretionary.

(1) *Accessory* means a subordinate use of a building customarily incident to and located on the lot supplied by the main use or building.

(2) *Accessory building* means any structure other than the primary house or either the primary or secondary garage on a piece of property. Accessory buildings include storage sheds, utility buildings, pool houses, and decorative structures such as gazebos and green houses.

(3) *Building area* means the maximum horizontal projected area of the building at or above grade or for more than one floor level, the total projected area of all floors, exclusive of the floor area of attached garages, basements, or attics not used for residence purposes, and open or screened porches, and terraces, steps, pools, walks, drives, and parking area.

(4) *Carport* or *porte-cochere* means a structure with a roof attached to the primary house or the primary garage and with at least two open sides used for parking motorized vehicles on the premises where such structure is located. Motorized vehicles, include, but are not limited to, automobiles, boats, jet skis, tractors, and recreational vehicles.

(5) *Corner lot* means a lot situated at the junction of two or more streets.

(6) *Customary home occupations* means an occupation, not involving the conduct of a business, customarily carried on in a single-family dwelling as an incidental but not the principal use thereof by a member of the occupant's family residing on the premises, without the help of any assistant or employee, without structural alterations in the building or any

of its rooms, without the installation of any machinery or equipment other than that customary to normal household operations, without the use of any signs, display or advertisements of the occupation or the telephone number of the same, the person conducting the same, or of the occupant, and which occupation does not cause the generation of any traffic in the street nor involve the storage or display of any merchandise or commodity, and which occupation does not include: beauty schools, parlors or shops, doctor's or dentist offices for the treatment of patients, barbershops, carpenters shops, electrician's shops, shoe shops, plumbers shops, radio shops, tinner's shops, auto repairing, auto painting, boat repairing, furniture repairing, sign painting or real estate offices, but not limited to those so enumerated, and which occupations are not detrimental or injurious to adjoining property, and which occupation does not involve the conduct of a school, the exceptions being in district "G" and with home-schooling, and which occupation does not include the keeping, stabling, pasturing, boarding or caring for the horses, cattle, dogs, cats, fowl or other animals of persons other than the occupants of the main building.

(7) *Depth of lot* means the mean horizontal distance between the front and rear lot lines.

(8) *District* means a portion of the City of Shoreacres for which the regulations governing the area, type, construction, height, or use of the buildings and land are uniform.

(9) *Driveway* means a way or place in private ownership and used for vehicular travel by the owner and those having access or implied permission from the owner but not by other persons.

(10) *Expansion joint* means a space between sections of a driveway constructed for the purpose of allowing for expansion to prevent the bucking and cracking of the driveway.

(11) *Easement* means a reserved area for placement of water, sewer, gas, and other utility lines.

(12) *Family* means any number of individuals related by blood, adoption, or marriage, together with their domestic servants and not more than two lodgers, all living together as a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging house, club fraternity, sorority, motel, apartment, duplex, or hotel.

(13) *Front structure line* means the forward most point at which the structure meets a line across the width of the lot parallel to the front lot line.

(14) *Front yard* means the front portion of each lot or lots from the front building line to the front line of the lot or lots.

(15) *Garage* means a fully enclosed structure, with doors, that can be used to shelter motorized vehicles, including, but not limited to, automobiles, boat trailers, jet skis, tractors, and recreational vehicles.

(16) *Height* means the vertical distance from the minimum base flood elevation allowed for construction to the [average elevation of the roof over the] highest point of any structure [story. In measuring the height of a building, the following structures shall be excluded:] including chimneys, tanks, water towers, radio towers, ornamental cupolas, domes or spires and parapet walls [not exceeding four feet in height].

(17) *Lot* means land occupied or intended to be occupied by a building and its accessory buildings, including such open spaces as are required under this chapter and having its principal frontage upon a public street or officially approved place.

(18) *Lot line* means the lines bounding a lot as defined herein.

(19) *Masonry* means exterior surfaces of the outside walls of a structure which is constructed of brick veneer, solid brick, hollow tile, stone, concrete, marble, glass or a combination of any of these materials.

(20) *Motor vehicle* means a self-propelled vehicle designed for use on a highway, a trailer or semi trailer designed for use with a self-propelled vehicle, or a vehicle propelled by electric power from overhead wires and not operated on rails.

(21) *Nonconforming use* means a building or premises occupied by a use that does not conform to the regulations of the district in which it is situated.

(22) *Open space* means any unoccupied space on the lot that is open and unobstructed to the sky and occupied by no building whatsoever.

(23) *Rear structure line* means the rear most point at which the structure meets a line across the width of the lot parallel to the back lot line.

(24) *Rear yard* means the rear portion of each lot between the main building and the rear lot line.

(25) *Shipping container/storage container* means a portable compartment for the repeated carriage of cargo in bulk or package form that has the following characteristics:

(a) Of a permanent character and accordingly strong enough for repeated use;

(b) Specially designed to facilitate the carriage of goods by one or more modes of transport without intermediate reloading;

(c) Fitted with devices permitting its ready handling particularly its transfer from one mode of transport to another;

(d) So designed as to be easy to fill and empty, and any enclosure, device, box, container, or anything similar in nature or use to the above.

The term shipping or storage container includes all types involved in the maritime, railroad, and trucking industries including but not limited to flat racks, ventilated, half-height, tank, reefers, open-top, canvas top, high cube bulk, and similar named containers. The term applies to new, used, certified, documented, licensed, repaired or surplus containers constructed of any material. If a container ever met the above definition, it is still considered a shipping container or storage. Once a container - always a container.

(26) *Side yard* means an open, unoccupied space on the same lot with a building extending between the building and the side line of the lot and extending through from the street or from the front yard or to the rear line of the lot. Any lot line not a rear lot line or a front line shall be deemed a side line.

(27) *Single-family dwelling* means a detached building having accommodations for and occupied by only one family.

(28) *Story* means that portion of a building included between the surface of any floor or foundation slab and the surface of the floor next above it or if there is no floor above, then the space between such floor and the ceiling next above it.

(29) *Street* means a public thoroughfare.

(30) *Structural alterations* means any alteration of stressed members of a building and including movement or structural alteration of door and window openings and substantial changes of exterior appearance.

(31) *Temporary building* means a building or premises occupied for a specific temporary purpose.

(32) *Width of side yard* means the mean horizontal distance between a side wall of a building and the side line of the lot.

That section 74-158 of the Shoreacres City Code is hereby amended to read as follows:

Sec. 74-158. Height requirements in A, B, B-1, [and] C and E districts.

(1) The height of a building in districts A, B, B-1, [and] C and E shall not exceed 40 [28] feet.

(2) Construction shall conform to the building code adopted by the City of Shoreacres.

The City Council officially finds, determines, recites, and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Law, Chapter 551, Texas Government Code; and that this meeting has been open to the public as required by law at all times during which this ordinance and the subject matter thereof has been discussed,

considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

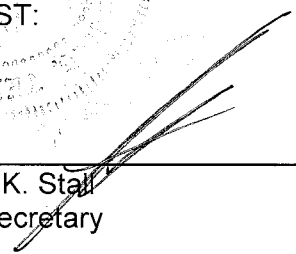
This Ordinance shall be effective from and after its passage and approval, and it is so ordered.

PASSED AND APPROVED this the 14TH day of SEPTEMBER 2009.



Jayo Washington, Mayor

ATTEST:



David K. Stall
City Secretary