

CITY OF WOODCREEK

The Building Ordinance

NO. 00-63A

An Ordinance regulating and controlling the design, fabrication, quality of materials, erection, construction, enlargement, alteration, repair, location and use of all structures, their appurtenances, accessory structures, landscaping and surface water in the City of Woodcreek, Hays County, Texas; providing for the issuance of permits; providing for repeal of Ordinances in conflict; providing penalties; providing severability, open meetings and publication clauses and providing for other relevant matters.

ORDINANCE NO. 00-63A

WHEREAS: The City of Woodcreek has adopted a Zoning Ordinance setting forth allowable uses and other requirements.

WHEREAS: The City of Woodcreek has adopted a Subdivision Ordinance regulating the platting of land and prohibiting the issuance of any building permits except to approved and recorded subdivision lots.

WHEREAS: The City of Woodcreek determines a building permit ordinance is necessary to enforce the provisions of the Zoning, Subdivision, Flood Plain and Street-Cut Repair Ordinances, and to provide for the health and safety of the citizens;

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

SECTION 1. TITLE

This Ordinance shall be known as the "Building Ordinance" of the City of Woodcreek.

SECTION 2. PURPOSE

To enforce the provisions set forth in the Zoning, Subdivision, Flood Plain and Street-Cut Repair Ordinances of the City of Woodcreek and to provide for the health, welfare and safety of the City and its citizens.

SECTION 3. JURISDICTION

It shall be unlawful for any person or persons to erect, construct, or alter any building, accessory building or structure in the City of Woodcreek or cause the same to be done, unless the provisions of this Ordinance are complied with and a building permit has been issued by the City of Woodcreek prior to the start of any of the aforementioned activities.

Any changes in building plans after the building permit is issued must be resubmitted for approval.

SECTION 4. DEFINITIONS

For the purpose of this Ordinance, the following words, phrases and terms shall have the meaning given in this section. Words used in the singular number include the plural number. Words used in the plural number include the singular number.

Accessory Building or Structure means, in a residential district, a subordinate building detached and used for a purpose customarily incidental to the main structure such as a private garage for automobile storage, toolhouse, bath or greenhouse as a hobby (no business), home workshop, children's playhouse,

storage house or garden shelter, but not involving the conduct of a business or occupancy by any party that does not reside in a primary structure located on the same lot, tract or parcel of land as the accessory structure.

Building means any structure designed or built for the support, enclosure, shelter or protection of persons, animals, chattels or property of any kind.

Commercial means any retail, commercial or business use. See the Zoning Ordinance.

Residential means a use of a building or structure by persons as a dwelling.

Site Plan means a plan showing the use of the land, to include locations of buildings, drives, sidewalks, parking facilities to be constructed and drainage, erosion control and utilities.

Structure means any building or anything constructed or erected on the ground or which is attached to something located on the ground. Structures include buildings, telecommunications towers, sheds, parking lots that are the primary use of parcel, permanent signs, fences, swimming pools and perimeter walls. Sidewalks and paving shall not be considered structures unless located within a public utility or drainage easement.

Utility Facility means any structure, building or facility constructed, assembled or erected for use in providing utility service such as electric substation, telephone switch gear structures, water storage tanks, pump stations, lift stations, water or wastewater treatment plant and effluent pond.

SECTION 5. UTILITY SERVICE

No public utility shall install a utility facility or provide electric, telephone, cable, fiber optics, sewer or water services to any building, accessory buildings or structure until a building permit has been issued by the City for such building. No building permit shall be issued for any building, accessory building or structure requiring water or sewer service unless the water or sewer utility system or septic tank proposed to be utilized to provide water or sewer utility service to the building, accessory building or structure meets (i) the minimum standards of the Texas Natural Resource Conservation Commission and (ii) the requirements of any applicable permits issued by the Texas Natural Resource Conservation Commission and Hays County.

SECTION 6. COMPLIANCE WITH OTHER ORDINANCES AND REGULATIONS

No building permit shall be issued for any building, accessory building or structure which would be in violation of the Zoning Ordinance, the Subdivision Ordinance, Floodplain Ordinance or any other Ordinance of the City of Woodcreek.

6.1 Building Codes

Owner or builder shall be responsible for compliance with the 2000 International Building Code, 2000 International Plumbing Code, 2000 International Gas Code, 2000 International Mechanical Code, 2000 International Residential Code for One- and Two-Family Dwellings and 1996 National Electric Code as amended.

6.2 Existing Construction

Structures lawfully in existence at the time of the adoption of this Ordinance, or at the time of annexation, may have their use continued if the use is in accordance with the original design and no hazard of life, health, or property has been created by such structure or its use. Structures which undergo a change in use or occupancy shall comply with the requirements of this Ordinance and other City Ordinances.

