

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

AN ORDINANCE AMENDING ARTICLE III OF CHAPTER 74 OF THE CODE OF ORDINANCES OF THE CITY OF PINEY POINT VILLAGE, TEXAS, BY DELETING SUBSECTION (a) OF SECTION 74-212 IN ITS ENTIRETY AND ADDING A NEW SUBSECTION (a) OF SECTION 74-212, ESTABLISHING REGULATIONS FOR THE CONTINUANCE OF NONCONFORMING BUILDINGS AND STRUCTURES; PROVIDING FOR OTHER MATTERS RELATED TO THE SUBJECT; PROVIDING FOR A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION; AND PROVIDING FOR SEVERABILITY.

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BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PINEY POINT VILLAGE, TEXAS:

**Section 1.** That Subsection (a) of Section 74-212 be deleted in its entirety and a new Subsection (a) of Section 74-212 be added to provide as follows:

**“Article III. – NONCONFORMITIES**

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**Sec. 74-212 – Nonconforming buildings and structures.**

(a) *Continuance of nonconforming buildings and structures.* Subject to the limitations herein set forth, any nonconforming building or structure, lawfully existing, may be occupied and maintained in good repair, but may only be enlarged or extended as follows.

- 1) The first floor of a nonconforming main building, excluding any portion of an accessory building, ~~or structure~~ or attached garage, may be enlarged or extended into a side or rear yard in a manner that does not exceed the encroachment created by the nonconforming main building.

2) A nonconforming main building that is extended into a yard must otherwise comply with all the regulations and ordinances of the city.”

**Section 2.** Any person who shall intentionally, knowingly, recklessly, or with criminal negligence violates any provision of this chapter shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$2,000.00. Each day of violation shall constitute a separate offense.

**Section 3.** 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 Piney Point Village, 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 4.** All ordinances and parts of ordinance in conflict herewith are, to the extent of such conflict, hereby repealed.

PASSED, APPROVED, AND ADOPTED on first and final reading this \_\_\_th day of \_\_\_\_\_, 2020.

ATTEST:

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Mark Kobelan  
Mayor

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Karen Farris  
City Secretary