

ORDINANCE NO. 2016-25

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF ROSENBERG, TEXAS, BY AMENDING SECTION 25-61 OF DIVISION 2 OF ARTICLE III OF CHAPTER 25 THEREOF ENTITLED "STREETS", PROVIDING FOR REVISED STREET WIDTH REQUIREMENTS; PROVIDING A PENALTY IN AN AMOUNT AS PROVIDED IN SECTION 1-13 OF THIS CODE FOR VIOLATION OF ANY PROVISION HEREOF; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDING FOR SEVERABILITY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ROSENBERG:

Section 1. The Code of Ordinances of the City of Rosenberg, Texas, is hereby amended by amending Section 25-61 of Article III of Chapter 25 thereof to provide as follows:

"DIVISION 2. – SPECIFIC REQUIREMENTS

Sec. 25-61. - Streets.

(a) *General requirements.* The arrangement, character, extent, width, grade, and location of all streets shall conform to the city thoroughfare plan and the current design standards manual and shall be considered in their relation to existing and planned streets or driveways, to topographical conditions, to public safety and in their appropriate relation to the proposed uses of the land to be served by such streets. Unless required by the city, strips of land controlling access to or egress from other property, or to or from any street or alley, or having the effect of restricting or damaging the adjoining property for subdivision purposes or which will not be taxable or accessible for special improvements shall not be permitted in any subdivision. All streets shall be paved in accordance with the current design standards. All lots, tracts and reserves shall have frontage on an approved public right-of-way or access easement(s).

Exception: Rural streets for rural lots as provided in section 25-67 (Lots, tracts, reserves) Subsection (7)(b), may be constructed in accordance with section 25-61 Streets (q), provided that open side ditches used for drainage meet all applicable specifications provided by the city and the county. This exception applies only to:

- (1) Areas identified as Rural Rosenberg in the Rosenberg 2035 Comprehensive Plan Future Development Map; and
- (2) Areas with existing, predominantly asphalt streets with open ditches for which rural streets are determined to be appropriate by the City Engineer.

- (b) *Private streets.* Private streets or any similar privately maintained access ways are prohibited in single-family residential developments.
- (c) *Access.* Primary access through a mutual access easement in a commercial, town home or condominium development shall conform to all design and construction standards stated herein and in current design standards.
 - (1) If the easement contains public utilities, including but not limited to water lines, sanitary sewer lines, storm sewer lines, electrical lines, or gas lines, the easement shall meet all of the requirements set forth for a public street, including but not limited to construction standards, width, curves, building lines, sight distance visibility and landscape maintenance.
 - (2) If the easement does not contain public utilities, then the easement shall meet the following requirements:
 - a. The minimum width of the easement shall be thirty (30) feet.
 - b. The minimum pavement width shall be thirty (30) feet, back-of-curb to back-of-curb.
 - c. The geometry and construction standards shall meet all of the requirements for a public street, with the exception that asphalt surfacing shall not be permitted.
 - d. The pavement shall have a standard six-inch reinforced concrete curb in accordance with the current design standards.
 - e. Access to the easement shall be via approved curb cuts with spacings in accordance with current design standards. No direct parking access shall be allowed to the easement.
 - f. Building lines and parking setbacks shall be measured from the back-of-curb.
 - g. The minimum parking setback shall be ten (10) feet.

Any mutual access agreement between the property owners and/or lessors shall be submitted to the city for approval and filed of record with the county clerk's office, and so noted on the plat prior to recordation of the plat. A note shall be placed on the plat defining the accessibility to the access easement by police, fire and emergency vehicles, utility operations and maintenance personnel.

- (d) *Streets not on plan.* When a street is not on the thoroughfare plan, the arrangement of streets in a subdivision shall:
 - (1) Provide for the continuation or appropriate protection of existing streets in surrounding areas; or conform to a plan for the neighborhood as adopted by the city to meet a particular situation where topographical or other conditions make continuance or conformity to existing streets impracticable.
 - (2) Provide for future access to adjacent vacant areas which will likely develop in the future.

- (3) Resolve alignment with existing right-of-way and driveway openings.
- (e) *Minor streets.* Minor residential streets shall be so designed that their use by through traffic will be discouraged.
 - (f) *Geometric street design.* Standards for curvature, intersecting streets, and offset intersections are detailed in the design standards.
 - (g) *Street widths.* Street right-of-way widths shall be shown on the thoroughfare plan and shall be designed in accordance with the design standards. Lane widths and median widths shall also be in accordance with the design standards. Except as otherwise provided in this Chapter for Townhouse and Patio Home Subdivisions, all local streets not identified as collectors or arterials in the Thoroughfare Plan shall have a minimum right-of-way width of sixty (60) feet and a minimum pavement width of thirty (30) feet, measured inside of curb to inside of curb. Should any pavement width in this Chapter conflict with the Design Standards, the more restrictive provision will control.
 - (h) *Half streets.* Half streets shall be prohibited, except when essential to the reasonable development of the subdivision in conforming to the other requirements of these regulations and the thoroughfare plan, and where the city council finds it will be practical to require the dedication of the other one-half ($\frac{1}{2}$) when the adjoining property is subdivided. When a partial street has been platted previously along a common property line, the other portion of the street shall be dedicated. Construction of half streets and improvements made to all on-site facilities are defined in the design standards.
 - (i) *Cul-de-sacs.* A cul-de-sac street may be provided where the shape of a portion of the proposed subdivision or where the terrain of the land would make it difficult, uneconomical or unreasonable to plat with connecting streets. These cul-de-sacs shall be so arranged as to provide access to all lots and shall conform to the most current design standards.
 - (j) *Dead end streets.* Dead end streets are temporary in nature and are not allowed except to provide for access to adjacent land areas and in no case shall be more than two hundred fifty (250) feet in length or equal to one (1) lot depth, whichever is greater. A temporary turnaround shall be provided and indicated on the plat and built in accordance with the design standards.
 - (k) *Reserves.* A one-foot reserve shall be established along the side or the end of a street that abuts acreage tracts. A note shall be on the plat to define the one-foot reserve.
 - (l) *New streets.* New streets which are an extension of existing streets shall bear the names of existing streets and shall be dedicated with appropriate transitions and widths.
 - (m) *Street names.* No new street names shall be used which will duplicate or be confused with the names of existing streets. All street names shall demonstrate good judgment and character on behalf of the subdivider based upon commonly accepted use of names and places. Street names shall be subject to the approval of the city council at the time of final plat approval.

