

Village of Point Venture

ORDINANCE NO. 2020-01-01

AN ORDINANCE OF THE VILLAGE OF POINT VENTURE, TEXAS, ADOPTING REGULATIONS FOR THE CONSTRUCTION AND PLACEMENT OF OUTBUILDINGS WITHIN THE VILLAGE; PROVIDING FOR PERMITS, ENFORCEMENT, APPEALS, AND PENALTIES; PROVIDING A REPEALER; A SEVERABILITY CLAUSE; AND AN EFFECTIVE DATE.

WHEREAS the Village Council of the Village of Point Venture seeks to provide for the proper construction and expansion of buildings and structures within the Village in a manner that will protect and maintain the welfare, aesthetic appearance, and value of property within the community; and

WHEREAS, the Village Council is authorized to enact land use regulations through its police power authority for the protection of the health, safety, and welfare of the public, and is further authorized pursuant to Texas Local Government Code Chapters 211, 212, and 214, to adopt certain codes, ordinances, and land use regulations and to enact local amendments and establish procedures for the administration and enforcement of such codes, ordinances and regulations; and

WHEREAS the Village Council finds it to be in the best interest of the public safety, health and welfare to establish regulations for the construction and placement of outbuildings in the Village;

NOW THEREFORE, be it ordained by the Village Council of the Village of Point Venture, County of Travis, State of Texas, that:

Repealed and Replaced. Ordinance No. 2019-08-02 of the Village of Point Venture, dated August 21, 2019, is hereby repealed and replaced in its entirety with the following.

Definition. For the purposes of this Ordinance an “Outbuilding” shall mean a structure other than a primary residence or garage that is detached from the primary residence and is constructed or placed on a lot in the Village, including but not limited to a storage shed, greenhouse, or a similar structure.

Permit required

Before a person may construct or place an outbuilding on a lot containing a primary residence within the Village, he or she must submit an application provided by the Village and must receive a permit authorizing construction of the outbuilding

The application will describe or depict the proposed outbuilding sufficiently to allow the Village to determine if it will comply with the standards contained in this Ordinance. Detailed construction drawings, exterior elevation drawings and specifications for color and materials must accompany

the completed application. The drawings must indicate how the proposed improvement will relate architecturally to the existing residence. Inspections and a refundable compliance deposit may also be required.

Permit not required. A permit is not required by the Village for one (1) prefabricated small vertical heavy-duty plastic resin storage shed (I.e. heavy-duty plastic resin vertical sheds made by Rubbermaid, US Leisure, Suncast, Lifetime, Duramax, etc.). These structures are not allowed in the front yard, shall be smaller than twenty-five (25) square feet, and shall not be visible from any public street, right-of-way or golf course. To the extent possible, the color and roofing material of storage sheds shall match that of the principal building on the lot.

Village may contract. The Village may contract with the Point Venture Architectural Control Committee or another qualified entity to process applications for and to issue permits for the construction of outbuildings in a manner consistent with the requirements of this Ordinance.

Outbuilding standards. Outbuildings other than greenhouses shall be constructed to conform to the general appearance, coloration, and construction material of the primary residence located on the lot or lots where the outbuilding will be located. Exterior walls should be constructed of the same material or materials used in the construction of the exterior of the primary residence or should be painted or stained to assume the same appearance as the primary residence. The detailed standards for the outbuilding are as follows:

Detailed Outbuilding (non-greenhouse) Standards.

1. Outbuildings shall be constructed of materials similar in appearance and color (the outbuilding standards section includes a reference to coloration) to the main dwelling. Corrugated sheet metal siding and roofing are expressly prohibited.
2. The floor area of an Outbuilding shall not exceed the lesser of 200 sq. feet -or-10% of the main structure area.
3. All construction of Outbuildings require the issuance of a building permit from the Village of Point Venture. All construction shall meet the building code requirements of the Village of Point Venture.
4. Outbuildings shall be located according to the most restrictive of the following:
 - a. In a rear portion of the lot, behind the rear building line of the main dwelling.
 - b. If on a corner, no closer to a street than the main dwelling.
 - c. In compliance with the setbacks requirement required by the deed restrictions of the lot.
5. Maximum Height:
 - a. The maximum height of the Outbuilding is measured from the peak of the roof of the Outbuilding to grade level.

- b. The maximum height shall be 10 feet, or 50 percent of the height of the peak of the roof of the main dwelling, whichever is lower.
 - c. The maximum height of the sidewall of an Outbuilding shall not exceed 8 feet.
6. Additional Requirements:
- a. The building area of an Outbuilding shall not exceed the lesser of 200 square feet or 10% of the main structure area.
 - b. The applicant shall submit a fully dimensioned site plan, showing the location and the dimensions of the Outbuilding. The property lines, easements and all structures within 100 feet of the property line. The sketch shall include a depiction of the size and location of all doors in the Outbuilding.
 - c. The eaves shall overhang the exterior walls by no less than 1 foot and no more than 3 feet.
7. Usage and Occupancy: Outbuildings shall not be used for accessory dwellings; they should be for personal storage purposes only.

Appeals. A person whose application for an outbuilding permit is denied by the entity with which the Village contracts to process applications and issue permits under this Ordinance may appeal the denial to the Village Council by asking that the appeal be placed upon the agenda for a regular Village Council meeting occurring within thirty (30) days of the date the PVACC denied the application. The ruling of the Village Council on denial or issuance of the permit shall be final.

Enforcement. The Village shall have the power to administer and enforce the provisions of this Ordinance and the codes adopted by this Ordinance as may be required by governing law. Any person violating any provision of this Ordinance or the codes herein adopted is subject to suit for injunctive relief as well as prosecution for criminal violations. Any violation of this Ordinance is hereby declared to be a nuisance.

Criminal Prosecution. Any person violating any provision of this Ordinance or the codes herein adopted shall, upon conviction, be fined a sum not exceeding \$500.00. Each day that a provision of this Ordinance is violated shall constitute a separate offense. An offense under this Ordinance is a Class C misdemeanor.

Civil Remedies. Nothing in this Ordinance shall be construed as a waiver of the Village's right to bring a civil action to enforce the provisions of this Ordinance and the codes herein adopted, and to seek remedies as allowed by law, including, but not limited to the following:

- (1) injunctive relief to prevent specific conduct that violates the Ordinance or to require specific conduct that is necessary for compliance with the Ordinance; and
- (2) a civil penalty up to \$100.00 a day when it is shown that the defendant was actually notified of the provisions of the Ordinance and after receiving notice committed acts in violation of the Ordinance or failed to take action necessary for compliance with the Ordinance; and

(3) other available relief.

Repealer. All Ordinances or parts of Ordinances in force when the provisions of this Ordinance become effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed only to the extent of any such conflict.

Severability. It is hereby declared to be the intention of the Village Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance be severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or 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, and the remainder of this Ordinance shall be enforced as written.

Effective date. This ordinance shall become effective upon its adoption. The penalty provisions shall become effective upon publication of the Ordinance or a caption thereof as required by law.

PASSED AND APPROVED this 15th day of January 2020, by a vote of _____ ayes to _____ nays to _____ abstentions of the Village Council of the Village of Point Venture.

VILLAGE OF POINT VENTURE

Mayor - Eric Love

ATTEST:

Village Secretary — Vickie Knight