

ORDINANCE NO. 2014-05

AN ORDINANCE AMENDING SECTION 12.04.001 ENTITLED "PARKING PROHIBITED" OF ARTICLE 12.04 ENTITLED "STOPPING, STANDING, PARKING" OF CHAPTER 12 ENTITLED "TRAFFIC AND VEHICLES", OF THE CODE OF ORDINANCES, CITY OF TULIA, TEXAS, AS AMENDED TO ADD A NEW SUBSECTION (F) TO SAID SECTION 12.04.001 RELATED TO THE PARKING OF RECREATIONAL VEHICLE EQUIPMENT AND TO RENUMBER THE REMAINING SUBSECTIONS ACCORDINGLY; AMENDING ARTICLE 12.04 ENTITLED "STOPPING, STANDING, PARKING" OF CHAPTER 12 ENTITLED "TRAFFIC AND VEHICLES", OF THE CODE OF ORDINANCES, CITY OF TULIA, TEXAS, AS AMENDED, TO ADD A NEW SECTION 12.04.002 ENTITLED "PARKING ON UNIMPROVED SURFACES TO SAID ARTICLE 12.04 RELATED TO PARKING ON UNIMPROVED SURFACES AND TO RENUMBER THE REMAINING SECTIONS ACCORDINGLY; AMENDING SECTION 14.02.254 ENTITLED "FENCES, WALLS AND HEDGES" OF DIVISION 7 ENTITLED "SUPPLEMENTARY DISTRICT REGULATIONS" OF ARTICLE 14.02 ENTITLED "ZONING ORDINANCE" OF CHAPTER 14 ENTITLED "ZONING", OF THE CODE OF ORDINANCES, CITY OF TULIA, TEXAS, AS AMENDED, TO AMEND SUBSECTION (A) RELATED TO FENCING REQUIREMENTS AND TO ADD A NEW SUBSECTION (B) RELATED TO DILAPIDATED FENCES AND TO RENUMBER THE REMAINING SUBSECTIONS ACCORDINGLY; AMENDING DIVISION 7 ENTITLED "SUPPLEMENTARY DISTRICT REGULATIONS" OF ARTICLE 14.02 ENTITLED "ZONING ORDINANCE" OF CHAPTER 14 ENTITLED "ZONING", OF THE CODE OF ORDINANCES, CITY OF TULIA, TEXAS, AS AMENDED, TO ADD A NEW SECTION 14.02.255 TO SAID DIVISION 7 RELATED TO THE CONSTRUCTION OF CARPORTS AND TO RENUMBER THE REMAINING SUBSECTIONS ACCORDINGLY; AMENDING DIVISION 8 ENTITLED "ADMINISTRATION AND ENFORCEMENT; PERMITS AND CERTIFICATES" OF ARTICLE 14.02 ENTITLED "ZONING ORDINANCE" OF CHAPTER 14 ENTITLED "ZONING", OF THE CODE OF ORDINANCES, CITY OF TULIA, TEXAS, AS AMENDED, TO ADD SECTION 14.02.282 TO SAID DIVISION 8 RELATED TO BUILDING ACROSS MULTIPLE LOT LINES; CONTAINING A PENALTY CLAUSE; CONTAINING A REPEALING CLAUSE, A SAVINGS CLAUSE AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE.

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

Section 1. That Section 12.04.001 entitled "Parking Prohibited" of Article 12.04 entitled "STOPPING, STANDING, PARKING" of Chapter 12 entitled "TRAFFIC AND VEHICLES", of the Code of Ordinances, City of Tulia, Texas, as amended, is hereby amended by adding a new subsection (f) to said Section 12.04.001 as follows and renumbering the remaining subsections of Section 12.04.001 accordingly:

Sec. 12.04.001 Parking Prohibited

(f) It shall be unlawful for any person to park or allow to be parked any recreational vehicle equipment in a front yard. Recreational vehicle equipment includes, but is not limited to, "RVs", mobile homes, travel trailers, boat or other watercraft, trailer, race cars, off road vehicles, and other equipment similar in nature. Such equipment may be parked in the rear or side yard only if the area is: (1) Part of an improved parking surface (overlaid or otherwise paved with concrete, asphalt, paving stones or other hard surfaced durable material approved by the Building Official; or (2) Screened from public view by means of a six foot fence, tree or shrubbery. No parked recreational vehicle equipment shall under any circumstances extend into or upon any right-of-way or public access easement.

