

ORDINANCE NO. 61-20

AN ORDINANCE OF THE CITY OF OAK RIDGE, TEXAS, AMENDING THE ZONING AND DEVELOPMENT CODE OF THE CITY OF OAK RIDGE, ORDINANCE 16-11, AS AMENDED, BY CLARIFYING THE DEFINITION OF “SINGLE-FAMILY DWELLING” AND PROVIDING CITY COUNCIL WITH ARCHITECTURAL REVIEW POWERS IN CASES WHERE THERE IS A DISPUTE OVER WHETHER A STRUCTURE IS A “SINGLE-FAMILY DWELLING” WITHIN THE MEANING OF THE ZONING AND DEVELOPMENT CODE; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A PENALTY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Oak Ridge, Texas (“**City**”), has adopted a Zoning and Development Code in Ordinance No. 16-11, as amended (hereinafter referred to as the “**Zoning Code**”); and

WHEREAS, the Zoning Code allows for “Single-Family Dwellings” in certain zoning districts; and

WHEREAS, it has always been the intent of the Zoning Code to limit “Single-Family Dwelling” uses to traditionally designed structures that would not include sheds, garages, barn type structures, shipping containers, mobile homes, trailers, modular housing, and other structures not considered traditional single-family dwellings; and

WHEREAS, the City Council desires to amend the Zoning Code to clarify its intent as to allowable single-family dwelling uses, and to provide an architectural review process whereby City Council may consider whether a particular structure should be considered a “Single-Family Dwelling” and issued a building permit for construction; and

WHEREAS, the City Council finds that this amendment to the Zoning Code is consistent with the City’s comprehensive plan and the goals and objectives of the City and is necessary to promote health and the general welfare; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provisions of transportation, water, sewers, schools, parks and other public requirements; to conserve the value of property and to encourage the most appropriate use of land throughout the City.

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

Section 1

The Zoning Code, Ordinance No. 16-11, as amended, is hereby amended in the following regards:

Section 2, "Definitions," is amended so that the definition of "Single-Family Dwelling" shall be amended to read as follows:

Single-Family Dwelling. A building that contains only one living unit and that is considered a traditional single-family designed structure. This term does not include HUD-Code Manufactured Homes, temporary structures, trailers and/or mobile homes, sheds, garages, barn type structures, shipping containers, and other structures not considered traditional single-family dwellings. The City Council shall have the power to perform an architectural review over any proposed structure where there is a dispute as to whether the proposed structure should be considered a "Single-Family Dwelling" and shall be the final decision maker as to whether a building permit should be issued for construction of the proposed structure.

Section 2

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.

Section 3

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

Section 4

All rights or remedies of the City of Oak Ridge, Texas, are expressly saved as to any and all violations of the city's zoning ordinance, as amended, or any other ordinance affecting zoning and land use thereto that 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, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the Courts.

Section 5

If any section, article, paragraph, sentence, clause, phrase or word in this Ordinance, or application thereof to any person or circumstance, is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of the Ordinance, and the City Council hereby declares it would have passed such remaining portion of the Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

Section 6

The City Secretary of the City of Oak Ridge, Texas, is hereby directed to publish in the official newspaper of the City of Oak Ridge, the caption, penalty clause, publication clause, and effective date clause of this Ordinance for two (2) days as required by section 52.012 of the Texas Local Government Code.

Section 7

This Ordinance shall take effect from and after its date of passage in accordance with law, and it is so ordained.

PASSED AND APPROVED ON THIS _____ DAY OF _____, 2020.

Al Rudin, Mayor

ATTEST:

Donna Sprague, City Secretary