

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF UNIVERSITY PARK, TEXAS, AMENDING CHAPTER 3 BUILDING REGULATIONS, ARTICLE 3.01 “GENERAL PROVISIONS” OF THE CODE OF ORDINANCES TO PROVIDE FOR REMOVAL OF ENCROACHMENTS; PROVIDING EXCEPTIONS; AMENDING ARTICLE 3.14 “STREETS AND SIDEWALKS” TO REQUIRE PROVISION OR REPLACEMENT OF PUBLIC WALKS AND DRIVEWAY APPROACHES, AND PROVIDING EXCEPTIONS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF UNIVERSITY PARK, TEXAS:**

**SECTION 1.** The Code of Ordinances, City of University Park, Texas, is hereby amended by amending Chapter 3 “Building Regulations”, Article 3.01 “General Provisions”, Section 3.01.003, and Article 3.14 “Streets and Sidewalks”, Section 3.14.043 in part as follows:

**“ARTICLE 3.01 GENERAL PROVISIONS**

...

**Sec. 3.01.003 Encroachments in alley easements; surface materials allowed**

...

**(c) Removal of encroachments**

- (1) Masonry and/or concrete retaining walls must be removed from the alley easement upon issuance of a building permit, other than a permit for repairs and/or replacement of existing structures, valued in excess of \$10,000.00 for any work on the abutting private property. For purposes of this Article, “repair and/or replacement” shall mean the reconstruction or renewal to original condition of any damaged or deteriorated part or component of an existing building for the purpose of its maintenance; “remodel” shall mean work which changes the original size, location or material of a part or component of an existing building.

...”

**“ARTICLE 3.14 STREETS AND SIDEWALKS”**

...

**Sec. 3.14.043 Requirements when making improvements to property**

- (a) Requirements

- (1) Upon issuance of a building permit for construction, reconstruction or remodel of a building, other than a permit for repair and/or replacement of a part or component of an existing structure, valued in excess of \$10,000.00, for any work on a structure on the abutting private property, a public walk, if not existent, shall be constructed by the permit holder on the front of the property and on the side of the property where it abuts a side street, or when, in the opinion of the public works director, the existing public walks and driveway approaches abutting the property are in such a state of disrepair as to constitute a hazard to pedestrian traffic, the permit holder shall construct a new public walk(s) and/or driveway approach(es). Curb openings for abandoned driveways will be closed by the permit holder and abutting public walks and driveway approaches, where required, shall be repaired or replaced in accordance with standard City of University Park specifications.

...”

**SECTION 2.** Should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance or the Code of Ordinances as a whole, or any part or provision thereof, other than the part so decided to be invalid, illegal or unconstitutional.

**SECTION 3.** This ordinance shall take effect immediately from and after its passage, as the law and Charter in such cases provide.

**DULY PASSED BY THE CITY COUNCIL OF THE CITY OF UNIVERSITY PARK, TEXAS, ON THE \_\_\_\_ DAY OF \_\_\_\_\_ 2013.**

**APPROVED:**

\_\_\_\_\_  
**W. RICHARD DAVIS, MAYOR**

**ATTEST:**

\_\_\_\_\_  
**ELIZABETH SPECTOR, CITY SECRETARY**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**City Attorney**  
**(rld, 7/09/13, 61350)**