

ORDINANCE NUMBER 163

CONSTRUCTION ORDINANCE

AN ORDINANCE ADOPTING RULES AND REGULATIONS GOVERNING APPLICATION FOR CONSTRUCTION PERMITS; PLAN REQUIREMENTS; DRIVEWAY PLACEMENT; FOUNDATION REQUIREMENTS; SAFETY FENCES, FOR THE DRAINAGE OF WATER FROM LAND IN THE CITY OF SOUTHSIDE PLACE, TEXAS; REQUIRING BUILDING PLANS TO CONFORM TO THE PROVISIONS HEREOF IN ORDER TO PROCURE APPROVAL OF THE BUILDING OFFICIAL; PROVIDING A PENALTY; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING A SEVERABILITY CLAUSE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOUTHSIDE PLACE, TEXAS:

Chapter Six, Section Six of the Code of Ordinances of the City of Southside Place, Texas is amended as follows:

Sec. 6-6, Construction of New Buildings

(a) PURPOSE: The purpose of this ordinance is to provide for the orderly, safe, and healthful land development within the City of Southside Place hereinafter referred to as the "City", and to promote the health, safety, and general welfare of the community.

(1) Authority: The Building Official, who shall be the City Manager or his designee, shall have the authority and responsibility for the approval of all building applications within the City of Southside Place and the enforcement provisions of this ordinance which is adopted under the exercise of the police power granted to municipalities.

(2) Applicability: To all lots proposed for construction thereon within the City shall hereafter be planned in accordance with this ordinance for approval by the Building Official, prior to construction.

(b) DEFINITIONS

(1) The term "Preliminary Plan" shall mean the map or drawing(s) on which an owner's plan of construction is initially presented to the Building Official.

(2) The term "Final Plan" shall mean the map or drawing(s) on which an owner's plan of construction is presented in final form for approval by the Building Official.

(3) The term "Approved Plan" shall mean the "Final Plan"(s) submitted by the Owner with any comments and written approval by the Building Official.

(4) The term "Owner" shall mean the owner of the property, or his designated agents, either a person or corporation who proposes to construct on a lot or tract within the corporate limits of the City.

(5) The term “Certificate of Occupancy” shall mean the document to be issued by the Building Official prior to occupancy by the owner of the lot and improvements. An owner may not occupy and use the lot or improvements without a Certificate of Occupancy.

(6) The term “Uniform Development Plan” shall mean the plan kept on file in the City offices showing driveway locations and/or other requirements for maximizing spacing between houses.

(7) The term “Poor Farm Ditch” means the relevant part of the drainage channel flowing north to south and generally located along the City’s east boundary, a description of which is depicted on Exhibit A hereto, referenced as Harris County Flood Control District Project ID: D111-00-00-C002, and incorporated herein.

(8) The term “Encroachment” has its usual and common meaning and includes but is not limited to an improvement, personal property, or other object located within Poor Farm Ditch and/or the Easement Area not placed there by the Harris County Flood Control District and not expressly permitted by written instrument signed by such District. Encroachments obstruct or have the potential to obstruct or divert the flow of surface, flood, or storm water, or the maintenance, repair, or operation of Poor Farm Ditch. Encroachments include but are not limited to buildings, fences, landscaping timber, rocks, bricks, cinder blocks, concrete, shrubs and other vegetation, and drain and irrigation lines.

(9) The term “Easement Area” means the western most approximate ten feet (10’) of Poor Farm Ditch; however, to the extent an Encroachment with the western most ten feet (10’) extends farther into Poor Farm Ditch, the Easement Area includes that part of Poor Farm Ditch into which the Encroachment extends.”

(10) The term “Sheetflow” means the water will seek a path to the channel by flowing overland.

(11) The definitions not expressly prescribed herein are to be construed as set out in the Zoning Ordinance of the City, Southern Building Code or in accordance with the customary usage in planning and engineering practices.

(c) SPECIAL PROVISIONS

(1) No building, repair, plumbing, or electrical permit shall be issued by the City after the date of this ordinance for any new structure on a lot or tract unless “Preliminary” and “Final Plans” have been approved pursuant to the provisions hereof.

(2) It is specifically provided, however, that the provisions of this ordinance shall not be construed to prohibit the issuance of permits for repairs of existing structures for any lot or tract upon which a building exists and was in existence prior to the passage of this ordinance.

(d) PRELIMINARY PLAN

(1) The following items will be submitted by the Owner with the “Preliminary Plan”:

A. An application form, which is published by and made available upon request from the Building Official, must be completed in full and provided along with other materials required at the time the “Preliminary Plan” is submitted.

