

ORDINANCE NO. 2005-016

AN ORDINANCE AMENDING CITY OF EAST BERNARD, TEXAS, ORDINANCE NO. 2004-017, PASSED AND APPROVED THE 16TH DAY OF AUGUST, 2004, AND BEING AN ORDINANCE ESTABLISHING PROCEDURES, STANDARDS AND REQUIREMENTS FOR FILING WITH THE CITY OF EAST BERNARD PRELIMINARY AND FINAL PLATS FOR THE DEVELOPMENT OF TOWNHOUSE AND CONDOMINIUM SUBDIVISIONS, PATIO HOME SUBDIVISIONS, TWO-FAMILY DWELLING (DUPLEX) SUBDIVISIONS AND MULTI-FAMILY RESIDENTIAL (APARTMENTS), BY ADDING SECTIONS E, F, G & H TO CHAPTER VI TITLED "ENGINEERING REQUIREMENTS"; PROVIDING FOR SEVERABILITY; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF EAST BERNARD, TEXAS:

Section 1. City of East Bernard, Texas, Ordinance No. 2004-017, passed and approved the 16th day of August, 2004, and being "AN ORDINANCE OF THE CITY OF EAST BERNARD, TEXAS ESTABLISHING PROCEDURES FOR FILING WITH THE CITY OF EAST BERNARD PRELIMINARY AND FINAL PLATS FOR THE DEVELOPMENT OF SUBDIVISIONS; AND PROVIDING FOR PENALTIES FOR VIOLATION OF THIS ORDINANCE," is hereby amended by adding sections E, F, G, & H to Chapter VI titled "Engineering Requirements to provide as follows:

E. Townhouse and Condominium Subdivisions

1. Definitions

The following words, terms, and phrases, when used in this division, shall have the meanings ascribed to them herein, except where the context clearly indicates a different meaning.

Access streets shall mean those public streets within or bounding a townhouse subdivision which serve a townhouse subdivision and other adjacent property.

Interior streets shall mean public streets not more than six hundred feet (600') long within a townhouse subdivision which are located and designed to serve a limited area within such subdivision and shall not serve other properties outside the subdivision.

Open space shall mean private property under common ownership designated for recreation area, private park, play lot area, plaza area, or ornamental area open to general view and within the subdivision. Open space does not include streets, alleys, utility easements, and required building setbacks.

Townhouse, row house or condominium shall mean a structure which is one (1) of a series of dwelling units designed for single-family occupancy, which are connected or immediately adjacent to each other. However, a townhouse or row house shall not include a mobile home, manufactured housing and/or travel trailer.

Townhouse or condominium subdivision shall mean those developments in which it is proposed to partition land into individual lots and construct townhouses which may be individually owned.

2. Procedural Requirements.

All persons proposing or intending to develop a townhouse subdivision within the city or within its extraterritorial jurisdiction shall comply with the procedural requirements set out in Subdivision Platting Policies.

3. Streets and Other Public Ways

- a. Interior streets, if dedicated to public use, shall have a minimum right-of-way width of sixty feet (60') and shall be developed with a minimum of a thirty-six foot (36') paving section with concrete curbs and gutters in accordance with the current design standards.
- b. Access streets shall have a minimum right-of-way width of sixty feet (60') and shall be developed with a minimum of a thirty-two foot (32') pavement section.
- c. All townhouse subdivisions shall have direct access streets to at least one (1) dedicated and accessible public street having a right-of-way width of not less than sixty feet (60').
- d. Alleys shall have a minimum right-of-way of twenty feet (20') and shall be developed with a concrete pavement in accordance with the current design standards.

4. Building Setback

- a. Building setback lines of thirty feet (30') shall be required on all lots fronting or backing on an access street.
- b. Building setback lines of twenty-five feet (25') shall be required on all lots siding on access streets or upon a plat boundary.
- c. No building setback lines shall be required on the sides of lots abutting interior streets, except where traffic safety or other factors necessitate the establishment of such records.
- d. Where townhouse lots and dwelling units are designed to face upon an open or common access court rather than upon a public street, such open or common court shall be at least forty feet (40') wide and not more than two hundred feet (200') long, measured from the public street upon which the court must open. Such court may not include vehicular drives or parking area in front of dwelling units.

