

ORDINANCE NO. 081505

**AN ORDINANCE OF THE CITY OF NIEDERWALD, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE AND MAP OF THE CITY OF NIEDERWALD, AS HERETOFORE AMENDED, AND ORDINANCE NO. 11122002C, BY APPROVAL OF AN AMENDED DEVELOPMENT PLAN FOR TRAILS OF CAMINO REAL, FOR ESTABLISHMENT OF AN ADDITIONAL SINGLE FAMILY ZONING DISTRICT AND DEVELOPMENT CONDITIONS; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000.00) DOLLARS FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the Planning and Zoning Commission of the City of Niederwald and the City Council of the City of Niederwald, in compliance with the laws of the State of Texas with reference to the granting of zoning classifications and changes, have given the requisite notices by publication and otherwise, and have held due hearings and afforded a full and fair hearing to all property owners generally, and the City Council of the City of Niederwald is of the opinion that the Comprehensive Zoning Ordinance should be amended; **NOW, THEREFORE,**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NIEDERWALD, TEXAS:**

**SECTION 1.** That the Comprehensive Zoning Ordinance of the City of Niederwald, Texas, as heretofore amended, as well as Ordinance No. 11122002C be, and the same is hereby, amended by amending the general development plan for the Trails of Camino Real Planned Development District (the "Property") and hereby adopting the general development plan set forth in Exhibit "A" attached hereto, which is incorporated herein for all purposes, and that the Property shall hereafter be generally developed and used in accordance with such general development plan.

**SECTION 2.** That Section 2.01 of Exhibit "C" "Planned Development Regulations" to Ordinance No. 11122002C is hereby amended to read as follows:

**"2.01 Base Zoning Districts; Maximum Acreage:** The following zoning districts are hereby created to apply to the property within the Planned Development District. The property within the Planned Development District may be developed only in accordance with the maximum acreage limits set forth as follows:

<b><u>Zoning District</u></b>	<b><u>Description</u></b>	<b><u>Approx. Acres</u></b>
SF-7	Single Family Residential – 7,000 sf min	375
SF-5	Single Family Residential – 5,000 sf min	350
SF-4	Single-Family Residential—4,000 sf min	150
C	Commercial (Including government uses)	85
O	Minimum Open Space (Public and Private)	100.5"

**SECTION 3.** That Section 2.02 of Exhibit "C" "Planned Development Regulations" to Ordinance No. 11122002C is hereby amended by adding subsection (4.) to read as follows:

**"4. SF-4**

**Permitted Uses:** Single-family detached dwellings in accordance with the following limits:

**Development Minimums:**

Lot Area:	4,000 square feet
Lot Width:	40 feet, 35 feet for lots fronting cul-de-sac
Lot Depth:	100 feet
Front Yard:	20 feet
Side Yard:	"Zero Side" Option: Three (3) feet on one side and ten (10) feet on the opposite side:(Zero (0) feet for detached garage) "Center" Option: Ten (10) feet
Rear Yard	10 feet; zero (0) feet for detached garage.
Dwelling Unit Size:	1,000 square feet

**Development Maximums:**

Height	2.5 stories
Lot Coverage	55%
Units per Acre	7

**Prohibited Uses:** The following uses are expressly prohibited: manufactured homes, mobile homes, and modular housing.

**Other regulations for lots with a "zero side" option:**

1. A roof overhang equipped with a gutter may extend a maximum of eight (8) inches (8") into a neighboring property. No other roof overhangs or extensions from a wall may extend into a neighboring lot.
2. The closest exterior roofline to an adjacent property shall be storm guttered if the general slope of the roof falls toward the neighboring property. Gutters shall include returns to direct the water to the lot of origin.
3. A five foot (5') wide access, maintenance, and use easement shall be dedicated on the final plat for all lots adjacent to lots with a "zero side." The purpose of this easement is to give the adjoining owner access for maintenance of his/her dwelling.
4. The majority of the "zero side" of the structure shall be located within three feet (3') of the side lot line. Building walls which are located adjacent to the "zero" side of the lot shall not have any doors, windows, ducts, grills, vents, or other openings. This requirement precludes exterior walls forming enclosures for courts, patios, or similar indentations to the "zero" wall. The "zero side" of the lot shall not be located on the street side of the lot or on the interior side of a lot that is adjacent to any lot(s) that is/are not situated within a SF-4 Zoning District.
5. The "zero side" shall be designated on the final plat. All access, maintenance, and use easements shall be provided on the preliminary and final plats."

**SECTION 4.** That all ordinances of the City of Niederwald in conflict with the provisions of this ordinance or the Comprehensive Zoning Ordinance, as amended hereby, be, and the same are hereby, repealed and all other provisions of the ordinances of the City of Niederwald not in conflict with the provisions of this ordinance or the Comprehensive Zoning Ordinance, as amended hereby, shall remain in full force and effect.

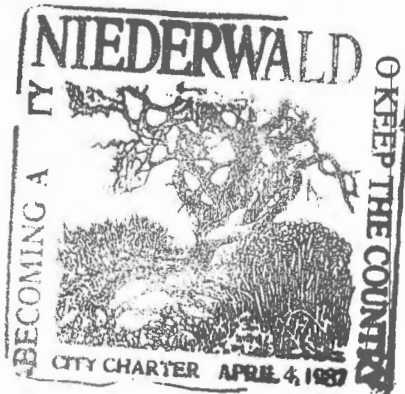
**SECTION 5.** That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part of provision thereof other than the part decided to be invalid, illegal or unconstitutional, and the same shall not effect the validity of the Comprehensive Zoning Ordinance as a whole.

