

ORDINANCE NO. 08-03

AN ORDINANCE TO AMEND ORDINANCE NO. 04-09 TO DELETE CERTAIN LANGUAGE AND TO ADD CERTAIN LANGUAGE SO AS TO MAKE MORE DEFINITE AND CERTAIN THE REGULATIONS CONCERNING SETBACK REQUIREMENTS FOR BUILDINGS IN THE CITY OF LAVACA, AND FOR OTHER PURPOSES.

BE IT ORDAINED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF LAVACA, ARKANSAS:

1. That the words in Ordinance No. 04-09 under Measurement of Setback Distances and beginning with "Front yard and exterior side yard..." and ending with "...whichever produces the greatest setback distance." are hereby DELETED from the Ordinance.

2. That the words following shall be ADDED to Ordinance No. 04-09 in their place, as follows:

"Front yard and exterior (street side) side yard setback distances shall be measured from the street right-of-way line except for the following conditions.

ONE Where the existing street right-of-way width is less than the right-of-way width shown on the Master Street Plan, then the right-of-way width shown on the Master Street Plans shall be used for determining the street right-of-way line.

TWO Where the existing street right-of-way width is less than 50 feet, then a right-of-way width of 50 feet shall be used for determining the street right-of-way line.

THREE In cases where the street right-of-way line or property line is not easily identifiable on the ground and the building is being constructed within 10 feet of the building setback line, then a survey of the property, performed by a Licensed Surveyor, must be submitted with the building permit application.

FOUR In addition to the setback requirements, no building shall be constructed within 5 feet of an easement line.

3. If, for any reason any portion of this ordinance be held to be invalid, such invalidity shall in no wise affect the remaining portions thereof which are valid, but such valid portions shall be and remain in full force and effect.

4. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

5. And this ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is hereby declared to exist and the same shall be in full force and effect immediately after its passage.

Passed and approved by the Lavaca City Council this 11th day of August, 2008.

Mayor

Attest: _____
Recorder