6.3 Deed Restrictions

The City of Woodcreek does not enforce deed restrictions. Deed restrictions are civil contracts between buyers of property and the developers of that property. Generally, whichever is more restrictive-the deed restrictions or a City Ordinance-will rule. Although the City of Woodcreek does not enforce deed restrictions, the owner/builder should be aware that the deed restrictions of most subdivisions in the City of Woodcreek require a construction plan approval from an Architectural Review Committee **IN ADDITION TO A PERMIT FROM THE CITY**. This committee is usually comprised of owners within that specific subdivision section and may charge fees for review and approval of plans. Receipt of a building permit from the City of Woodcreek does not exempt the owner/builder from obtaining any other permit or approval required from a subdivision section's architectural review board, if applicable.

SECTION 7. PROCEDURES FOR OBTAINING BUILDING PERMITS

Building Permit applications, plans, required information and fee may be submitted to the City Secretary or mailed to the City of Woodcreek, 17 Wildwood Circle, Woodcreek, Texas 78676 or by calling (512) 847-9390.

7.1 The following items are required for RESIDENTIAL CONSTRUCTION:

- (1) Completed building permit application form.
- (2) Floor plan drawn to scale showing square footage of living area.
- (3) Foundation plans;
- (4) Site plan drawn to scale showing overall lot dimensions, location of building, accessory buildings and driveway, driveway dimensions and

distances from the front, rear and side lot lines to building and structures. Site plan needs to show drainage, erosion control and utilities. Site plan also needs to show contours at two-foot intervals and compliance with the Floodplain Ordinance.

(5) Front, side and rear elevations drawn to scale indicating exterior-finish materials.

(6) Complete set of specifications for building including exterior building materials and paved parking and driveway areas.

Exterior walls of all structures shall have a minimum of fifty-five (55) percent stone, brick or stucco, exclusive of openings. Products of Hardiplank, Hardiboard or Hardipanel are not to be used to meet masonry requirements.

A four (4) inch conduit is required under driveways at street for utility lines.

(7) The number of the septic system permit issued by the Hays County Health Department if a septic system is to be used.

(8) A utility company letter of commitment to supply water and/or sewer services.

(9) Application fee of five-hundred (\$500) dollars made payable to the City of Woodcreek.

7.2 The following items are required for COMMERCIAL CONSTRUCTION:

(1) Completed building permit application form.

(2) Floor plan drawn to scale indicating square footage and commercial use(s) of all areas within building.

(3) Foundation plan;

(4) Site plan drawn to scale indicating overall lot dimensions, location of building, accessory buildings, structure and driveway, driveway dimensions and hard surface parking and unloading areas, and distances from the front, rear and side lot lines to building and structures. Site plan needs to show drainage, erosion control and utilities. Site plan also needs to show contours at two-foot intervals and compliance with the Floodplain Ordinance.

(5) Front, side and rear elevations drawn to scale and showing exterior building materials and indicating height of building.

Exterior walls of all structures shall have a minimum of fifty-five (55) percent stone, brick or stucco, exclusive of openings. Products of

Hardiplank, Hardiboard or Hardipanel are not to be used to meet masonry requirements.

A four (4) inch conduit is required under driveways at street for utility lines.

(6) Complete set of specifications for building and paved parking areas.

Exterior walls of all structures shall have a minimum of fifty-five (55) percent stone, brick or stucco, exclusive of openings. Products of
A four (4) inch conduit is required under driveways at street for utility lines.

(7) Where buffer strips are required, a plot plan drawn to scale indicating location of plants, trees, shrubs or fence. Description of plantings and fence shall be included.

(8) Specifications for commercial signs showing material, size and location on building.

(9) A copy of septic system permit issued by the Hays County Health Department if a septic system is to be used.

(10) A utility company letter of commitment to supply water and/or sewer services.

(11) A fee of five-hundred (\$500) dollars made payable to the City of Woodcreek.

7.3 The following items are required for UTILITY FACILITY CONSTRUCTION:

(1) Completed building permit application form.

(2) Floor plan drawn to scale indicating square footage and utility use(s) of all areas within building.

(3) Foundation plan;

(4) Site plan drawn to scale indicating overall lot dimensions, location of building, accessory buildings and driveways, driveway dimensions and hard surface parking and unloading areas, and distances from the front, rear and side lot lines to building and structures. Site plan needs to show drainage, erosion control and utilities. Site plan also needs to show contours at two-foot intervals and compliance with the Floodplain Ordinance.

(5) Front, side and rear elevations drawn to scale and indicating exterior building materials and height of building.

(6) Complete set of specifications for building and parking area.

(7) Where buffer strips are required, a plot plan drawn to scale indicating

location of plants, trees, shrubs or fence. Description of plantings and fence shall be included.

