

ORDINANCE NO. 341

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BANDERA AMENDING THE SUBDIVISION ORDINANCE OF THE CITY OF BANDERA, TEXAS, ARTICLE V, STREETS, SECTION 1, GENERAL LAYOUT AND ALIGNMENT OF STREETS; PROVIDING FOR SEVERABILITY; PROVIDING FOR PROPER NOTICE AND MEETING; REPEALING ALL ORDINANCES OR SECTIONS OF ORDINANCES IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City Council of the City of Bandera, Texas (the "City"), has previously adopted regulations to provide for the regulation of the general layout and alignment of streets; and

WHEREAS, the City Council of the City has evaluated the effectiveness of the regulations and deems it necessary to amend the City's Code of Ordinances by revising the Subdivision Ordinance, Article 5, Streets, Section 1, General Layout and Alignment of Streets; and

WHEREAS, because this is an amendment to the subdivision regulations, this code amendment comes to the City Council with a recommendation of approval from the Planning and Zoning Commission; and

WHEREAS, the City Council finds that amending the City's Code of Ordinances as described herein will further promote the public health, safety, and general welfare of the City.

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

I. CODE AMENDMENT

The City of Bandera Code of Ordinances, Subdivision Ordinance, Article V, Streets, Section 1, General Layout and Alignment of Streets, is hereby amended as set forth in the attached Exhibit A, which is fully incorporated herein by reference.

II. REPEALER

All ordinances, or part thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein for the period of time stated.

III. SEVERABILITY

It is hereby declared to be the intention of the City Council of the City that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the

valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

IV. PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was adopted was open to the public and that 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, as amended.

V. PENALTY

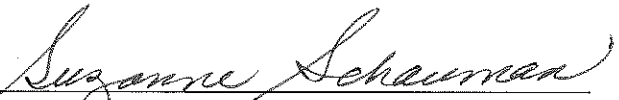
Any Person violating any of the provisions of this Ordinance shall be deemed guilty of a Class C misdemeanor upon conviction and shall be fined, except as otherwise provided herein, in a sum not to exceed five hundred dollars (\$500.00) for each offense, and a separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

VI. EFFECTIVE DATE

This ordinance shall become effective immediately upon its passage and any publication required by law.

PASSED, ADOPTED, APPROVED, AND EFFECTIVE THE 18TH DAY OF JANUARY, 2018.

CITY OF BANDERA, TEXAS

By: 
Suzanne Schauman, Mayor

ATTEST:



Jill Shelton, City Secretary

EXHIBIT A

AMEND THE SUBDIVISION ORDINANCE OF THE CITY OF BANDERA, TEXAS, ARTICLE V, STREETS, SECTION 1, GENERAL LAYOUT AND ALIGNMENT OF STREETS, AS FOLLOWS:

SECTION 1. GENERAL LAYOUT AND ALIGNMENT OF STREETS

DELETE:

A. — General Requirements

~~Adequate streets shall be provided by the subdivider, and the arrangement, character, extent, width, grade and location of each shall conform to the comprehensive plan of the City and shall be considered in their relation to existing and planned streets, to topographical conditions, to public safety and convenience, and in their appropriate relationship to the proposed uses of land to be served by such streets. The street layout shall be devised for the most advantageous development of the entire neighborhood.~~

B. — Continuation of Existing Streets

~~Where necessary to the neighborhood, existing streets in adjoining areas shall be continued, and the new streets shall be at least as wide as the existing streets and in alignment therewith. Arterial, and collector streets shall be extended through any new subdivision along the general route indicated in the City's comprehensive plan, with due regard to the specific terrain and topography of the subdivision site. Off-center street intersections with streets in adjacent subdivisions shall be avoided.~~

C. — Interior Circulation Streets

~~Adequate collector streets shall be provided for the circulation of traffic through the subdivision, and adequate minor streets shall be provided to accommodate the subdivision.~~

D. — Projection into Unsubdivided Areas

~~Where adjoining areas are not subdivided, the arrangement of streets in the subdivision shall make provision for the proper projection of streets into such unsubdivided areas.~~

