

ORDINANCE 2010-01

AN ORDINANCE ESTABLISHING CONSTRUCTION SETBACK BUILDING SITE RESTRICTIONS AND HEIGHT RESTRICTIONS ON ALL CONSTRUCTION; PROVIDING SEVERANCE; REPEALING PREVIOUS ORDINANCES; PROVIDING A PENALTY; PROVIDING AN EFFECTIVE DATE AND PROVIDING FOR PUBLICATION.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF INGLESIDE ON THE BAY, TEXAS, AS FOLLOWS:

This Ordinance applies to all construction within City Limits.

Section 1: **Setback.**

No principal residential built dwelling shall be located nearer than twenty-five (25) feet nor farther than forty (40) feet from the front property line, nor nearer than ten (10) feet to any side/rear property line except that the buildings such as garage, servant's quarters, guest house or boat house detached from the principal residential dwelling and located on the rear one-third of the building site may be located not nearer than ten (10) feet from the side property line and not nearer than four (4) feet from the rear property line. **The set back allowance includes any roof overhang.** Open stairs and balconies are allowed within the ten (10) feet side set back provided they do not exceed four (4) feet in width.

SECTION 2: **Building height.**

There is hereby established a building height on new construction at thirty-two (32) feet above the street level plus one (1) foot in locations on or below the one hundred (100) year flood plain and twenty-eight (28) feet above the street level plus one (1) foot for locations above the one hundred (100) year flood plain. The flood plain references refer to the established flood plain established by FEMA, which publication is on file in the Office of City Secretary.

SECTION 3: **Severability.**

If any part of this Ordinance is held invalid or unenforceable by any Court at Law, the remaining parts shall still be effective and remain in force it being the intent of the City Council that each part of this Ordinance shall be in full force and effect separate from any other part. Should any part hereof be held invalid or unenforceable, such part shall be severed from the balance of this Ordinance and said invalidity shall not affect the balance of this Ordinance. All ordinances or parts of ordinances in conflict herewith, including Ordinance 1994-05 and Ordinance 2008-03 are hereby repealed.

SECTION 4: Penalty.

Each day's violation of the requirements set in this Ordinance shall constitute a separate offense. Each violation shall be subject to a fine in Municipal Court not to exceed five hundred dollars (\$500.00). Additionally, the regulations adopted herein may be enforced by appropriate legal action including, but not limited to, an injunction suit in District Court.

SECTION 5: Effect date and Publication.


This Ordinance shall be effective upon adoption and publication of the caption hereof in the official newspaper of the City and the City Secretary is hereby authorized and directed to publish the caption hereof.

PASSED and APPROVED this the 19th day of Jan, 2010

CITY OF INGLESIDE ON THE BAY, TX.


Howard Gillespie, Mayor

ATTEST:


Diane Hosea
City Secretary