

ORDINANCE NO. 2006-008

AN ORDINANCE OF THE CITY OF EAST BERNARD, TEXAS, PROVIDING MINIMUM REQUIREMENTS FOR YARDS AND OPEN SPACES (BUILDING LINES); PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; PROVIDING FOR SEVERABILITY; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH.

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

Section 1. **Definitions.** For the purposes of this Ordinance the following words, terms and phrases shall have the meanings ascribed thereto:

- 1.01 **Access street** shall mean those public streets within or bounding a townhouse or patio home subdivision which serve a townhouse or patio home subdivision and other adjacent property.
- 1.02 **Building** shall mean a structure designed or built for the support, shelter, protection, housing, or enclosure of persons, animals, chattels, or property of any kind.
- 1.03 **Building line** shall mean an imaginary line, running parallel with applicable lot lines or street easement or roadway right-of-way lines, and beyond which no building or structure may be located other than fences, sidewalks, driveways, uncovered patios, or utility facilities placed by companies authorized to do so pursuant to franchise, license, or other authorization of the City or other governmental entity having jurisdiction thereover. Provided, however, no fence shall be authorized beyond a front building line except as specifically authorized herein. In measuring a building line adjacent to a street easement or roadway right-of-way, the nearest boundary of the street easement or roadway right-of-way shall be used.
- 1.04 **Commercial Tract** shall mean any lot, tract or parcel of land the main or primary use of which is other than a Residential Use as defined herein.
- 1.05 **Interior streets** shall mean public streets not more than six hundred feet (600') long within a townhouse or patio home subdivision which are located and

designed to serve a limited area within such subdivision and shall not serve other properties outside the subdivision.

- 1.06 **Major Thoroughfare** shall mean any highway, road or street with a right-of-way greater than sixty feet (60').
- 1.07 **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.
- 1.08 **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.
- 1.09 **Residential Tract** shall mean a lot, tract or parcel of land the main or primary use of which upon which is for a Residential Use as defined herein.
- 1.10 **Residential Use** shall mean the use of a lot, tract or parcel of land for single family residential dwelling or duplex dwelling purposes.
- 1.11 **Structure** shall mean anything constructed or erected which requires location on the ground or is attached to something having a location on the ground, whether above, below, or at grade.
- 1.12 **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.

Section 2. Building Set-Back Requirements for Commercial Tracts.

It shall be unlawful for any person to cause or permit the construction or placement of any building or structure on a Commercial Tract except in accordance with the minimum Building Lines set forth below:

- 2.01 ***In General.*** The Building Set-Back Line shall be not less than thirty-five feet (35') where any property line abuts a major thoroughfare.
- 2.02 ***Front.*** The front Building Line shall be not less than twenty-five feet (25').
- 2.03 ***Side, generally.*** There shall be no side Building Line except where a side property line abuts a Residential Tract, in which case the side Building Line shall be not less than fifteen feet (15').
- 2.04 ***Side, corner lots.*** The Building Line on the side of a corner lot adjacent to a side street shall be not less than fifteen feet (15').
- 2.05 ***Rear, generally.*** The rear building line shall be not less than twenty feet (20'), except where the rear property line abuts a street, the rear Building Line shall be not less than twenty five feet (25').

Section 2.1 Building Set-Back Requirements for Townhouses and Condominiums

It shall be unlawful for any person to cause or permit the construction or placement of any townhouse or condominium except in accordance with the minimum Building Lines set forth below:

- 2.1.01 ***In General.*** The Building Set-Back Line shall be not less than thirty-five feet (35') where any property line abuts a major thoroughfare.
- 2.1.02 ***Front.*** The front Building Line shall be not less than twenty-five feet (25').
- 2.1.03 ***Side, generally.*** There shall be no side Building Line where sides of lots abut interior streets, except where traffic safety or other factors necessitate the establishment of such records.
- 2.1.04 ***Side, corner lots.*** The side Building Line shall be not less than fifteen feet (15') where side property line abuts an access street or plat boundary.
- 2.1.05 ***Rear, generally.*** The rear building line shall be not less than twenty feet (20'), except where the rear property line abuts an access street, the rear Building Line shall be not less than twenty five feet (25').
- 2.1.06 ***Common Access Court.*** 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.

Section 3. Building Set-Back Requirements for Residential Tracts. It shall be unlawful for any person to cause or permit the construction or placement of any building or structure on a Residential Tract except in accordance with the minimum Building Lines set forth below:

- 3.01 ***In General.*** The Building Set-Back Line shall be not less than thirty-five feet (35') where any property line abuts a major thoroughfare.
- 3.01 ***Front.*** The front Building Line shall be not less than twenty-five feet (25').
- 3.02 ***Side, generally.*** The side Building Line shall be not less than five feet (5').
- 3.03 ***Side, corner lots.*** The Building Line on the side of a corner lot adjacent to a side street shall be not less than fifteen feet (15').
- 3.04 ***Rear, generally.*** The rear building line shall be not less than ten feet (10'), except where the rear property line abuts a street, the rear Building Line shall be not less than twenty five feet (25').

Section 3.1 Building Set-Back Requirements for Patio Home Tracts. It shall be unlawful for any person to cause or permit the construction or placement of Patio home on a Residential Tract except in accordance with the minimum Building Lines set forth below:

- 3.1.01 ***In General.*** The Building Set-Back Line shall be not less than thirty-five feet (35') where any property line abuts a major thoroughfare.
- 3.1.02 ***Front.*** The front Building Line shall be not less than twenty-five feet (25').
- 3.1.03 ***Side, generally.*** The side Building Line shall be not less than ten feet (10') on one side of lot and a zero offset on the other side of lot.
- 3.1.04 ***Side, corner lots.*** The Building Line on the side of a corner lot adjacent to a side street shall be not less than fifteen feet (15').
- 3.1.05 ***Rear, generally.*** The rear building line shall be not less than ten feet (10'), except where the rear property line abuts a street, the rear Building Line shall be not less than twenty five feet (25').

Section 4. Encroachment by Projections. Open and unenclosed building projections such as outside stairways, fire escapes, balconies, terraces, awnings, eaves and roof extensions, or ornamental features may project over a Building Line for a distance not to exceed


ten feet (10'). Provided however, no such projection shall ever extend closer than five feet (5') from any lot line.

Section 5. Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$2000. Each day of violation shall constitute a separate offense.

Section 6. All ordinances or parts of ordinances inconsistent or in conflict herewith, are, to the extent of such inconsistency or conflict, hereby repealed.


Section 7. In the event any clause phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances 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.

PASSED, APPROVED, AND ADOPTED this 20 day of November 2006.



Buck Boettcher
Mayor

ATTEST:



Melvin R. Sands
City Secretary