- (n) *Points of access.* Single-family residential subdivisions, including patio home and townhouse subdivisions, shall have an adequate number of access points to provide for an orderly and safe movement of vehicular traffic. The minimum number of points of access from said subdivisions shall be as follows:
- (1) Subdivisions with fifty (50) or fewer lots—One (1) point of access
 - (2) Subdivisions with fifty-one (51) to one hundred twenty-five (125) lots—Two (2) points of access, or one (1) point of access if that access is via a boulevard street section with no lots having direct access to the divided boulevard street section serving as said access
 - (3) Subdivisions with one hundred twenty-six (126) to two hundred fifty (250) lots—Two (2) points of access, with at least one (1) point of access via a boulevard street section of at least one hundred twenty (120) feet in length (end of median to end of median), with no lots having direct access to the boulevard street section serving as said access, and at least one (1) point of access being directly to a collector or major thoroughfare.
 - (4) Subdivisions with more than two hundred fifty-one (251) lots—The number of access points shall be determined by the city; however, there must be at least two (2) points of access, with at least one (1) point of access via a boulevard street section of at least one hundred twenty (120) feet in length (end of median to end of median), with no lots having direct access to the boulevard street section serving as said access, and at least one (1) point of access being directly to a collector or major thoroughfare.
 - (5) For the purposes of this subsection, a boulevard street shall mean a divided four-lane street with a minimum fifteen-foot wide median and minimum eighty-foot right-of-way.
- (o) *Construction.* All streets dedicated within a subdivision in the city or its extraterritorial jurisdiction shall be constructed in accordance with paving widths and specifications as set forth in the current design standards of the city at the time at which the final plat is recorded.
- (p) *Future streets.* When a tract of land is subdivided into parcels that are larger than normal building lots, such parcels shall be arranged to permit the opening of future streets and a logical ultimate resubdivision.
- (q) *Rural streets.* Rural streets may be provided in subdivisions where lots conform to the minimum requirements for rural lots (section 25-67(7)(b) Rural Lots) in:
- (1) Areas identified as Rural Rosenberg in the Rosenberg 2035 Comprehensive Plan Future Development Map; and
 - (2) Areas with existing, predominantly asphalt streets with open ditches for which rural streets are determined to be appropriate by the City Engineer.

A rural street shall have a minimum seventy-foot right-of-way with a twenty-eight-foot pavement, which may be asphalt or concrete, provided applicable city and county standards are met. Curbs are not required and open road side ditches may be used for drainage. No parking shall be allowed along a rural street right-of-way.

- (r) *Points of access.* Multi-family dwelling subdivisions, including apartment and condominium subdivisions, shall have an adequate number of access points to provide for an orderly and safe movement of vehicular traffic. The minimum number of points of access from said subdivisions shall be as follows:
- (1) *Subdivisions with fifty (50) or fewer dwelling units*—One (1) point of access.
 - (2) *Subdivisions with fifty-one (51) to one hundred twenty-five (125) dwelling units*—Two (2) points of access, or one (1) point of access if that access is via a boulevard street section with no dwelling units having direct access to the divided boulevard street section serving as said access.
 - (3) *Subdivisions with one hundred twenty-six (126) to two hundred (200) dwelling units*—Two (2) points of access, with at least one (1) point of access via a boulevard street section of at least one hundred twenty (120) feet in length (end of median to end of median), with no dwelling units having direct access to the boulevard street section serving as said access, and at least one (1) point of access being directly to a collector or major thoroughfare.
 - (4) For the purposes of this subsection, a boulevard street shall mean a divided four-lane street with a minimum fifteen-foot wide median and minimum eighty-foot right-of-way.”

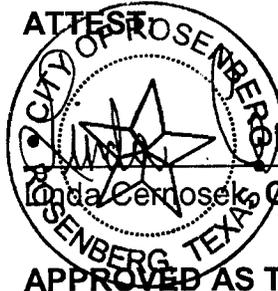
Section 2. Any person who violates any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount as provided in Section 1-13 of this Code. Each day of violation shall constitute a separate offense.

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 Rosenberg, 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. This Ordinance shall be cumulative of all provisions of ordinances of the City of Rosenberg, Texas, except where the provisions of the Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed. Any and all previous versions of this Ordinance to the extent that they are in conflict herewith are repealed.

Section 5. This Ordinance shall become effective immediately upon its passage, approval and publication as provided by law.

PASSED AND APPROVED by a vote of 7 "ayes" in favor and 0 "noes" against on this first and final reading in full compliance with the provisions of Section 3.10 of the Charter of the City of Rosenberg on the 16th day of August 2016.

ATTEST

[Signature]
Linda Cerrosek, **City Secretary**

APPROVED:
[Signature]
Cynthia A. McConathy, **Mayor**

APPROVED AS TO FORM:

[Signature]
Cynthia Trevino, **City Attorney**
Denton Navarro Rocha Bernal Hyde & Zech, P.C.