B. Two (2) copies of drawings showing the location and size (including height) of all structures, driveways, paved areas, street trees, and other site work.

(2) Processing of Preliminary Plan

A. The Building Official shall check the “Preliminary Plan” as to its conformity with the applicable City Ordinances, City Building Codes, and the “Uniform Development Plan” of the City.

B. Within thirty (30) days after the “Preliminary Plan” is formally filed, the Building Official shall conditionally approve or disapprove such plan or conditionally approve it with modifications. The Building Official shall within thirty (30) days of formal filing notify the applicant in writing of the action taken and if the action is one of disapproval, shall also state in writing the reason for said action and requirements to bring said plan into compliance with said ordinance, ordinances or codes giving specific references to sections of ordinances or codes or the “Uniform Development Plan” of the City for the owner’s reference.

C. Conditional approval of a “Preliminary Plan” by the Building Official shall be deemed an expression of approval of the layout submitted on the “Preliminary Plan” as a guide to the preparation of the “Final Plan”.

D. Conditional approval of the “Preliminary Plan” shall only be effective for twelve (12) months or until such time as there is modification of this Ordinance or other building ordinances or code requirements whichever first occurs.

E. Conditional approval of a “Preliminary Plan” shall not constitute automatic approval of the “Final Plan”.

(e) FINAL PLAN

(1) Form and Content:

A. The “Final Plan” and accompanying data shall conform to the form of the “Preliminary Plan” and other required data as conditionally approved by the Building Official, incorporating any and all changes, modifications, alterations, corrections, and conditions as set out in the conditional approval from the Building Official and showing easements for all utilities and drainage.

B. All structural plans and engineering calculations shall bear the seal and signature of a registered Texas professional engineer. All plans shall be scaled for reasonable reading.

C. The “Final Plan” shall be submitted in such reasonable number as is required by the Building Official, and shall contain all of the features required for a

“Preliminary Plan” and a drainage plan showing heights of property corners, driveway from gutter to garage, interior finished floor, adjacent exterior grades, swales, and/or catch basins with piping.

(2) Processing of Final Plan

- A. As soon as practical after the owner is notified of the approval of the “Preliminary Plan”, he or his agent shall submit to the Building Official the “Final Plan” of construction to be considered by the Building Official.
- B. No “Final Plan” will be considered unless a “Preliminary Plan” has been submitted and conditional approval is currently in effect.
- C. A “Final Plan” shall be submitted to the Building Official during the period that the conditional approval of the “Preliminary Plan” is in effect. Failure to submit a “Final Plan” within that period shall be considered a denial of the application.
- D. The “Final Plan” must be acted upon by the Building Official within thirty (30) days of formally filing with the Building Official.

(f) CONSIDERATION OF EACH APPLICATION

After all information has been provided as set forth herein, the Building Official will consider the application for approval or denial.

- (1) The “Final Plan” shall conform to the “Uniform Development Plan” of the City, and provide for the extension of city services such as streets, sewer, water, etc.
- (2) The “Final Plan” shall conform to the general rules, ordinances and codes and regulations that the City has adopted or may adopt and promulgate to promote the health, safety or general welfare of the community.
- (3) The “Final Plan” shall provide for the safe, orderly, and healthful development of said community.
- (4) Each application for construction shall be judged on its own merit.

(g) FEES

Any “Preliminary Plan” submitted under the provision of this ordinance shall be accompanied by a non-refundable fee in any reasonable amount as shall from time to time, be established by the City Council.

(h) STANDARDS AND SPECIFICATIONS

- (1) Lots: All proposed construction on lots shall meet the requirements of City Zoning Ordinance, Building Codes, Ordinances and all other applicable requirements of the City.

(2) Lot Drainage: Whenever the surface of a lot is excavated, filled or graded, drainage facilities shall be installed to preclude the accumulation of surface water. Surface water shall not be drained, or sheetflow, onto adjacent property. Sheetflow into Poor Farm Ditch or the street is permitted.

No condition shall be created nor any existing condition maintained whereby there will be any lot excavations, depressions, pits, holes, gulleys or other depressions which may accumulate and retain surface water. Any such condition shall be promptly abated and protected by filling in or by providing drainage as set forth above.¹ This section shall apply during the construction phase and continue after completion of construction.

If a surface drainage system is selected as a means for achieving the performance standards mandated by this section, at a minimum it shall be in conformance with current, locally applicable FHA/HUD standards, providing 1% (3 inches in 25 feet) grades to the front curb line. Swales shall have side lobes completely within the property and shall be unobstructed.