Section 2. That Article 12.04 entitled "STOPPING, STANDING, PARKING" of Chapter 12 entitled "TRAFFIC AND VEHICLES", of the Code of Ordinances, City of Tulia, Texas, as amended, is hereby amended by adding a new Section 12.04.002 entitled "Parking on Unimproved Surfaces" to said Article 12.04 as follows and renumbering the remaining Sections of Article 12.04 accordingly:

Sec. 12.04.002 Parking on Unimproved Surfaces

(a) Definitions. Unless specifically defined below, words or phrases used in this article shall be interpreted to give them the meaning they have in common usage and to give this article the most reasonable application.

Building line. A line parallel or approximately parallel to a lot line, a property line, or a street right-of-way and beyond which buildings or fences may not be erected.

Corner lot. A residential property located at the intersection or confluence of two or more streets such that public street rights-of-way are directly adjacent to at least two contiguous sides of the lot.

Driveway. The primary improved or unimproved parking surface which provides egress and ingress from a garage, carport or off-street parking area to an adjacent street or alley.

Front yard. The area from the front face of a residential structure to the front property line or street right-of-way line or, when a structure does not exist, the area from the front building line to the front property line or street right-of-way.

Improved parking surface. An area used for the parking or storage of vehicles that is overlaid or otherwise paved with concrete, asphalt, paving stones or other hard surfaced durable material approved by the building official.

Rear yard. The area from the rear face of a residential structure to the rear property line.

Side yard. The area from the side of a residential structure to the side property line.

Vehicle. Any and every device in, upon or by which any person or property is or may be transported or drawn or moved upon a street, highway, waterway or airway and shall include any automobile, bus, truck, tractor, motor house, farm machinery, motorcycles, scooters, mopeds, all-terrain vehicles, boats, aircraft, recreational vehicles, golf carts, go-carts, trailers, fifth wheel trailers, campers, camper shells, wheeled towing frames, semi-tractor trailers, truck beds mounted on chassis and mobile homes. This definition does not include non-motorized bicycles, small engine lawn mowers and devices of similar scale.

(b) Regulations.

(1) Parking on unimproved surfaces restricted. A person commits an offense, if, upon a residential, single-family, duplex or townhouse lot or tract:

a. The person causes, permits or allows the parking or storage of any vehicle in the front yard upon any surface other than an improved parking surface.

b. The person causes, permits or allows the parking or storage of any vehicle in the side yard or rear yard of a corner lot upon any surface other than improved parking surface, unless otherwise concealed from view from all public street rights-of-way by one or more of the following:

i. A solid, opaque, screening fence or wall at least six feet in height;

ii. Vegetation consisting of a solid hedgerow of evergreen shrubs, or trees and shrubs, providing full screening from the ground to a minimum height of six feet;

iii. Any combination of the above that effectively conceals the vehicle from view and accomplishes the required screening or height; or

iv. Any other form of compatible and appropriate screening approved by the Building Official.

(2) It is an affirmative defense to prosecution for parking or storing a vehicle in an unimproved driveway if an existing residence has no improved parking surface on the day of passage of this ordinance. However, at such time that such existing residence is completely reconstructed, or improvements to the same real property

constitute fifty percent (50%) or more of the property's total assessed value, compliance with this Section shall be required.

