



**TO:** Mayor and Councilmembers

**FROM:** John Moran, City Manager

**DATE:** July 26, 2011

**SUBJECT:** READING OF ORDINANCES – Consider, discuss and act upon second reading of Ordinance # O-2011-0726-001 adopting definitions and regulations that require a minimum 6-to-12 roof pitch and establish minimum foundation requirements for single-family and two-family residences

Ordinance attached.

**Action:** Council to approve or disapprove Ordinance # O-2011-0726-001

**CITY OF FARMERSVILLE  
ORDINANCE # O-2011-0726-001**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FARMERSVILLE, TEXAS, ADOPTING DEFINITIONS AND REGULATIONS FOR SINGLE-FAMILY AND TWO-FAMILY RESIDENCES; REQUIRING SUCH HOUSING TO HAVE A MINIMUM 6-TO-12 PITCHED ROOF; PROVIDING FOR ADDITIONAL FOUNDATION REQUIREMENTS; REPEALING ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, after public notice and public hearing as required by law, the Planning and Zoning Commission of the City of Farmersville, Texas, has recommended that certain minimum standards be adopted for roofs and foundations of single-family and two family residences; and

**WHEREAS**, all legal requirements, conditions, and prerequisites have been complied with prior to this recommended text amendment coming before the City Council of the City of Farmersville; and

**WHEREAS**, the City Council of the City of Farmersville, after notice and public hearing as required by law and upon due deliberation and consideration of the recommendation of the Planning and Zoning Commission and of all testimony and information submitted during said public hearings, the City Council is of the opinion and finds that the adoption of minimum standards for roofs and foundations of single-family and two family residences will not be detrimental to the public health, safety, or general welfare of the citizens of the City, and will promote the best and most orderly development of the property affected thereby, and as well the owners and occupants thereof, and the City generally; **NOW, THEREFORE,**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERSVILLE, TEXAS:**

**SECTION 1. DEFINITIONS**

That the Code of Ordinances of the City of Farmersville, Texas, is hereby amended by the addition of the following definitions:

- (A) Foundation – A man – made structure element on which a structure is erected, with the ability to transfer the applied loads of the structure to the ground.
- (B) Foundation Fascia – Covering of a foundation wall or stem wall.
- (C) Ground Level – The final grade elevation of a lot.

**SECTION 2. ROOFING REQUIREMENTS**

The Code of Ordinances of the City of Farmersville, Texas are hereby amended by the addition of a new Section that shall read as follows:

- (A) A pitched roof with a minimum 6-to-12 pitch shall be required on at least seventy-five percent (75%) of the roof of each single-family and two-family dwelling.

- (B) All single-family and two-family dwellings erected after the adoption of this Ordinance shall be required to have a pitched roof with a minimum 6-to-12 pitch on at least seventy-five percent (75%) of the roof.
- (C) Detached garages, sheds, porticos and accessory structures on the same lot as a single-family or two-family dwelling shall have a minimum 4-to-12 pitched roof.

### **SECTION 3. FOUNDATION REQUIREMENTS**

The Code of Ordinances of the City of Farmersville, Texas are hereby amended by the addition of a new Section that shall read as follows:

- (A) All single-family and two-family dwellings shall have a permanent foundation the plans for which shall be prepared and sealed by a professional engineer licensed by the State of Texas. Foundations higher than twelve (12) inches above ground level shall be required to have a foundation fascia consisting of the same material that covers the exterior wall directly above the foundation, so that no more than 12 inches of the foundation is exposed.

### **SECTION 4. CUMULATIVE REPEALER**

This Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances or parts thereof in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance. Provided however, that any complaint, action, claim or lawsuit which has been initiated shall continue to be governed by the provisions of such Ordinance and for that purpose the Ordinance shall remain in full force and effect.

### **SECTION 5. SAVINGS**

All rights and remedies of the City of Farmersville are expressly saved as to any and all violations of the provisions of any Ordinances which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such Ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

### **SECTION 6. SEVERABILITY**

It is hereby declared to be the intention of the City Council of the City of Farmersville that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance should be declared unconstitutional by valid judgment or final decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this Ordinance, since the same would have been enacted by the City Council without incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

**SECTION 7. ENGROSSMENT AND ENROLLMENT**

The City Secretary of the City of Farmersville is hereby directed to engross and enroll this Ordinance by copying the exact Caption and the Effective Date clause in the minutes of the City Council of the City of Farmersville and by filing this Ordinance in the Ordinance records of the City.

**SECTION 8. PENALTY**

Any person, firm or corporation violating any of the provisions or terms of this Ordinance or of the Code of Ordinances as amended hereby, shall be subject to the same penalty as provided for in the Code of Ordinances of the City of Farmersville, as previously amended, and upon conviction shall be punished by a fine not to exceed the sum of Five Hundred Dollars (\$500) for each offense.

**SECTION 9. EFFECTIVE DATE**

This Ordinance shall take effect immediately from and after its passage and publication of the caption as required by law.

**PASSED** on first reading on the 12th day of July, 2011, and second reading on the 26th day of July, 2011 at properly scheduled meetings of the City Council of the City of Farmersville, Texas, there being a quorum present, and approved by the Mayor on the date set out below.

**APPROVED THIS 26th DAY OF July, 2011.**

**APPROVED:**

**BY: \_\_\_\_\_  
Joseph E. Helmberger, P.E., Mayor**

**ATTEST:**

\_\_\_\_\_  
**Edie Sims, City Secretary**

**APPROVED AS TO FORM AND LEGALITY:**

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**Alan D. Lathrom, City Attorney**