(8) Specifications for utility signs showing material, size and location on building.

(9) A copy of septic system permit issued by the Hays County Health Department, if applicable.

(10) A utility company letter of commitment to supply water and/or sewer services.

(11) A fee of five-hundred (\$500) dollars made payable to the City of Woodcreek.

(12) Appropriate documentation from the Texas Natural Resources Conservation Commission and/or other state regulatory agencies, as applicable. (Reference Section 5)

7.4 ACCESSORY BUILDING OR EXPANSION PERMIT is required when exterior building lines or exterior finish materials are altered or changed;

The following information is required:

(1) Completed building permit application form;

(2) Floor plan drawn to scale showing square footage of living area;

(3) Foundation plan;

(4) Site plan drawn to scale showing location of structure to be considered and distances from the front, rear, and side lot lines to building or structure;

(5) Front, side and rear elevations drawn to scale indicating exterior finish material and roofing material;

(6) Complete set of specifications (materials) for building;

(7) For accessory buildings or additions to be built after original construction, which are to be plumbed for water usage, septic-system approval must be obtained from the Hays County Health Department authorizing addition to an existing septic system or a sewer connection approval by the Utility Company is required. The City of Woodcreek will provide the owner/builder or other party a form letter to be signed by the appropriate Hays County official or Utility Company official allowing use of the existing systems or stating how the existing system is to be modified. This form must be submitted with the building permit application.

(8) Exterior of building materials shall be the same as the primary structure.

(9) Application fee of sixty (\$60) dollars made payable to the City of Woodcreek.

7.5 The following items are required for structures such as FENCES, SWIMMING POOLS and ENCLOSURES or COVERING OF EXISTING CARPORTS AND/OR PATIOS:

- (1) Completed building permit application form.
- (2) Site plan drawn to scale showing location of structure to be considered.
- (3) Sketch of structure including size and type of material.
- (4) For swimming pool building permit applications, a utility company letter of commitment to supply water and sewer services.
- (5) Application fee of forty (\$40) dollars made payable to the City of Woodcreek.

SECTION 8. PROCESSING

The application will be approved or denied within thirty (30) working days from the date the completed application with all required documentation is received by the City of Woodcreek. If the application is approved, the City will issue a building permit to the applicant. If the application is not approved, the applicant will be notified in writing of the items not in compliance with City ordinances. The building permit fee will not be refunded if the application is not approved. Plans may be resubmitted to the City of Woodcreek for reconsideration for a fee of \$25.

SECTION 9. BUILDING PERMIT APPLICATION FEES

In summary, the fee for building permits shall be as follows:

(1) Residential permits	\$500/housing unit
(2) Commercial permits	\$500
(4) Utility construction permits	\$500
(5) Accessory building/expansion permits	\$ 60
(6) Enclosures, fences, decks, pools permits	\$ 40
(8) Resubmission permits	\$ 25
(9) Reinspection fees - residential	\$ 45

In addition to the foregoing fees and charges, the applicant for any permit for any structure, other than a single-family residence, shall be required to pay the actual expenses, if any, incurred by the City for engineering, architectural or other professional services associated with the permit.

SECTION 10. BUILDING PERMIT TIME LIMITS

- (1) Residential, commercial and utility construction must commence within 90 days of the date of the permit. Construction must be completed within 12 months of the issuance of the permit.
- (2) Residential accessory building construction must begin within 30 days of the date of the permit. Construction must be completed within 3 months of the issuance of the permit.
- (3) Residential structure construction must begin within 30 days of the date of the permit. Construction must be completed within 2 months of the issuance of the permit.

SECTION 11. SITE PREPARATION, EROSION CONTROL, DRAINAGE AND DEBRIS REMOVAL

11.1 Erosion Control

Unnecessary soil erosion necessitates costly repairs and maintenance of public works, reduces the clarity of public waters, increases the cost of providing pure drinking water and reduces the attractiveness and safety of water-oriented recreation facilities. Public health, safety and welfare require regulation of land-balancing, development and construction activities to avoid unnecessary soil erosion. The regulations contained in this Ordinance are the minimum regulation which will avoid the consequences herein set forth and protect the public health, safety, and welfare.

11.2 Site Plans

No site plan required by the City shall be approved unless it shows all improvements reasonably necessary to prevent erosion from occurring after completion of development. No permanent Certificate of Occupancy shall be issued unless the improvements shown on the site plan have been installed, constructed or created.