E. — Street Jogs

~~Whenever possible, street jogs with centerline offsets of less than 150 feet shall be avoided.~~

F. — Half Streets

~~In the case of collector, minor, and marginal access streets, no new half streets shall be platted.~~

G. — Dead-End Streets

~~Dead-end streets are prohibited except as short stubs to permit future expansion. The length of such a stub shall not exceed the frontage of the corner lot which has the greater frontage on either side of the dead-end street.~~

H. — Private Streets

~~Private streets are prohibited.~~

ADD:

A. Preventing Conflict or Confusion.

New streets in a subdivision shall be named in a way that will provide continuity of street names and prevent conflict or confusion with existing street names in the City, in the City's extraterritorial jurisdiction or in the County. A proposed new street name is in conflict with this subsection where:

- (1) It duplicates or sounds phonetically similar to the name of a street already in use within the City or the City's extraterritorial jurisdiction or designated as a future extension in the current Thoroughfare Plan;
- (2) It differs from an existing street name in the City or the City's extraterritorial jurisdiction by the addition of an auxiliary designation including "avenue," "way," "boulevard," etc.; or
- (3) The street to be named is an extension of or is in substantial alignment with an existing street in the City, the City's extraterritorial jurisdiction or the County and the proposed street name is different from the existing street name.

B. Continuous Extensions.

For any new street segment that is or is planned to be a continuous extension of an existing street, the name of the existing street shall be continued.

C. Aligned Arterial and Collector Streets.

For new segments of arterial and collector streets extended in approximately the same alignment as an existing arterial or collector street, the name of the existing street shall be continued, even if some natural or man-made feature such as a creek, freeway, or golf course precludes physical continuation of the street.

D. Aligned Minor Streets.

New segments of minor streets shall not bear the name of any street existing in approximately the same alignment and separated by some natural or man-made feature such as a creek, freeway, or golf course.

E. Duplication.

The primary name of a new street shall not duplicate the primary name of an existing street, except as specified above or if the new street is a cul-de-sac serving six (6) or fewer lots, in which case the new street may have the same primary name as the street from which it extends, provided that all the following conditions exist:

- (1) The suffix "court" is used to distinguish the name of that cul-de-sac from the name of the street from which it extends, and
- (2) The house numbers on that cul-de-sac are assigned as if they were actually on the side of the street from which the cul-de-sac extends, and
- (3) No existing cul-de-sac or court already carries the primary name.

F. Renaming or Changing Existing Street Names.

- (1) Application shall be submitted to the Planning Department no less than 21 days prior to the date of the Planning and Zoning Commission meeting at which the request is to be heard. An application form for such requests is available in the Office of the City Secretary.
- (2) All requests or proposals are submitted to the appropriate Plat Review Authority 3 days following application submittal.
- (3) Owners of property within 200 feet of the request are notified of the Planning and Zoning Commission meeting at which the request is to be heard.
- (4) Notice of the request is published in the newspaper 15 days prior to the date of the City Council final action on the ordinance changing the street name.
- (5) The Plat Review Committee reviews the request and makes a recommendation to the Planning and Zoning Commission.
- (6) The Planning and Zoning Commission shall hold a public hearing on the request. If denied and not appealed, the proposed change cannot be resubmitted for at least one year. If approved or denied and appealed, the request goes to City Council in the form of an ordinance.

(7) The City Council shall consider the ordinance at two readings - the second reading being a public hearing.

(8) Conditions may be placed on the approval, including a requirement that the applicant is responsible for some or all of the public costs associated with the change (for example, new street signs, etc.).

G. Private Streets

(1) Private streets shall be permitted only as minor streets in all subdivisions. Construction and development of private streets shall meet the standards for right-of-way width and improvement as applied to public streets.

(2) At the time a private street is proposed, it shall be classified as a minor street, as described herein and made to conform in all respects with right-of-way paving, curb and gutter, construction, and design requirements as applicable to a public street.

(3) New subdivision boundary streets shall not be private.