

ARTICLE xxxxxx RESIDENTIAL BUILDING REGULATIONS

Section X.01 DEFINITIONS –

"Ancillary Building" shall mean a structure, the use of which is incidental and subordinate to that of the principal structure on the same lot.

"Front yard" shall mean a yard across the full width of the lot from the front wall of a residence to the front line of the lot.

"Lot" shall mean and refer to lots zoned R-1 (residential) within the limits of the City of Mountain City, Texas, on which there is or will be built a single-family dwelling.

"Owner" shall mean and refer to the record owner, whether one or more persons or entities with the title to a lot.

"Rear Yard" shall mean a yard across the full width of the lot from the rear wall of a residence to the rear property line of the lot.

"Residence" shall mean a single-family home providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

"Side Yard" shall mean a yard between the side wall of a residence and the adjacent side property line of the lot, and extending from the front wall of a residence to the rear wall of a residence.

"Structure" shall mean anything constructed or erected on the ground including, but not limited to Ancillary Buildings, buildings, sheds, cabins, garages, and other similar forms.

Section X.02 GENERAL PROVISIONS

Adjustments, Waivers, or Variances

Unless otherwise stated herein, any adjustments to, waivers of, or variances from these ordinance restrictions are for the purpose of alleviating hardships for owners and assisting in the orderly development of the City. Only Board of Adjustments, in writing, may grant such adjustments, waivers or variances.

Section X.03 RESIDENTIAL ARCHITECTURAL CONTROL (Section 2 Architectural Control)

No new residence, fence, swimming pool, ancillary building, driveway expansion, or other structure of any kind may be built upon a lot until the plans and specifications have been submitted to the Board of Adjustments of the City of Mountain City and approved by it in writing. The Board of Adjustments shall approve said plans and specifications.

1. A copy of the final plat of each lot shall be given to the Mountain City Board of Adjustments for approval, prior to building of residence, fence, swimming pool, ancillary building, driveway expansion, or other structure of any kind.
2. All lot owners are required to complete new construction of approved building projects within one (1) year from the date of receiving approval from the Board of Adjustments. Such approval of projects is

automatically rescinded for projects not completed within one (1) year, unless an extension of time is granted by the Board of Adjustments, in writing.

3. A copy of the approved plans and specifications of a residence, fence, swimming pool, ancillary building, driveway expansion, or other structure shall be kept on file by the City of Mountain City,
4. A certificate of inspection of Building Model Codes Compliance, obtained by the homeowner at the homeowner's expense, shall be kept on file with the City of Mountain City for residences and swimming pools.

Section X.04 RESIDENTIAL EXISTING CONDITIONS EXEMPT *(from Section 6 General Provisions)*

Structures constructed prior to the effective date of this ordinance that were in compliance with the ordinances in effect at the time the structure was constructed, but are not in compliance with this version of the ordinance are allowed to remain until such time as the structure requires major rebuilding. At such time, any non-conforming structure shall be rebuilt in accordance with this ordinance.

Section X.05 RESIDENTIAL HEIGHT RESTRICTIONS *(Section 4.2 Use Restrictions)*

Only single-family residences, not to exceed two stories in height and with a minimum two car attached garage, may be erected on any residential lot.

Section X.06 MINIMUM RESIDENTIAL FLOOR AREAS *(Section 4.3 Use Restrictions)*

The area of any newly constructed residence will have a minimum of 2000 square feet of floor space, exclusive of garage and porches, patios, driveways, terraces, or attachments.

Section X.07 BUILDING MODEL CODES *(updated with ordinance # 121514A (March 8, 2021))*

The following Building Model Codes are hereby adopted by reference as though they were copied fully in the section as follows:

1. 2018 International Building Code (IBC)
2. 2018 International Plumbing Code (IPC)
3. 2018 International Property Maintenance Code (IPMC)
4. 2014 National Electric Code (NEC)
5. 2018 International Existing Building Code (IEBC)
6. 2018 Fuel and Gas Code (IFGC)
7. 2018 Mechanical Code (IMC)
8. 2018 International Residential Code (IRC)
9. 2018 International Energy Conservation Code (IECC)
10. 2018 International Fire Code (IFC)
11. 2021 International Swimming Pool and Spa Code (ISPSA) (New proposal)

Section X.08 RESIDENTIAL EXTERIOR WALL MATERIALS (*Updated with Ordinance #021609-A March 8, 2021*)

The exterior walls of any residential ancillary building, residential garage, residence or other residential structure erected on a lot shall consist of a building product or material that is approved for use by an applicable Building model code published within the last three code cycles.

Section X.09 RESIDENTIAL SET BACK LINES (*Section 4.5 Use Restrictions*)

1. No residence shall be located nearer than fifty (50) feet from the front property line of the lot.
2. No residence shall be located nearer than twenty (20) feet from the sides of lots nor nearer than thirty five (35) feet from the rear property line.