11.3 Surface Water Drainage

Building plans submitted to the City for approval shall be accompanied by a drainage plan to show how surface water will drain from or through the site and how such runoff will be channeled into drainage easements or natural drainage channels without flooding or damaging the property of others. Such a drainage plan may be included on the site plan, provided the plan includes contours at two (2) feet intervals. In lieu of such contours, arrows and surface slope ratios may be used to show planned surface water flow. The site plan or drainage plan shall also show the location and construction details, including dimensions, of all drainage devices such as side ditches or swales, diversion and/ or retention walls, culverts and subsurface drains. No building or structure shall be placed nor excavation made, or fill placed on any lot in the City or in the City's right of way which will

divert or impound the natural flow of surface water in a manner that damages the property of another by the flow of the water diverted or impounded.

Additional permits, surveys and/or engineered studies are required for lots located in the flood plain.

11.4 Removal of All Construction Materials and Debris

It shall be the permit holder's responsibility to provide an appropriate temporary trash receptacle on each site prior to beginning any construction activity. This receptacle shall be a commercial dumpster or one on-site constructed box no larger than 4' high x 8' wide x 8' deep. It shall be the permit holder's responsibility during construction that all of the herein defined waste-construction material be placed in the trash receptacle daily and that the receptacle be emptied promptly when it becomes full. For the purposes of this section, any construction material located within 100 feet of any construction site, or deposited on any City street to or from the site, shall be presumed to be from that construction site. The holder of any permit granted under this Ordinance shall, at the conclusion of each day's activities, collect, remove or clean, and place in an appropriate solid waste container all waste material on site or on any adjacent property. In the event the permit holder fails to clean up under this section, the City may issue a stop work order until the cleanup has been completed. If the City has to take charge of the clean up, the City shall be entitled to recover from the permit holder the actual expenses incurred by the City, including attorney's fees and other reasonable expenses.

11.5 Portable Toilets

For all new construction, a portable chemical toilet must be placed on each site before any construction activity is begun and not in the street right of way. Toilets should be so located so the doors open into the lot on which the construction is taking place. Toilets must be serviced on a regular basis. No permit shall be required for any portable toilet or materials storage shed placed on a construction site and promptly removed upon completion of construction or expiration of the permit.

11.6 Restoration of Streets and Rights of Way

Upon the completion of any construction activity authorized by permit, or in the event a permit is suspended or revoked, the permit holder shall immediately commence operations to restore any public street, right of way, street shoulders and drainage ditches to a condition at least as good as that existing before the permit holder's activity commenced. (Ordinance #99-59A covers street-cut repair specifications.) A certificate of occupancy will not be issued until streets, rights of way, shoulders and drainage ditches are restored.

14.1 Procedures For Requesting A Variance

- (1) A request for a variance shall be made in writing and include information to support the request for variance. Such information may include, but is not limited to, plat plans, site and building plans, contour maps and location of existing flora. The request shall clearly state the unusual conditions or circumstances which, in the applicant's opinion, justifies a variance.
- (2) The request for a variance, and a \$75 variance request fee, will be mailed to the City of Woodcreek, P.O. Box 1570, Wimberley, Texas 78676.
- (3) The City will be responsible to notify all adjoining property owners of the request for variance and the time and location of the City Council meeting at which time the request will be acted upon. The notification will include a complete description of requested variance.
- (4) The request for variance will be normally approved or denied within forty-five (45) days from the date the request is received by the City.

SECTION 15. APPEALS

Any person who is denied a building permit may appeal such denial to the Woodcreek City Council. These appeals are limited to determining if the provisions contained in the Zoning or Subdivision Ordinance were correctly applied or interpreted.

SECTION 16. PENALTIES FOR VIOLATIONS

Any person, firm or corporation who violates any provisions of this Ordinance, or any order made under authority of this Ordinance, or who causes or permits any such violation of this Ordinance, shall be guilty of a misdemeanor, and upon conviction, shall be fined an amount not to exceed five-hundred (\$500) dollars. Each and every day on which any violation is committed or permitted to continue, shall constitute a separate offense and shall be punishable as such.

SECTION 17. EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after publication of the caption in the manner and for the time provided by the Local Government Code.

SECTION 18. SEVERABILITY

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if

SECTION 16. EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after publication of the caption in the manner and for the time provided by the Local Government Code.

SECTION 17. SEVERABILITY

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such invalid phrase, clause, sentence, paragraph or section. If any provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 18. OPEN MEETINGS

It is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, *Chapt. 511, Tex. Gov't. Code*.

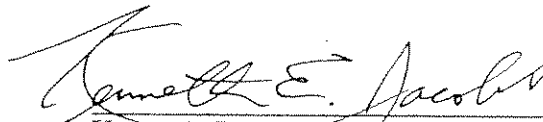
Passed and Adopted on this the 13th day of March, 2002.

**CITY OF WOODCREEK,
Texas**

ATTEST:



Peg Sharp, City Secretary



Kenneth E. Jacobs, Mayor

Ordinance 00-63 passed March 22, 2000.