

ORDINANCE NO. 22-T

AN ORDINANCE OF THE CITY OF ALVIN, TEXAS, AMENDING CHAPTER 31, APARTMENT DEVELOPMENTS, OF THE CODE OF ORDINANCES OF THE CITY OF ALVIN, TEXAS, FOR THE PURPOSE OF AMENDING SECTION 31-1 DEFINITIONS, SECTION 31-3 STREETS AND ALLEYS, SECTION 31-4 LOTS, AND SECTION 31-7 ADDITIONAL REGULATIONS; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY; AND SETTING FORTH OTHER PROVISIONS RELATED THERETO.

WHEREAS, the City Council of the City of Alvin is continually reviewing the provisions of the City Code of Ordinances to ensure that it meets the current needs of the City and that the procedures herein reflect standard practice; and

WHEREAS, the City Council of the City of Alvin desires to promote the health, safety, and general welfare of its citizens;

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

Section 1. That Chapter 31, Apartment Developments, of the Code of Ordinances, City of Alvin, Texas, is hereby amended with the language as follows:

CHAPTER 31 APARTMENT DEVELOPMENTS

Sec. 31-1. Definitions.

The following definitions shall apply to this chapter:

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Apartment project shall mean an apartment development or plan which is submitted and approved by a single permit and which is laid out on contiguous or adjacent land which is owned in fee by the developer.

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Sec. 31-3. Streets and alleys.

- (a) Interior streets shall have a minimum right-of-way width of fifty (50) feet and shall be developed with a minimum twenty eight (28) foot paving section with concrete curbs and gutters and sidewalks in accordance with standards set forth in chapter 21 of this Code.
- (b) Access streets shall have a minimum right-of-way width of sixty (60) feet and shall be classified as a minor/major collector or arterial roadway on the city's Thoroughfare Plan.
- (c) All apartment projects shall have direct access from at least one dedicated and accessible public street having a right-of-way width of not less than sixty (60) feet.
- (d) Alleys, where provided, shall have a minimum right-of-way width of twenty (20) feet and shall be developed with a concrete pavement in accordance with the standards set forth in chapter 21 of this Code.

Sec. 31-4. Lots.

- (a) Each apartment project shall be located on a minimum one (1)-acre lot with a maximum acreage of ten (10) acres.

- (b) Minimum set back lines:

Front and rear: Minimum front and rear apartment setback lines shall be at least twenty-five (25) feet from the property line. Each corner lot shall have at least the minimum front residential building setback on both streets.

Side yard: Side yard setback lines shall be at least ten (10) feet from the property line for apartment. Exception: Minimum setback lines shall increase ten (10) feet from a 60-foot right-of-way where minor or major thoroughfare is planned in the thoroughfare plan of the City of Alvin.

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Sec. 31-7. Additional regulations.

- (a) No mining, excavation, or soil removal shall be allowed except in connection with construction covered by a building permit.
- (b) All utilities shall be placed underground.
- (c) At least eighty (80) percent of the exterior walls of each apartment group shall be constructed of brick, stone or masonry.
- (d) A wooden, brick, or masonry fence at least six (6) feet in height shall be constructed along that portion of the perimeter of the property upon which the apartment project is located which does not abut a public street.
- (e) No apartment project shall be located nearer than three hundred (300) feet to a single-family residential dwelling unless it is, also, located within three hundred (300) feet of another apartment project. The measurement of the distance between the apartment project and single-family residential dwelling or other apartment project shall be in a direct line from the property line of the apartment project to the property line of the single-family residential dwelling or other apartment project.

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Section 2. That except as amended herein all other provisions of Chapter 31 of the Code of Ordinances, City of Alvin, Texas, shall remain in full force and effect. To the extent of any conflict or inconsistency between the provisions of this Ordinance and any other ordinance, the provisions of this Ordinance shall control.

Section 3. Penalties. Any person, firm, entity or corporation violating any provision of this Ordinance, as it exists or may be amended, shall be guilty of a misdemeanor, and on conviction, shall be fined in an amount not to exceed \$500. Each continuing day's violation shall constitute a separate offence. The City of Alvin retains all legal rights and remedies available to it pursuant to local, state and federal law.

Section 4. Severability. Should any section or part of this Ordinance be held unconstitutional, illegal, invalid, or the application to any person or circumstance for any reasons thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this Ordinance are declared to be severable.

Section 5. Incorporation into Code of Ordinances. The provisions of this ordinance shall be included and incorporated in the Code of Ordinances, City of Alvin, Texas, as an addition, amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

Section 6. Effective Date. This Ordinance shall take effect immediately from and after its passage in accordance with the provisions of Chapter 52 of the Texas Local Government Code and the City of Alvin Charter.

Section 7. Open Meetings Act. It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required and the public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the *Texas Government Code*. Notice was also provided as required by Chapter 52 of the *Texas Local Government Code* and the *City of Alvin Charter*.

Section 8. Publication. The City Secretary of the City of Alvin is hereby directed to publish this Ordinance, or its caption and penalty clause, in one issue of the official City newspaper as required by the City of Alvin Charter.

PASSED and APPROVED on the 17th day of March 2022.

THE CITY OF ALVIN, TEXAS

ATTEST

By: _____
Paul A. Horn, Mayor

By: _____
Dixie Roberts, City Secretary