

ORDINANCE NO. 2017-2

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BEASLEY, TEXAS, ADOPTING BUILDING REGULATIONS FOR MULTI-FAMILY DEVELOPMENTS; PROVIDING FOR SEVERABILITY; PROVIDING A PENALTY NOT TO EXCEED \$500.00; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Beasley, Texas (the "City Council") seeks to promote the health, safety and general welfare of the community by preventing death, injuries and property damage within the city and the City's extraterritorial jurisdiction ("ETJ"); and

WHEREAS, the City Council seeks to protect property values within the city and the City's ETJ; and

WHEREAS, the City Council seeks to lessen the impact of multi-family development on adjacent single family residential areas; and

WHEREAS, the City Council also chooses to adopt this Ordinance in accordance with Subchapter B, Texas Local Government Code, Chapter 212; and

WHEREAS, the City has adopted this Ordinance after public hearing on this matter;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEASLEY, TEXAS THAT:

Section 1. Applicability; definitions.

The provisions of this ordinance shall apply to the development, construction, renovation and occupancy of a multi-family development. The development plat required by this ordinance shall apply within the City and its extraterritorial jurisdiction; provided, however, nothing herein shall extend the City's adopted construction codes to apply to the City's extraterritorial jurisdiction.

As used herein, the following terms shall be defined as follows:

- (a) *building* shall mean any enclosed space, not to include areas enclosed with a fence of less than seven (7) feet in height;
- (b) *development* shall mean the new construction or the enlargement of any exterior dimension of any building, structure, or improvement;
- (c) *dwelling unit* shall mean a single unit that provides living quarters for one or more persons, including areas for sleeping, eating, cooking, and sanitation;
- (d) *exterior* shall mean the facade of a building not including windows or doors;

- (e) *masonry* shall mean brick, stone, real stucco, hardiplank or a combination thereof and shall not include exterior insulation and finishing system (EIFS) or any other material not specifically provided for in this definition;
- (f) *multi-family dwelling building* shall mean any structures designed, constructed, or renovated to contain two (2) or more rental units, including but not limited to apartments, townhomes, condominiums, and duplexes; and
- (g) *multi-family dwelling development* shall mean the entire premises surrounding a multi-family dwelling building constructed on one or more contiguous lots or tracts of land owned by the same or related persons, including but not limited to, common areas, green spaces, amenities, parking lots, and any other improvements or surrounding land area;
- (h) *rental unit* shall mean a dwelling unit, or any portion thereof that is rented or offered for rent as a residence.

Section 2. Density and size, access and separation between multi-family dwelling buildings.

- (a) *Size.* Each multi-family dwelling building shall be limited to not more than seven thousand (7,000) square feet per floor. Multi-family dwelling buildings shall be limited to two (2) floors, and shall not exceed thirty (30) feet in height above finished grade. Each multi-family dwelling building shall be separate and separated from other buildings by distances as stated in subsection (c) of this section.
- (b) *Access.* Access must be provided around the entire perimeter of all multi-family development for emergency vehicles, including fire trucks, police cars, ambulances and garbage trucks. This access area must be paved and have a width of at least twenty (20) feet. Multi-family developments with less than ten (10) multi-family dwelling units are exempt from this requirement. Multi-family developments may not be developed in stages or phases to circumvent this requirement.
- (c) *Separation.* Each building within a multi-family dwelling development shall be separated from other buildings by not less than thirty (30) feet. Enclosed courtyards shall not be less than forty (40) feet in depth, width, and length.
- (d) *Building lines.* The following minimum building lines shall be required for lots or tracts containing multi-family dwelling buildings, measured from the applicable property line; provided, however, if the lot is encumbered with a street right-of-way, such building line shall be measured from the boundary line of such street right-of-way:
 - (1) *Front yard.* The front yard building line shall not be less than thirty-five (35) feet.
 - (2) *Side yard, interior.* The interior side yard building line shall be not less than (a) thirty (30) feet if a one-story multi-family dwelling building (not to exceed fifteen (15) feet in height) is to be constructed; or (b) fifty (50) feet if a two-story multi-family dwelling building (not to exceed thirty (30) feet in height) is to be constructed.