- (3) It is an affirmative defense to prosecution for parking and storing vehicles on an unimproved parking surface or in an unconcealed or unscreened manner if such vehicles are parked in the rear yard and the rear yard is not a corner lot or directly adjacent to a public street right of way.
 - (4) Exception. A tract or contiguous tracts of land under the same ownership in which the aggregate area exceeds one acre shall be exempt from this regulation.
- (c) Maintenance. All improved parking surfaces shall be maintained in a good and safe condition and be free of holes, cracks or other failures that may affect the use, safety, appearance or drainage of the surface or of an adjoining property.
- (d) Penalty. Violation of the terms of this ordinance shall be deemed a misdemeanor, and upon conviction thereof, any person so violating shall be fined a sum to exceeding \$500.00.

Section 3. That Section 14.02.254 entitled "Fences, walls and hedges" of Division 7 entitled "Supplementary District Regulations" of Article 14.02 entitled "ZONING ORDINANCE" of Chapter 14 entitled "ZONING", of the Code of Ordinances, City of Tulia, Texas, as amended, is hereby amended by amending subsection (a) to read as follows and by adding a new subsection (b) thereto said Section 14.02.254 related to dilapidated fences and by renumbering the remaining subsections of Section 14.02.254 accordingly:

Sec. 14.02.254 Fences, walls and hedges

- (a) Notwithstanding other provisions of this Division, fences, walls and hedges may be permitted in any yard or along the edge of any yard with the following restrictions:
- (1) No fence, wall or hedge along the side or front edge of any front yard shall be over two and one-half (2 ½) feet, except that a fence may be a maximum of four (4) feet in height if the fence is constructed of see-through material.
 - (2) No fence, wall or hedge along the rear yard or side yard shall be over six (6) feet, except that a fence, wall or hedge may be a maximum of eight (8) feet in height if approved prior to construction by the Building Official.
 - (3) A Building Permit shall be required as set forth in Section 14.02.277 prior to any fence, wall or hedge being erected, moved, added to or structurally altered, other than general maintenance and repair.

- (b) Dilapidated Fences. It is unlawful for any person to allow, permit or cause any fence to lean or to have missing, loose or broken slats or panels, or to have symbols, writings or other graffiti except for symbols or writings which pertain to the address or occupancy of the property.

Section 4. That Division 7 entitled “Supplementary District Regulations” of Article 14.02 entitled “ZONING ORDINANCE” of Chapter 14 entitled “ZONING”, of the Code of Ordinances, City of Tulia, Texas, as amended, is hereby amended by adding a new Section 14.02.255 to said Division 7 entitled “Carports” as follows and by renumbering the remaining Sections of Division 7 accordingly:

Sec. 14.02.255 Carports

- (a) All residential carports shall be constructed of either:
 - (1) Pre-engineered metal-based carport systems; or
 - (2) Conventional building materials of similar type, size, shape, texture, and colors of the building materials of the main residence.
- (b) No carport of metal construction shall be located in front of a single-family residence or within a side yard adjacent to a street unless approved by the Board of Adjustment.
- (c) A carport of metal construction may be located at the rear of a single-family residence so long as access to the carport is from an alley at the rear of the property.
- (d) A carport that is located in front of a single-family residence or within a side yard adjacent to a street shall be restricted to eight (8) feet in height unless otherwise approved by the Board of Adjustment.
- (e) A carport that is located in the rear yard of a one-story single-family residence shall be restricted to a height not to exceed the height of the peak of the roof of the residence or fifteen (15) feet, whichever is greater. A carport that is located in the rear yard of a two (or greater)-story single-family residence shall be restricted to a height of fifteen (15) feet.
- (f) All construction plans submitted for permit approval shall meet applicable load span specifications required by the Building Code or bear the stamp of an engineer licensed in the State of Texas.
- (g) These requirements shall apply only to carports constructed after the effective date of this ordinance.

