

CITY OF HORSESHOE BAY

ORDINANCE NO. ORD 09-08-25D

**BUILDING PERMIT ORDINANCE AMENDMENT LIMITING THE
NUMBER OF PERMITS FOR SPECULATIVE HOUSES AND LIMITING
THE TIME FOR BUILDING PERMITS FOR ACCESSORY
STRUCTURES**

**AN ORDINANCE OF THE CITY OF HORSESHOE BAY, TEXAS,
AMENDING ORDINANCE NO. 06-04-18D THE BUILDING PERMIT
ORDINANCE, AS AMENDED, EXHIBIT "A" ADDING A DEFINITION
TO SECTION II (b) FOR SPECULATIVE HOUSE, AMENDING
SECTION III (a) TO LIMIT THE TIME FOR BUILDING PERMITS FOR
ACCESSORY STRUCTURES, AND AMENDING ARTICLE IV BY
ADDING A NEW SECTION (c) TO SPECIFY THAT NO CONTRACTOR
SHALL HAVE MORE THAN TWO BUILDING PERMITS FOR
SPECULATIVE HOUSES AT ANY TIME AND THAT APPLICATIONS
BEYOND TWO SHALL REQUIRE CITY COUNCIL APPROVAL,
PROVIDING FOR EFFECTIVE DATE, REPEALER, SEVERABILITY
AND FINDING OF PROPER NOTICE AND MEETING**

WHEREAS, the City of Horseshoe Bay has adopted Ordinance No. 06-04-18D Building Permit Ordinance to provide requirements for issuance and enforcement of Building Permits; and

WHEREAS, the City has observed that several houses have been started by a contractor and for whatever reason, have been abandoned, leaving an uncompleted structure; and

WHEREAS, the City Council of the City of Horseshoe Bay finds that requiring that contractors cannot have more than two building permits for speculative houses active at any time will help reduce the number of speculative houses that are not completed in the City; and

WHEREAS, the City has observed that building permits for accessory structures do not need as much time as building permits for houses, so reducing the length of time for those permits may expedite the completion of accessory structure projects and will not have an adverse affect on contractors or property owners; and

WHEREAS, the City has observed that the construction of speculative homes can result in a failure to complete such homes due to the lack of a purchaser. These partially completed homes then deteriorate and quickly become nuisances and public health and safety hazards; and

WHEREAS, the City Council of the City of Horseshoe Bay finds that requiring that contractors can't apply for more than two building permits for speculative houses at a time or have more than two active permits for speculative houses at any time will positively affect the health, safety and welfare of surrounding residents.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HORSESHOE BAY, TEXAS:

I. FINDINGS OF FACT

All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council, and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

II. AMENDMENT TO SPECIFIC DEFINITIONS IN EXHIBIT "A" SECTION II (b)

Section II (b) Specific Definitions of Exhibit "A" of Ordinance 06-04-18D is hereby amended by adding the following definition:

Speculative House means a house being constructed that does not have a formal financial commitment from a buyer, other than the owner/developer, and is one that the builder anticipates that a demand exists or will form for the product when it is put on the market.

III. AMENDMENT TO EXHIBIT "A" SECTION III (a)

Section III (a) of Exhibit "A" of Ordinance 06-04-18D, as amended, is hereby amended to read as follows:

(a) Approval Required

Approval of an Application and issuance by the City of a Building Permit is required before construction of any sort may be initiated on a Project unless specifically exempted as provided herein. As used herein, the term *construction* includes but is not limited to Site preparation (but not lot clearing where there is no immediate intention to erect additional improvements); building of new improvements; remodeling or making additions to existing structures; installation of pools or spas; erection of fences; erection of retaining walls, jet ski ramps or boat docks; and, the installation of driveways or parking areas. Initiating construction prior to the issuance of a Building Permit will subject the owner of the Site to a fine and other penalties in amounts to be established from time to time by the City Council. The term of the Building Permit for manufactured housing shall be nine (9) months. The term of the Building Permit for all accessory structures as defined in Zoning Ordinance 07-09-18E, as amended, driveways, and parking areas shall be six (6) months. The term of the Building Permit for all other projects shall be eighteen (18) months, unless a longer term is granted by the City at the time the Building Permit is issued. Requests for an extended permit period must be in writing and submitted with the Application.

IV. AMENDMENT TO ARTICLE IV OF EXHIBIT "A"

Article IV of Exhibit "A" of Ordinance 06-04-18D, as amended, is hereby amended by adding a new Section (c) as follows:

(c) Maximum Number of Permits for Speculative Houses

No contractor shall have more than two (2) active building permits for speculative houses at any time. Requests for more than two (2) permits must be submitted to and approved by the City Council. The applicant shall have the burden of proof to show that the applicant is fully capable of completing construction of the speculative house. The City Council shall base their decision on whether to approve a building permit in excess of the two (2) permit limit based upon the following factors:

1. The financial ability of the applicant and/or contractor to complete such home;
2. Review of previous Permits reveals no requests for extensions or deductions from deposits for violations.
3. Company has not failed to timely complete any other house project in any other city it has worked in during the past 18 months.
4. A request for a permit for a house for the builder, beyond two the builder has for speculative houses, requires a notarized statement from the builder that he will own and reside in the house after it is completed.

V. EFFECTIVE DATE

This Ordinance shall be and become effective immediately upon and after its passage and publication as may be required by governing law.

VI. REPEALER

All ordinances or parts of ordinances in force when the provisions of this Ordinance becomes effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed only to the extent of such conflict.

VII. SEVERABILITY

Should any part, sentence or phrase of this Ordinance be determined to be unlawful, void or unenforceable, the validity of the remaining portions of this Ordinance shall not be adversely affected. No portion of this Ordinance shall fail or become inoperative by reason of the invalidity of any other part. All provisions of this Ordinance are declared to be severable.

VIII. PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was adopted was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