- (3) *Side yard, street.* The side building line adjacent to a street shall be not less than thirty (30) feet, except that where the side yard is adjacent to a collector street or major thoroughfare such building line shall be not less than thirty-five (35) feet.
 - (4) *Rear yard; interior; alleyways.* The rear building line shall be not less than: (i) thirty (30) feet if a one-story multi-family dwelling building (not to exceed fifteen (15) feet in height) is to be constructed; or (ii) fifty (50) feet if a two-story multi-family dwelling building (not to exceed thirty (30) feet in height) is to be constructed. Provided, however, where the rear property line abuts an alleyway, there shall be a minimum of thirty (30) feet between the buildings abutting said alleyway.
 - (5) *Rear yard, major street.* A rear building line adjacent to a collector street or a major thoroughfare shall be not less than thirty (30) feet.
- (e) *Density.* No multi-family dwelling development shall contain more than fourteen (14) units per net platted acre. The net platted acreage shall be the total platted acreage of the development, less any acreage occupied by lakes or ponds, irrigation canals or drainage canals. For a multi-family development with one-story multi-family dwelling buildings the density shall not exceed seven (7) dwelling units per net platted acre. For a development with two-story or a combination of one- and two-story multi-family dwelling buildings the density shall not exceed fourteen (14) dwelling units per net platted acre. At no time shall any acre contain more than fourteen (14) dwelling units.
- (f) *Total Units.* The total number of units within a multi-family development shall not exceed two hundred (200). Multi-family developments may not be developed in stages or phases to circumvent this requirement.

Section 3. Masonry construction.

At a minimum, seventy-five (75) percent of the exterior walls of a multi-family dwelling development shall be constructed of masonry materials and shall contain an appropriate moisture barrier in accordance with the adopted construction codes of the City.

Section 4. Screening and Security.

The following screening and security requirements shall apply to multi-family dwelling developments:

- (1) All refuse containers shall be screened;
- (2) An eight-foot tall decorative masonry wall shall be constructed on the sides and rear of any multi-family dwelling development;
- (3) All walls shall be constructed of a solid masonry material of brick, decorative block or similar material. Similar material shall not include smooth face concrete masonry blocks or units. Masonry walls shall be erected on a concrete foundation of adequate strength and shall be not less than four (4) inches wider than the wall to be erected;

- (4) For security purposes, structurally sound gates complying with applicable codes shall be placed at all entrances to multi-family dwelling developments in a manner sufficient to restrict access to residents and authorized visitors. Master codes to the gates shall be provided to the Chief of Police to provide for unrestricted access to police, fire and EMS emergency services and police routine patrol; and
- (5) On-site management shall be present at all times.

Section 5. Site plan; development plat required.

At the time a preliminary plat application is submitted, a preliminary site plan of the multi-family development shall be submitted as part of the subdivision plat approval process. At the time a final plat application is submitted, a final development plat prepared by a registered professional land surveyor shall be submitted for review and approval showing: each existing and proposed building, structure or improvement; each easement or right-of-way; and the dimension of each street, sidewalk or park,. Any site plan of the multi-family development submitted in conjunction with an application for a building permit shall be in accordance with the final site plan approved by the City Council. This requirement to provide a site plan shall be cumulative of, and in addition to, such other regulations and requirements as may be imposed by the City. A site plan may be denied by the City if the proposed multi-family development is within one half (1/2) mile of an existing multi-family development, resulting in undue concentration of multi-family developments as determined by the City.

Section 6. Special protective requirements.

- (a) All multi-family dwelling buildings shall be constructed using one-hour fire-resistive materials in all walls, floors, ceilings, and attic separations, and shall contain a fire sprinkler system on all floors.
- (b) The use of wood shingle roofing and cedar shake siding materials is prohibited.

Section 7. Open green space requirements.

- (a) A minimum of thirty (30) percent of the net platted area shall be open green space. "Open green space" is defined as, and limited to, common areas of open green space with landscaping or open community recreational areas. Open green space does not include any areas specifically designated or used as building sites for multi-family units, buildings sites for utility or storage buildings, parking lots, garages, streets, or driveways within a multi-family development. The actual surface areas of open green space, such as common area lawns and landscaping, and community recreational areas, such as playgrounds, community swimming pools and surrounding paved deck area, community tennis courts, and other open common recreation areas, shall be credited towards the minimum requirement for open green space. Recreational facilities located within enclosed buildings shall not be considered open green space. Park land provided as part of a large development or other City requirement may be included in satisfaction of the minimum

required area of open green space required by this section, with the exception that detention basins (dry-bottom) shall not be used to satisfy open green space requirements.

- (b) All multi-family dwelling developments shall provide at least three (3) of the following amenity items:
 - (1) Tennis courts* (minimum two (2));
 - (2) Swimming pool;
 - (3) Recreation/community center or room;
 - (4) Basketball court* (full court);
 - (5) Fitness center; or
 - (6) Playground area.

