

ORDINANCE NO. 413

AN ORDINANCE OF THE CITY OF WALLER, TEXAS ALTERING THE SETBACK REQUIREMENTS FOR LOTS LOCATED ON MAIN STREET FROM FARR TO KEY STREET AND RESTATING THE SETBACK REQUIREMENTS FOR THE REMAINING LOTS WITHIN THE CITY; REPEALING ORDINANCE NO. 239 PASSED, ADOPTED, AND APPROVED ON THE 12TH DAY OF JUNE, 1995 AND ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT OR INCONSISTENT HEREWITH TO THE EXTENT OF SUCH CONFLICT OR INCONSISTENCY; PROVIDING A PENALTY OF \$2,000.00 PER DAY WITH EACH DAY BEING A NEW VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING FOR SEVERABILITY.

WHEREAS, it is the desire of the City Council of the City of Waller, Texas, that development of the City be aesthetically pleasing; and

WHEREAS, City Council feels that the placement of buildings on property is an important consideration in accomplishing this; and

WHEREAS, City Council feels that requiring buildings to be a minimum distance from the property line will provide a less crowded, more uniform appearance in the City; now therefore

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WALLER, TEXAS:

Section 1. The facts and matters contained in the preamble are hereby found to be true and correct.

Section 2. The City Council of the City of Waller hereby established the following setback requirements for lots located on Main Street, from Farr Street to Key Street only:

1. Corner Lots
 - a. Zero foot (0') side setback
 - b. Zero foot (0') from front
 - c. Ten foot (10') from rear

2. Other Lots
 - a. Zero foot (0') setback on side
 - b. Zero foot (0') front
 - c. Ten foot (10') from rear

Section 3. The City Council of the City of Waller hereby establishes the following setback requirements for all lots located within the City of Waller with the exception of lots located on Main Street, from Farr Street to Key Street:

1. Corner Lots
 - a. Fifteen foot (15') side setback
 - b. Ten foot (10') from front
 - c. Ten foot (10') from rear

2. Other Lots
 - a. Five foot (5') setback on side
 - b. Ten foot (10') front
 - c. Ten foot (10') from rear

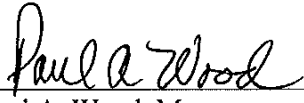
Section 4. Repealer. Ordinance No. 239 Passed, Adopted, and Approved on the 12th day of June, 1995, and all ordinances or parts of ordinances in consistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

Section 5. Penalty. Any person who shall intentionally, knowingly, recklessly or with criminal negligence violate any provision contained in this Ordinance, or who shall commit or perform any act declared herein to be unlawful, shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount of two thousand dollars (\$2,000.00). Each day of violation shall constitute a separate offense.

Section 6. In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Waller, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

Section 7. **Effective Date.** This Ordinance shall be in full force and effect immediately upon and after its final passage and publication as required by law.

PASSED, APPROVED, AND ADOPTED this 15th day of February, 2010.



Paul A. Wood, Mayor

ATTEST:



Jo Ann London, City Secretary