

**ORDINANCE NO. 2021.07.26**

**AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE CITY OF PINEY POINT VILLAGE, TEXAS, AMENDING CHAPTER 34, FLOODS, BY DELETING SECTION 34-122 IN ITS ENTIRETY AND REPLACING IT WITH A NEW SECTION 34-122; ESTABLISHING LIMITATIONS ON LOT FILL FOR PROPERTY; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 FOR ANY VIOLATION OF ANY PROVISION OF THIS ORDINANCE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDING FOR SEVERABILITY.**

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**BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PINEY POINT VILLAGE, STATE OF TEXAS:**

**Section 1.** The Code of Ordinances of the City of Piney Point Village, Texas is hereby amended by deleting Section 34-122 and replacing it in its entirety with a new Section 34-122 to read as follows:

“Sec. 34-122. - Limitation on lot fill for property.

- (1) The height to which any point on the lot can be filled, other than the foundation, shall be limited to no more than the amount needed to create a maximum elevation equal to a one percent slope from the existing top of curb, edge of road (if no curb exists), existing high bank or property lines (whichever is closer to the development) from all sides. The only exceptions to this requirement are:
  - a. The building foundation.
  - b. The driveway, within a 30-foot, 180 degree outward facing arch, established from the building line of the main vehicle entrance to the garage, if the following requirements are met:
    - i. A curb is provided on the driveway perimeter adjacent to the property line.
    - ii. The driveway must be spaced a minimum of 3-feet from the property line.
    - iii. A means to drain the area between the edge of the driveway and property line shall be provide in accordance with city drainage criteria.
- (2) In no case shall more than 12 inches of fill be allowed on any lot, other than the exceptions

provided for in Section 34-122 (1) above.

- (3) Existing elevations which are higher than the calculated elevations are not required to be cut to meet the requirements of this section. The calculation only applies to additional fill above the existing ground elevation (pre-construction elevations).
- (4) All fill used on property located inside the 500-year flood plain shall comply with zero net fill requirements that are established in article III of this chapter.”

**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 26 day of July, 2021.

  
\_\_\_\_\_  
Mark Kobelan  
Mayor

ATTEST:

  
\_\_\_\_\_  
Karen Farris  
City Secretary



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Mark Kobelan  
Mayor

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Karen Farris  
City Secretary

