

ORDINANCE NO. 2004-09

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF TOMBALL, TEXAS, BY ADDING THERETO NEW SUBSECTIONS (g), (h), (i), AND (j) TO SECTION 14-490 OF DIVISION 8 OF ARTICLE VII; PROVIDING LOT REQUIREMENTS FOR SINGLE-FAMILY DETACHED DWELLINGS AND DUPLEXES IN OLD TOWN TOMBALL; PROVIDING PROVISIONS RELATING TO BUILDING LINES; PROVIDING PROVISIONS RELATING TO NONCONFORMING LOTS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING FOR SEVERABILITY.

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BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS:

Section 1. The Code of Ordinances of the City of Tomball, Texas, is hereby amended by adding thereto new subsections (g), (h), (i), and (j) to Section 14-490, of Division 8, of Article VII, to provide as follows:

“(g) *Lot requirements for single-family residences.*

(1) Minimum width. The minimum width of lots for single-family detached dwellings shall be 50 feet; radial lots shall have a minimum width of 50 feet at and for a distance of 30 feet behind the building line. No lot shall be created that has a front yard with less than 50 feet of frontage on the front street.

(2) Minimum depth. No single-family residential detached dwelling shall be constructed on a lot that is less than 100 feet in depth.

(3) Minimum area. No single-family residential detached dwelling shall be constructed on a lot that is less than 5,000 square feet in area.

(4) Nonconforming lots. Where a lawfully existing lot having less area, depth, or width than herein required existed in separate ownership on the effective date of this Ordinance, the foregoing regulations relating to the size of such lot shall not prohibit the erection of a single-family dwelling thereon.

(h) Building lines for single-family detached dwellings shall be in accordance with the provisions of Section 14-435 of this Article.

(i) *Lot requirements for duplexes.*

(1) Minimum width. The minimum width of lots for duplexes shall be 75 feet, unless the lot has an area of at least 7,000 square feet, in which event the minimum width of the lot for duplexes shall be 50 feet.

(2) Minimum depth. No duplex dwelling shall be constructed on a lot that is less than 100 feet in depth.

(3) Minimum area. No duplex dwelling shall be constructed on a lot that is less than 7,000 square feet in area.

(j) Building lines for duplexes shall be in accordance with the provisions of Section 14-440 of this Article.”

Section 2. All ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

Section 3. Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$2,000. Each day of violation shall constitute a separate offense.

Section 4. In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Tomball, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

FIRST READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT A REGULAR MEETING
OF THE CITY COUNCIL OF THE CITY OF TOMBALL, HELD ON THE 18TH DAY OF
OCTOBER 2004.

COUNCILMAN MARTIN	<u>AYE</u>
COUNCILMAN FORD	<u>AYE</u>
COUNCILMAN FAGAN	<u>AYE</u>
COUNCILMAN GATLIN	<u>AYE</u>
COUNCILMAN DRIVER	<u>AYE</u>

SECOND READING:

READ, PASSED, AND APPROVED AS SET OUT BELOW AT A REGULAR MEETING
OF THE CITY COUNCIL OF THE CITY OF TOMBALL, HELD ON THE 1ST DAY OF
NOVEMBER 2004.

COUNCILMAN MARTIN	<u>AYE</u>
COUNCILMAN FORD	<u>AYE</u>
COUNCILMAN FAGAN	<u>AYE</u>
COUNCILMAN GATLIN	<u>AYE</u>
COUNCILMAN DRIVER	<u>AYE</u>

(signed) H. G. Harrington
H. G. HARRINGTON, MAYOR
City of Tomball

ATTEST:

(signed) Doris Speer
DORIS SPEER, City Secretary
City of Tomball