5. Lots.

- a. Lot area shall be a minimum of three thousand five hundred square feet (3,500').
- b. Lot width shall be a minimum of thirty-five feet (35').
- c. Dwelling units may be constructed up to side lot lines, and openings shall not face a side lot line unless the sidewall of the dwelling unit is at least ten feet (10') from the side lot line.
- d. Lot size may be reduced under the provisions that open space be dedicated according to the following schedule:
 - 1) For every one hundred (100) square feet of open space per lot, provided the minimum lot area may be reduced by two hundred (200) square feet. No lot shall, however, have a lot area of less than three thousand five hundred (3,500) square feet, and a width of less than thirty-five feet (35').

Open Space Per Dwelling	Minimum Lot Area (sq. ft.)
0	3,500
100	3,500
200	3,500
250	3,500

6. Utilities

All utilities such as sanitary sewer, water, gas, telephone, television cable and electrical, shall be placed underground.

7. Other Requirements

A townhouse subdivision shall meet all requirements of Subdivision Platting Policies as well as all other requirements in this ordinance, the provisions of this division being variations permitted especially for townhouse subdivisions.

F. Patio Home Subdivisions

1. Definitions

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them herein, except where the content clearly indicates a different meaning:

Access street shall mean those public streets within or bounding a patio home subdivision which serve a patio home subdivision and other adjacent property.

Interior street shall mean public streets not more than six hundred feet (600') long within a patio home subdivision which streets are located and designed to serve a limited area within such subdivision and shall not serve other properties outside the subdivision.

Open space shall mean private property under common ownership designated for recreation area, private park, play lot area, plaza or ornamental area open to general view within the subdivision. Open space does not include streets, alleys, utility easements and required building setbacks.

Patio home shall mean a structure that is a series of dwelling units designed for single-family occupancy, which are constructed on a lot that shall have a minimum area of five thousand five hundred (5,500) square feet and shall have a zero offset on one (1) side of the lot. However, a patio home shall not include a mobile home, manufactured housing and/or travel trailer.

Patio home subdivision shall mean those developments in which it is proposed to partition land into individual lots and construct patio homes

which may be individually owned and where the offset of a structure may be zero on one (1) side of the lot with an easement of ten feet (10') granted on the opposite side to the adjoining property owner for maintenance purposes.

2. Procedural requirements

All those persons proposing or intending to develop a patio home subdivision shall comply with the procedural requirements set out in Subdivision Platting Policies.

3. Streets and Other Public Ways

- a. Access streets shall have a minimum right-of-way width of sixty feet (60') and shall be developed with a minimum of a thirty-six foot (36') paving section with concrete curb and gutter in accordance with current design standards.
- b. Interior streets shall have a minimum right-of-way width of sixty feet (60') and shall be developed with a minimum of a twenty-eight foot (28') paving section with concrete curb and gutters in accordance with current design standards.

4. Lots

- a. Lot area shall be a minimum of five thousand five hundred (5,500) square feet.
- b. Lot width shall be a minimum of fifty feet (50').
- c. Dwelling units shall be constructed with a zero lot line clearance on one (1) side of lot. Doors shall not be installed in sides with zero lot line clearance.
- d. Ten feet (10') must be maintained between sides of any two (2) dwelling units placed on adjacent lots.
- e. Deed restrictions for zero lot line clearance must provide ten-foot (10') easement to owner whose dwelling unit is on the property line for maintenance purposes.

f. Deed restrictions must provide that: "No autos, trucks, boats, campers, other trailers, or vehicles of any kind shall ever be left parked on the grass or yard except as provided for in paved off-street parking space and then only as temporary parking incident to the contemporaneous use of such vehicle or object, nor shall same be left parked on any lot unless parked inside a garage."

5. Utilities

All utilities such as sanitary sewer, water, gas, telephone, television cable, and electrical service shall be placed underground.