Section X.10 RESIDENTIAL ANCILLARY BUILDINGS (*Combined Section 4.5 and Section 4.16 of Use Restrictions regarding Ancillary Buildings*)

1. Ancillary buildings may be built independently of a residence, but must be no nearer to the street than the rear building line of the residence, nor closer than 10 feet from the side or rear property lines.
2. The height of the ancillary building shall **not** exceed the height of the primary residence.
3. The location and design of the ancillary building must be approved in writing by the Board of Adjustments before being constructed.
4. Electrical and plumbing in ancillary buildings shall be inspected for applicable Building Code Compliance upon completion. Certificate of compliance will be obtained at the homeowner's expense and maintained by the City of Mountain City.

Section X.11 SANITARY REGULATIONS (*Section 4.12 of Use Restrictions*)

1. All federal, state, county, and city sanitation laws and regulations must be complied with by lot owners. Septic tank and drainage systems must meet the capacity and design requirements of the County. All septic systems designs must be approved by the County and the Board of Adjustments prior to construction.
2. A residence constructed on a lot shall have no less than two (2) three-piece bathrooms, each with a lavatory, commode, and shower stall and/or tub.

Section X.12 RESIDENTIAL FENCES, WALLS AND HEDGES (*Section 4.13 of Use Restrictions*)

1. Fences erected on a lot shall be limited as follows: a fence may be erected along the rear lot line and the side lot lines, but no closer to the street than 1/2 way between the rear and the front building lines of the dwelling house, and may be up to six (6) feet in height. No fences shall obstruct the view of traffic at street intersections or curves.
2. Decorative type fences will be allowed on the front line of the property but may not exceed a height of three (3) feet. In the event hedges are used instead of fences, the same height restrictions will apply. Fences must be of a type approved in writing by the Board of Adjustments. Decorative fences shall not obstruct the view of traffic at street intersections or curves.

3. All fences must be maintained in good condition and appearance at all times.

Section X.13 RESIDENTIAL OUTDOOR LIGHTING (*Section 4.15 of Use Restrictions*)

1. Each residence in District R-1 shall have installed, in the front yard, a yard light mounted on a post. The height of the post and yard light is not to exceed ninety (90) inches and must have a light sensitive switch. Yard lights shall be maintained in good working order for the safety of residents and shall be lit from dusk to dawn.
2. Overhead lights (mercury vapor or similar lighting systems) on telephone /power poles are not permitted within the City on residential lots without written Board of Adjustments approval.

Section X.14 RESIDENTIAL DRIVEWAYS (*Section 4.17 of Use Restrictions*)

1. Driveways shall be constructed of reinforced concrete not less than 12 feet wide and not less than 4 inches thick. Some point within the first ten (10) feet of every driveway shall have an elevation higher than that of the street where the driveway meets the street across the entire width of the driveway, unless otherwise required by State law.
2. Driveway drainpipes shall have a minimum drain of 18" or equal in diameter. Larger or longer drainpipes shall be installed if necessary to handle drainage based upon a 25-year flow frequency. Drainage structures under private driveways must have a net drainage opening area of sufficient size to permit the free flow of water without backwater or backflow.

SECTION X.15 UTILITY EASEMENTS (*Section 5 – Easements*)

- 1, The City of Mountain City reserves easements over each lot for water, electric, telephone, gas and any other utility lines, both overhead and underground, and drainage swales and pipes which now exist or may hereafter be placed, provided, however, that such facilities shall be placed to the greatest extent possible along the boundaries of said premises.
2. No structure, shall be placed or permitted to remain in any City easement unless first approved in writing by the Board of Adjustments. The easement on any lot and all improvements in or on it shall be maintained continuously by the owner of the lot, except for those improvements for which a public authority or utility company is responsible.

Section X.16 RESIDENTIAL SIGNS (*Section 4.8 - Use Restrictions*)

1. One (1) "FOR SALE" or "FOR RENT" sign, shall be allowed on a residential lot when the lot is actively being marketed for sale or rent.
2. Builders or contractors may, during construction, construct signs as may be reasonable and necessary for such construction.

3. Temporary signs for the purpose of school support, political support and those incidental to holiday decorations or special occasions, may be displayed during the period immediately preceding and for up to 14 days after the applicable event, unless otherwise provided for by state or federal law.

4. Each residence shall display a sign containing its appropriate street number in a manner that can be read from the street at night. This may be through the use of reflective numerals, by lighting the numerals or other means as long as the address is readily visible from the street. This sign shall not exceed 500 square inches and must harmonize with the exterior decor of the residence. Numerals stenciled on the driveway of the residence will not satisfy this requirement.

Section X.17 PROHIBITED USES ON RESIDENTIAL ZONED LOTS (*Section 4.6, Prohibited Uses*)

R-1 Lots shall be used for residential purposes only. No building on the lots shall be used as a commercial garage, manufacturing, repair or storage facility. Limited commercial use by the resident is allowed provided such use is not offensive to neighbors and does not give the appearance of a commercial establishment. Should commercial use cause a nuisance to other residents of the City, such use must be terminated within thirty (30) days of receiving written notice from the City Council.



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