Section 5. That Division 8 entitled “Administration and Enforcement; Permits and Certificates” of Article 14.02 entitled “ZONING ORDINANCE” of Chapter 14 entitled “ZONING”, of the Code of Ordinances, City of Tulia, Texas, as amended, is hereby amended by adding Section 14.02.282 to said Division 8 entitled “Agreement to Build Across Multiple Lots” as follows:

Sec. 14.02.282 Agreement to Build Across Multiple Lots

- (a) Purpose. The purpose of an Agreement approved pursuant to this Section shall be to provide an expeditious means of developing over multiple lot lines between adjacent lots, or portions thereof, under the same ownership.
- (b) Applicability. The Section shall apply only to structures constructed over multiple lot lines between contiguous legally conforming lots, or portions thereof, having the same ownership.
- (c) Application. An owner of multiple lots, or portions thereof, meeting the requirements of this Section may seek an Agreement to Build Across Multiple Lots (“Agreement”) by filing an application for approval in a form approved by the City Manager.
- (d) Decision by City Manager. The City Manager shall decide whether to approve, conditionally approve, or deny the Application based on the following criteria:
 - (1) The combined area and dimensions of the contiguous lots, or portions thereof, shall meet all dimensional standards for a single lot under the City's Code.
 - (2) The lots, or portions thereof, involved must be owned by the Applicant.
 - (3) The lots involved must be legally platted lots, or portions thereof.
 - (4) An Agreement pursuant to this Section shall not remove or modify recorded covenants or restrictions or easements.
 - (5) An Agreement pursuant to this Section shall not require the dedication of any additional right-of-way or easements.
- (e) Right to Appeal. In the event an Applicant disagrees with the decision of the City Manager, the Applicant may appeal the decision to the Board of Adjustment for review.
- (f) Effect. An Agreement executed pursuant to this Section shall be recorded and is controlling over the recorded plat until such time as the structure or building requiring the agreement is destroyed or demolished.
- (g) An Agreement executed pursuant to this Section shall state that the property the subject of the Agreement shall be thereafter considered one plot or parcel of land and any sale, assignment, transfer, conveyance or devise thereof shall be subject to the Agreement and

the applicable provisions of the Code of Ordinances for the City of Tulia, Texas. The Agreement shall further state that the Agreement is a covenant to run with the land, as provided by law, and shall be binding upon the parties thereto, their heir, successors and assigns, and all parties claiming under them until such time as the Agreement may be released or expire as provided herein.

- (h) Expiration. An Agreement shall expire automatically if:
 - (1) Development of the lot does not occur within two years of the recordation of an agreement.
 - (2) The structure developed under the Agreement is either demolished or destroyed.
- (i) Release. Upon termination of the Agreement, the City Manager or a designated representative of the City Manager is hereby authorized to execute and record in the county records an instrument evidencing such termination and rescinding the agreement. However, failure to record such instrument does not extend the terms of the Agreement and the City may take any action available at law or in equity to enforce its ordinances or applicable laws, rules or standards that would apply to the lots, or portions thereof, in the absence of any Agreement under this section.


Section 6. It is an offense to violate any part of this ordinance, punishable upon conviction as herein stated or, if not specifically set forth herein, in accordance with Section 1.01.009 of the Code of Ordinances, City of Tulia, Texas, as amended.

Section 7. All ordinances or parts of ordinances inconsistent or in conflict with the provisions of this ordinance shall be, and the same are hereby, repealed.

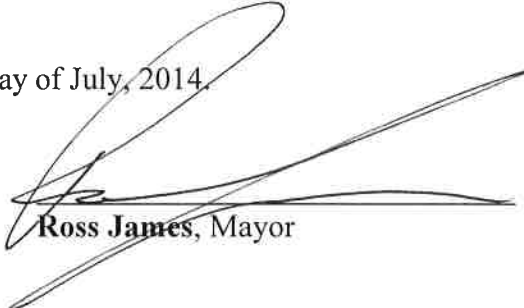
Section 8. The invalidity of any section, subsection, paragraph, sentence, clause, phrase, word or words shall not invalidate any other part of this ordinance. It is the intention of the City Council in enacting this ordinance that the provisions are separable, and no provision hereof shall become inoperative or fail by reason of the invalidity of any other provision.

Section 9. This ordinance shall take effect and be in full force from and after its passage, approval and publication as required by law.

PASSED AND APPROVED this the 8th day of July, 2014.



Kristina Solomon, City Secretary



Ross James, Mayor