6. Other Requirements

- a. A patio home subdivision shall meet all requirements of Subdivision Platting Policies as well as all other requirements in this ordinance, the provisions of this division being variations permitted especially for patio home subdivisions.
- b. A patio home subdivision shall contain no less than 4 lots.

G. Two-Family Dwelling (Duplex) Subdivisions

1. Definitions

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them herein, except where the content clearly indicates a different meaning:

Access street shall mean those public streets within or bounding a duplex subdivision which serve a duplex subdivision and other adjacent property.

Interior street shall mean public streets not more than eight hundred feet (800') long within a duplex subdivision which streets are located and designed to serve a limited area within such subdivision and shall not serve other properties outside the subdivision.

Open space shall mean private property under common ownership designated for recreation area, private park, play lot area, plaza or ornamental area open to general view within the subdivision. Open space does not include streets, alleys, utility easements and required building setbacks.

Duplex home shall mean an attached residential building containing two (2) dwelling units designed for occupancy by not more than two (2) families.

Duplex subdivision shall mean those developments in which it is proposed to partition land into individual lots and construct duplex homes.

2. Procedural Requirements

All those persons proposing or intending to develop a duplex subdivision shall comply with the procedural requirements set out in Subdivision Platting Policies.

3. Streets and Other Public Ways

- a. Access streets shall have a minimum right-of-way width of sixty feet (60') and shall be developed with a minimum of a thirty-six foot (36') paving section with concrete curb and gutter in accordance with current design standards.
- b. Interior streets shall have a minimum right-of-way width of sixty feet (60') and shall be developed with a minimum of a twenty-eight foot (28') paving section with concrete curb and gutters in accordance with current design standards.

4. Lots

- a. Lot area shall be a minimum of nine thousand six hundred (9,600) square feet.

- b. Lot width shall be a minimum of eighty feet (80').
- c. Lot depths shall be a minimum of one hundred twenty feet (120').
- d. The number of onsite parking spaces required for a two family dwelling (duplex) is 2.0 parking spaces per dwelling unit.
- e. Front and side street building lines shall meet the same requirements as for single-family.
- f. Deed restrictions must provide that: "No autos, trucks, boats, campers, other trailers, or vehicles of any kind shall ever be left parked on the grass or yard except as provided for in paved off-street parking space and then only as temporary parking incident to the contemporaneous use of such vehicle or object, nor shall same be left parked on any lot unless parked inside a garage."

5. Utilities

All utilities such as sanitary sewer, water, gas, telephone, television cable, and electrical service shall be placed underground.

6. Other Requirements

- a. A duplex subdivision shall meet all requirements of Subdivision Platting Policies as well as all other requirements in this ordinance, the provisions of this division being variations permitted especially for duplex subdivisions.
- b. Density – In a duplex development, there shall be no more than ten (10) dwelling units per gross platted acre including all roadways.
- c. Where a duplex structure is situated to face a common access area rather than upon a public or private street, the minimum dimension between structures facing said common access area shall be forty feet (40'). Common driveways shall have a paved width of at least eighteen feet (18').

H. Multi-Family Residential (Apartments)

1. Definitions

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them herein, except where the content clearly indicates a different meaning:

Access street shall mean those public streets within or bounding a multi-family residential subdivision which serve a multi-family residential subdivision and other adjacent property.

Open space shall mean private property under common ownership designated for recreation area, private park, play lot area, plaza or ornamental area open to general view within the subdivision. Open space does not include streets, alleys, utility easements and required building setbacks.

2. Procedural Requirements

All those persons proposing or intending to develop a multi-family residential (apartment) subdivision shall comply with the procedural requirements set out in Subdivision Platting Policies.

3. Application Requirements

a. In addition to the information otherwise required to be submitted for a development plat, a development plat that provides for the development of one or more multi-family residential buildings shall provide the following information:

- 1) The number of separate buildings that will contain multi-family residential dwellings units;
- 2) The location of the principal entrance to each multi-family residential building;
- 3) The total number of dwelling units;

- 4) An itemized listing of multi-family residential dwelling units indicating the number of bedrooms in each dwelling unit.