Further, if a subsurface drainage system is selected, it shall be based, at a minimum, on the three year storm. Subsurface drainage pipe(s) shall connect to the front street gutter through the curb and be 3 inch inside diameter minimum and 4.75 inch outside diameter maximum. Subsurface drainage systems must drain to the street, and are prohibited from outfalling into Poor Farm Ditch.

These minimum surface and subsurface drainage systems provided by this section shall not be construed as the only means of lot drainage, provided the performance standards mandated by this section are achieved.

Regardless of the standards used in the designing any lot drainage system, it is the Owner's responsibility to ensure that the system achieves the performance standards mandated by this section.

(3) Driveway Location: The location of a driveway or greater portion of the side yard for the proposed construction shall be established by the Building Official during the "Preliminary Plan" process and shall be in agreement with the "Uniform Development Plan" for the City. In the absence of a driveway extending behind the front building line for the proposed construction, the Building Official shall establish the requirements for side yard apportionment in agreement with the "Uniform Development Plan" for the City.

(4) Foundation: The Owner shall provide the Building Official with all required written certification, including, but not limited to, the following:

- A. With submittal of the "Final Plan", written certification is required from the Owner's Texas registered professional engineer that the foundation design has been engineered in accordance with a written report detailing the soil conditions of the lot.

¹ Please see Chapter 10-20, "Prohibited Conditions Designated – Stagnant Water"

- B. Prior to the foundation being placed on the lot, written certification is required from the Owner's Texas registered surveyor that the forms locate the structures in plan and elevation as shown on the "Approved Plan" and that the property lines have been verified.
- C. Prior to the foundation being placed on the lot, written certification is required from the Owner's registered Texas professional engineer that the foundation grade, sub-base, piers, beams, steel and other foundation materials and dimensions are installed in accordance with the "Approved Plan".
- D. Within forty (40) days of the foundation being placed on the lot, written certification is required from the Owner's registered Texas professional engineer that the type of concrete used in the foundation construction has been verified by written report of a testing laboratory as being that quality specified in the "Approved Plan".

(5) Fences:

A. **Temporary Construction Fences:** The Owner shall erect a chain link fence not less than six (6') feet in height on or within all boundaries adjacent to other private property of both residential and commercial lots during the period of demolition, site work and/or construction. All construction materials and contractor's facilities shall be contained within the boundaries of the lot.² The Building Official may require the installation of other temporary construction fences. Any gate in such fence shall open into the lot and not obstruct the sidewalks. Open holes or excavations may not be left unattended overnight unless enclosed by a temporary construction fence.

B. **Permanent Fences:** Fences in residential areas shall be no higher than eight (8) feet, with height measured from undisturbed grade along the fence line.

(6) **Encroachments in Easement Area of Poor Farm Ditch:** Encroachments in the Easement Area of Poor Farm Ditch are prohibited. Any and all such Encroachments currently existing shall be abated and removed from the Easement Area of Poor Farm Ditch by the responsible property owner and at no expense to the City within ninety (90) days from the receipt of the City's written notice of such removal demand. Thereafter, no person shall cause or permit any such Encroachments within the Easement Area of Poor Farm Ditch.

(i) Certificate of Occupancy

When the planned improvements are completed, the Owner shall report, in writing, to the Building Official that all work has been completed in accordance with the "Approved Plan". After verification by the Building Official that the planned improvements have been completed in accordance with the "Approved Plan", including a satisfactory final inspection by the Building

² Please see Chapter 15, "Street & Sidewalks", and Chapter 19, "Street Tree Protection".

Official confirming that all work, clean-up, and requirements of the Building Official have been completed, a "Certificate of Occupancy" shall be issued.

(j) Conflicts

All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, repealed.

(k) Fines

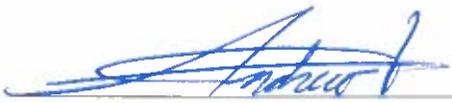
Any person, firm, or corporation who shall violate any of the provisions of this ordinance, or fail to comply therewith, or with any of the requirements thereof, shall be deemed guilty of a misdemeanor and, upon conviction shall be fined not more than One Thousand Dollars (\$1,000.00) per day, and each day that any such violation shall be permitted to exist thereafter shall constitute a separate offense.

(l) Severability

The provisions hereof are declared to be severable, and, if any portion of this ordinance, or the application thereof to any person or situation be found invalid, such invalidity shall not affect the remaining portions.

PASSED AND APPROVED on First Reading on this _____ day of _____, 2024.

PASSED AND APPROVED on Final Reading on this 10th day of October, 2024.



ANDREW "ANDY" CHAN, MAYOR

ATTEST:



OLGA G. GARZA, CITY SECRETARY