**A basketball court or tennis court shall not occupy the same space to be counted as separate amenities.*

Section 8. Street access and off-street parking requirements.

- (a) Multi-family dwelling developments 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 developments shall be provided in accordance with the adopted fire code of the City or as otherwise approved by the fire marshal.
- (b) All multi-family buildings and all common/recreational areas shall have direct access to a driveway or access street, which shall be constructed in accordance with the City's and Fort Bend County minimum standards for a private street or as otherwise approved by the fire marshal.
- (c) Off-street parking spaces shall be provided at a ratio of 1.66 spaces per each dwelling unit. The number of spaces required shall be rounded up to the nearest whole number. Each parking space shall be not less than nine feet wide or less than 19 feet in length. Each parking space shall have a sealed, non-dusting surface, such as concrete or asphalt. Maneuvering space is additional to the parking space.

Section 9. Lighting.

Each multi-family dwelling development shall include lighting for all recreational areas, driveways, access streets, entrances, and exits.

Section 10. Minimum square footage.

Each dwelling unit within a multi-family development shall meet the following minimum square footage requirements:

- (1) Each one-bedroom unit shall have a minimum of area of six hundred (600) square feet;
- (2) Each two-bedroom unit shall have a minimum area of nine hundred (900) square feet;
- (3) Each three-bedroom unit shall have a minimum area of one thousand two hundred (1,200) square feet; and
- (4) No four-bedroom units shall be permitted.

Section 11. Exceptions.

The following developments shall be subject to the standard regulations set forth in this ordinance, except as otherwise hereinafter provided:

- (1) Federally funded (example: U.S. Department of Housing and Urban Development, commonly referenced as "HUD") projects that comply with HUD Section 811 regulations for such projects, which is restricted to housing for persons with physical disabilities, developmental disabilities, or chronic mental illness, shall be subject to the following requirements:
 - a. *Applicability; Non-profit organizations:* Entity must provide proof of non-profit status and federally funded status concurrently with the submittal of a site plan for consideration by the City;
 - b. *Density:* Maximum density of seven (7) units per net platted acre;
 - c. *Number of units:* Maximum number of fifteen (15) units within a development;
 - d. *Minimum development area:* Two (2) acres;
 - e. *Parking:* Minimum of two (2) spaces per unit;
 - f. *Building separation:* Minimum building separation of eighteen (18) feet;
 - g. *Property line fencing:* A fence, consisting of chain link, wrought iron, or wood panels, shall be required along the perimeter property lines. An opaque fence shall be required along any property line that is adjacent to a residential use, or property platted for residential use, at the time of development of the multi-family use;
 - h. *Amenities:* A minimum of one (1) of the following amenities shall be provided:
 1. Tennis courts;
 2. Swimming pool;
 3. Recreation/community center or room;

4. Basketball court;
 5. Fitness center;
 6. Playground area;
 7. Open green space/play area; or
 8. Gazebo;
- i. *Size of units:* Units shall be a minimum of five hundred (500) square feet;
 - j. *Maximum number of residents per unit:* Three (3), with one (1) of those residents being at least eighteen (18) years of age or older; and
 - k. *Site plans:* All site plans shall be submitted to the planning commission for a recommendation, and the city council for final approval.

Section 12. Conflict.

If there is a conflict between a requirement of this Ordinance and any other ordinance or requirement of the City, the most stringent requirement shall apply. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall apply.

Section 13. Penalty.

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 not to exceed \$500.00. Each day of violation shall constitute a separate offense.

Section 14. Repeal.

This ordinance is intended to be cumulative and shall not repeal any previous ordinance except to the extent that any provision of such ordinance is inconsistent and cannot be reconciled with any provision contained herein.

Section 15. Effective date.

This ordinance shall be effective immediately upon adoption and publication of this ordinance or a caption that summarizes the purpose of this ordinance and the penalty for violating this ordinance in every issue of the official newspaper for two days, or one issue of the newspaper if the official newspaper is a weekly paper, in accordance with Section 52.011 of the Texas Local Government Code.

Section 16. Severability.

In the event any section, paragraph, subdivision, 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 of provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Beasley, 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, or whether there be one or more parts.

PASSED, APPROVED AND ADOPTED this the 18th day of April 2017.

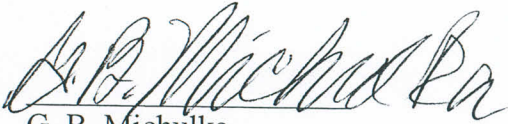
APPROVED:



Kenneth Reid

Mayor

ATTEST:



G. B. Michulka

City Secretary