4. Private Streets – General Standards

- a. A development plat that contains a multi-family residential building shall provide at least one private street. The private street shall remain clear at all times for emergency vehicle access. No parking shall be allowed within the private street. A private street shall comply with the requirements of this section:
 - 1) The minimum right-of-way width for a private street shall be twenty-eight feet (28'), which is coterminous with the pavement width measured from edge-to-edge across the surface of the pavement.
 - 2) Intersections along private streets shall be a minimum of 65 feet apart.
 - 3) When a private street intersects with another private street at a 90-degree angle, the private street shall provide a 20-foot radius at the intersection.
 - 4) When a private street intersects with another private street at an angle less than 90 degrees, but more than 80 degrees, the private street shall provide a 25-foot radius at the intersection.
 - 5) The centerline radius of a reverse curve on a private street shall not be less than 65 feet. Reverse curves shall be separated by a tangent of not less than 25 feet.

5. Parking

- a. Each development plat containing a multi-family residential development shall provide off-street parking spaces in accordance with the following schedule:

<u>Unit Size</u>	<u>Parking Spaces Required Per Unit</u>
Efficiency	1.5
One bedroom	1.5
Two bedrooms	2.0
Three or more bedrooms	2.5

6. Height and Area Regulations

- a. Height - No building or structure shall exceed two (2) stories or thirty-five feet (35').
- b. Front and side street building lines shall meet the same requirements as for townhouse and condominium subdivisions.
- c. Lot Width - No minimum width for multi-family tracts.
- d. Density (units/acre) – There shall be no more than fifteen (15) dwelling units per net platted acre. The net platted acreage shall be the total platted acreage of the plat, less any acreage occupied by:
 - 1) lakes or ponds (not for recreational purposes)
 - 2) irrigation canals or drainage canals
 - 3) public uses, or
 - 4) utility easements
- e. Density (units/structure) - There shall be no more than ten (10) dwelling units per building and no dwelling unit structure shall exceed two hundred feet (200') in length.
- f. Screening Device – In the event that this apartment complex abuts or is adjacent to a residential, commercial or industrial development, a screening device shall be placed along the abutting or adjoining property lines. Such a screening device shall be at least six feet (6') in height.

7. Open Space

- a. Except as otherwise provided in this section, each multi-family residential development shall provide open space in accordance with the following schedule:

<u>Dwelling Unit Size</u>	<u>Square Feet of Open Space Required Per Dwelling Unit</u>
Efficiency	200
One bedroom	240
Two bedrooms	320
Three bedrooms	440
Four bedrooms	500

For purposes of this section, 'open space' shall mean land within the development plat boundary that is not covered by buildings, covered walkways, parking spaces, private streets or driveways.

- b. In lieu of the requirements of subsection (a), a multi-family residential development may provide for open space by complying with each of the following conditions:
- 1) At least ten percent of the total land area in the multi-family residential development, exclusive of land within the building line requirement area, shall be provided as open space;
 - 2) Enclosed amenities, such as an exercise or game room, shall constitute no more than 10 percent of the open space provided;
 - 3) Each area provided as open space is at least 20 feet wide by 60 feet long; and
 - 4) The development plat provides for the construction of sidewalks that are a minimum of five feet in width within the right-of-way of each street that is adjacent to the development;

8. Utilities

All utilities such as sanitary sewer, water, gas, telephone, television cable, and electrical service shall be placed underground.

9. Other Requirements

- a. An apartment subdivision shall meet all requirements of Subdivision Platting Policies as well as all other requirements in this ordinance, the provisions of this division being variations permitted especially for apartment subdivisions.

Section 2. 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 Board of Aldermen of the City of East Bernard, 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 3. All ordinances or parts of ordinances inconsistent or in conflict herewith, are, to the extent of such inconsistency or conflict, hereby repealed.

PASSED AND APPROVED by a vote of _____ "AYES" in favor and _____ "no's" against on this first and final reading on this, the _____ 17th _____ day of _____ October _____, 2005.



BUCK BOETTCHER, Mayor

ATTEST:


MELVIN R SANDS, City Secretary