

**ORDINANCE \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF UNIVERSITY PARK, TEXAS, AMENDING THE CODE OF ORDINANCES, ARTICLE 14.02, BY AMENDING SECTION 11.3.13 OF THE COMPREHENSIVE ZONING ORDINANCE TO DETERMINE FIRST FLOOR ELEVATION AND GRADE BEAM ELEVATION; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Planning and Zoning Commission and City Council of the City of University Park, in compliance with the laws of the State of Texas with reference to the granting of zoning classifications and changes to the Comprehensive Zoning Ordinance, have given the requisite notices by publication and otherwise, and have held due hearings and afforded a full and fair hearing to all property owners generally, and the City Council of University Park is of the opinion and finds that the Comprehensive Zoning Ordinance of the City of University Park should be amended, **NOW THEREFORE**,

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

**SECTION 1.** That Article 14.02 “Zoning Ordinance”, Section 14.02.001, of the Code of Ordinances of the City of University Park is amended in part by amending section 11.3.13 of the zoning regulations to read as follows:

**“Sec. 11.3.13 Other Height Measurements** is amended to change subsection B to read:

**“First Floor Elevation.** The elevation of the finished floor shall be established when supported by a structural floor system that is no more than 16 inches above the established grade beam elevation.

**Grade Beam Elevation.**

1. The height of the exterior grade beam, on either a slab or pier and beam foundation, shall be no higher than the average of the heights of the grade beams of the residences located on adjacent properties.
2. In cases where the average height as described in (1) above will not allow for

positive drainage of the subject site because of existing topography, the Building Official may allow no more than twelve inches (12”) to be added to the height of the exterior grade beam so as to achieve positive drainage, consistent with the drainage requirements set out under the adopted Building Code. A Texas Registered Professional Engineer shall prepare a sealed plan that establishes the grading, drainage, grade beam height, and finished floor required to be in compliance with the drainage requirements of the adopted Building Code to be presented to the Building Official for consideration.”

**SECTION 2.** All provisions of the ordinances of the City of University Park in conflict with the provisions of this ordinance are hereby repealed.

**SECTION 3.** 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 any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

**SECTION 4.** That any person, firm or corporation violating any of the provisions or terms of the Comprehensive Zoning Ordinance of the City of University Park shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense, and each and every day such violation shall continue shall be deemed to constitute a separate offense.

**SECTION 5.** This ordinance shall take effect immediately from and after its passage and the publication of the caption, 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 \_\_\_\_\_ 2021.

**APPROVED:**

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**TOMMY STEWART, MAYOR**

**ATTEST:**

\_\_\_\_\_  
**CHRISTINE GREEN, CITY SECRETARY**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**CITY ATTORNEY**  
**(rld; 10/7/2020; 118459)**

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**Duly passed by the City Council of the City of University Park, Texas, on the \_\_\_\_\_ day of \_\_\_\_\_ 2021.**

**APPROVED:**

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**MAYOR**

**ATTEST:**

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**CITY SECRETARY**