

CITY OF RHOME

ORDINANCE NO. 2008-01

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RHOME, TEXAS; AMENDING ORDINANCE NO. 96-11 OF THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF RHOME, SO AS TO PROVIDE FOR PLANNED DEVELOPMENT ZONING FOR BY WELL ESTATES; AMENDING THE OFFICIAL ZONING MAP; PROVIDING FOR A PENALTY CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A CONFLICTS CLAUSE; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission of the City of Rhome and the governing body of the City of Rhome, in compliance with the laws of the State of Texas and the ordinances of the City of Rhome, have given requisite notices by publication and otherwise, and has held public hearings and afforded a full and fair hearing to all property owners generally and to all persons interested in and situated in the affected area and in the vicinity thereof, the governing body in the exercise of its legislative discretion has concluded that the Zoning Ordinance of the City of Rhome, more specifically Ordinance No. 96-11, providing for a planned development district for the area of the City known as By Well Estates, should be amended as set out herein.

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

Section 1. The Zoning Ordinance of the City of Rhome, Texas, is amended by zoning the Property under the classification "Planned Development District #1". The term and conditions for the zoning of Planned Development District#1 shall consist of the restrictions set out in the attached Exhibit "A".

Section 2. The official zoning map of the City is to be amended to reflect the zoning described herein.

Section 3. Any person, firm or corporation violating any provision of this Ordinance shall be punished by a penalty of fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense and each and every day such offense shall continue shall be deemed to constitute a separate offense.

Section 4. If any section or provision of this Ordinance or the application of that section or provision to any person, firm, corporation, situation or circumstance is for any reason judged invalid, the adjudication shall not affect any other section or provision of this Ordinance or the application of any other section or provision to any other person, firm, corporation, situation or circumstance,

nor shall adjudication affect any other section or provision of the Zoning Ordinance of the City of Rhome, Texas, and the City Council declares that it would have adopted the valid portions and applications of the Ordinance without the invalid parts and to this end the provisions of this Ordinance shall remain in full force and effect.

Section 5. Any ordinances of the City of Rhome in conflict with the provisions of this Ordinance are repealed to the extent of that conflict.

Section 6. This Ordinance shall take effect immediately from and after its passage and the publication of the caption of said Ordinance as the law in such cases provides.

DULY PASSED AND APPROVED by the City Council of the City of Rhome, Texas, this 14th day of February, 2008.



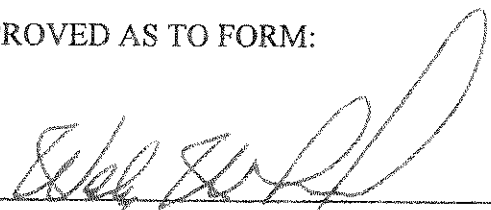
MARK LORANCE, MAYOR

ATTEST:



RAMAH BURNS, CITY SECRETARY

APPROVED AS TO FORM:



WALTER W. LEONARD, CITY ATTORNEY

EXHIBIT "A"

PROVISIONS

1. All lots in the By Well Estates, except Lot 1, Block H, Phase I, are to be used for residential purposes only and shall not at any time be used for any purpose of any trade, business, manufacturing or commercial enterprise of any kind. However, Lot 1, Block H, Phase I, may be used for commercial purposes.
2. All lots in the subdivision are restricted to residences utilizing new (unless specifically approved by the Planning and Zoning Commission), multi-sectional homes (double-wides, et cetera, and specifically prohibiting single-wides) which must be secured in accordance with the Standards Code of the Texas Department of Housing and Community Affairs, Manufactured Housing Division.
3. Each such home must be completely underpinned (skirted) within sixty (60) days from placement on the lot with appropriate material complementary to the home and in compliance with all existing ordinances or statutes of the City or State of Texas and all existing federal rules and guidelines.
4. Each multi-sectional home must have at least two (2) porches with steps and handrails. The porch off the front entrance must be a minimum size of four feet by eight feet (4' X 8') and the porch off the back entrance must be a minimum size of four feet by four feet (4' X 4').
5. Each lot must have a detached garage with the minimum size being a single-car garage (12' X 24', or 288 square feet) and must have an overhead door. The materials and color for the roof and sides of the garage must be the same as the home. The garage must be centered on the side of the home where possible. The garage must be totally completed no later than one (1) year from the date the home is placed on the lot.
6. Sewage disposal for each Lot must be a private sewage facility designed by a Registered Professional Civil Engineer or registered professional sanitarian based upon a percolation test performed on the subject Lot and provided to the City of Rhome. A private sewage facility permit is required from the City of Rhome Public Works Department for each Lot within the subdivision. Any such sanitary sewer system placed on any such Lot within the subdivision shall meet all State and local requirements.
7. All other ordinances of the City of Rhome not in conflict with these provisions are to be in full force and effect notwithstanding the passage of this ordinance.