**SECTION 6.** That any person, firm or corporation violating any of the provisions or terms of this ordinance or the Comprehensive Zoning Ordinance, as amended hereby, shall be subject to

the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Niederwald, Texas, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Thousand (\$2,000.00) dollars for each offense, and each and every day such a violation is continued shall be deemed to constitute a separate offense.

**SECTION 8.** That this ordinance shall take effect immediately from and after its passage and the publication of the caption as the law in such cases provide.

**DULY PASSED** by the City Council of the City of Niederwald, Texas, on the 15th day of August, 2005.



**APPROVED:**

Shirley Whisenant  
**MAYOR**

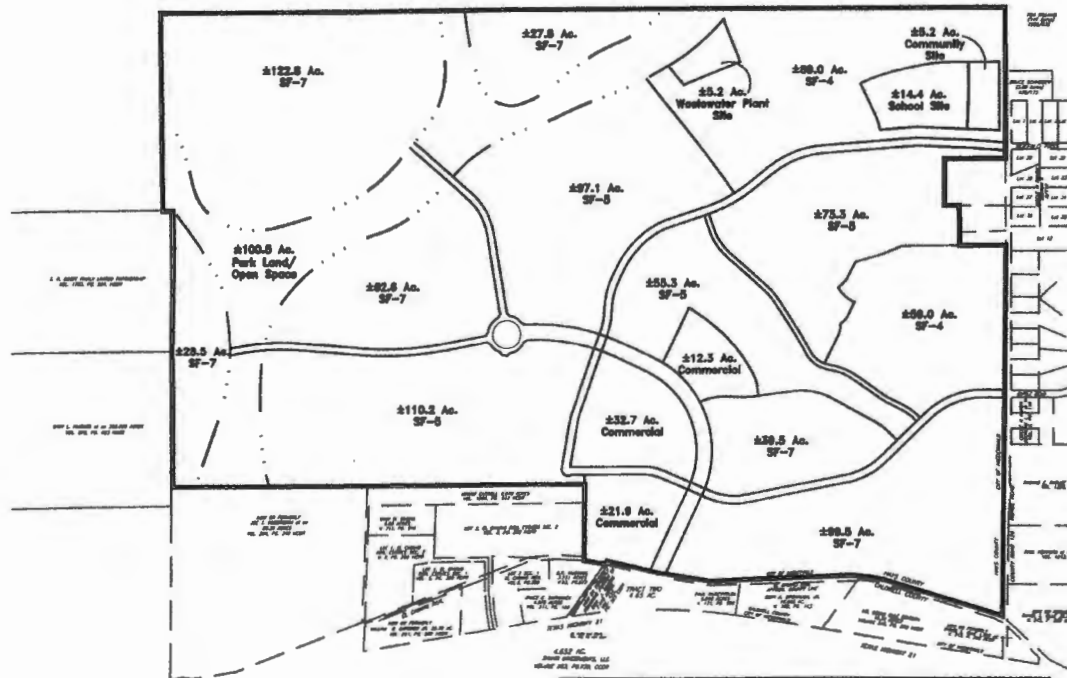
**ATTEST:**

Angie Schube  
**CITY SECRETARY**

**APPROVED AS TO FORM:**

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**CITY ATTORNEY**

**EXHIBIT "A"**  
**GENERAL DEVELOPMENT PLAN**



SCALE: 1" = 1200'

**NOTE:**

THIS EXHIBIT IS CONCEPTUAL IN NATURE. INDIVIDUAL POD LOCATIONS AND ACREAGES ARE SUBJECT TO CHANGE.

**PREPARED BY:**

**S. D. KALLMAN, L.P.**  
Engineers and Environmental Consultants  
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Round Rock, TX. 78664  
Phone: (512) 218-4404  
Fax: (512) 218-1688

**OWNER/DEVELOPER:**

**CAMINO REAL DEVELOPMENT L.L.C.**  
9441 LBJ FREEWAY, SUITE 512  
DALLAS, TEXAS 75243  
(214) 575-8102

**LAND USE PLAN**

USE	ACRES
SF-7	± 380.7
SF-5	± 335.9
SF-4	± 148.0
COMMERCIAL	± 66.9
SCHOOL	± 14.4
COMMUNITY SITE	± 5.2
PARK LAND/OPEN SPACE	± 100.5
WASTEWATER PLANT	± 5.2
<b>TOTALS</b>	<b>±1,056.8</b>

**GENERAL DEVELOPMENT PLAN  
FOR  
THE TRAILS OF CAMINO REAL  
BEING ±1,056.8 ACRES  
CITY OF NIEDERWALD, TEXAS  
REVISED JULY 15, 2005**

13851 Camino Real  
Niederwald, Texas 78640-4807

City of  
Niederwald

Tel. 512-398-6338  
FAX: 512-376-9966



STATE OF TEXAS}

COUNTY OF HAYS}

I hereby certify, in the performance of the functions of my office, that the attached instrument is a full, true and correct copy of Ordinance No. 081505 as the same appears of record in my office and that said document is an official record from the public office of the City Secretary of the City of Niederwald, Hays County, Texas, and is kept in said office.

I further certify that I am the City Secretary of the City of Niederwald, Texas, that I have legal custody of said record, and that I am a lawful possessor and keeper and have legal custody of the records in said office.

In witness whereof I have hereunto set my hand and affixed the official seal of said office this 16th day of August, 2005.

Angie Schube  
City Secretary  
City of Niederwald  
Hays County, Texas

