



City of Rhome

Planning & Zoning Meeting June 7, 2021

By Well Estates: Background

By Well Estates



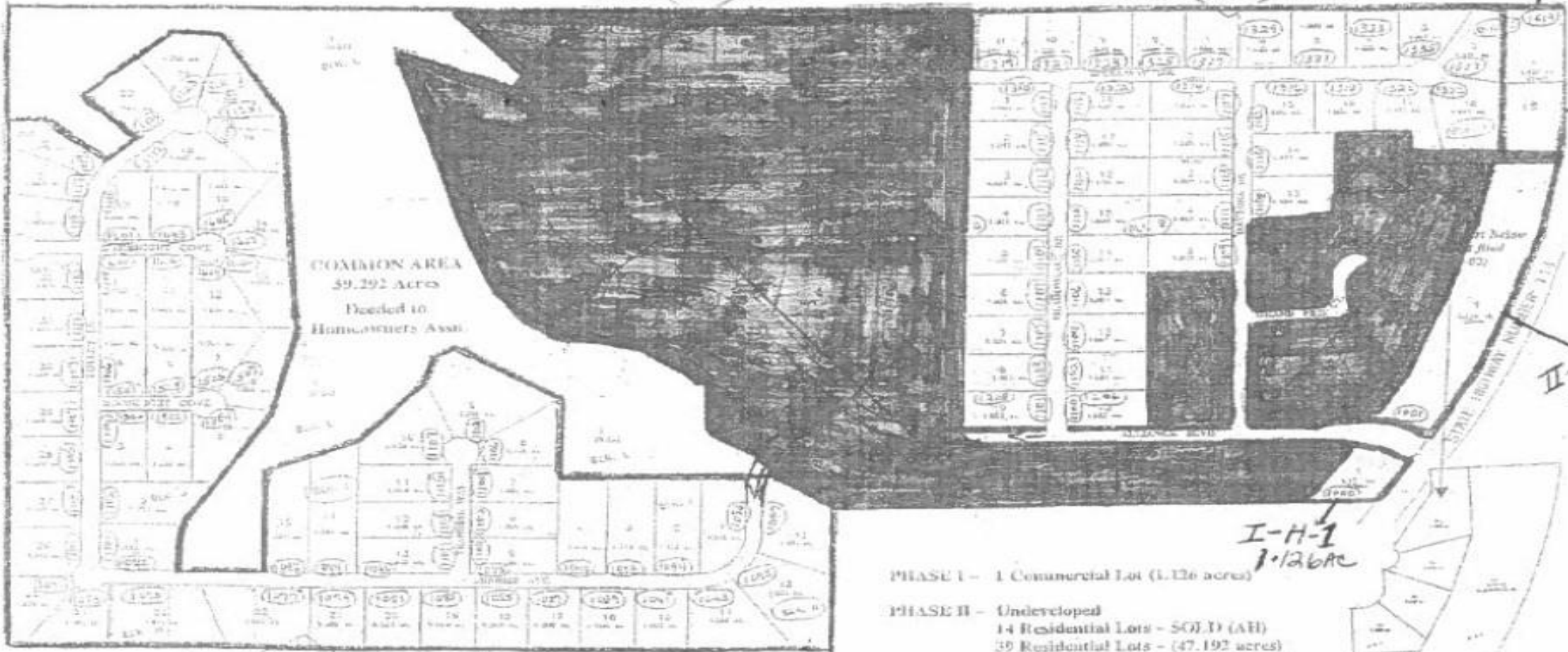
- Began as Mobile Home community in the unincorporated area
- Original Developer planned to develop in 3 Phases; only completed Phase I
- APRIL 1996 - Annexed into the City of Rhome (Ord. 96 - 8)

Commercial Lot along Hwy 114

① Replat

PHASE I - SOLD

PHASE II (Undeveloped)



PHASE III (Undeveloped)

PHASE I - 1 Commercial Lot (1.126 acres)

PHASE II - Undeveloped
14 Residential Lots - SOLD (AH)
39 Residential Lots - (47.192 acres)
3 Commercial Lots - (10.166 acres)

PHASE III - Undeveloped - (81.513 acres)

BY WELL ESTATES - RHOME, TX - WISE COUNTY

By Well Estates: Background

By Well Estates

- 1996 - Zoned as Planned Development District (Ordinance 96 - 11)
- Included was the codification of the deed restrictions and/or HOA Rules & Regs

ARTICLE X

RESTRICTIONS

The following restrictions are imposed as a common scheme upon each Lot, the Common Area and Special Common Areas in the Subdivision, for the benefit of each other Lot, the Common Area and Special Common Areas, and may be enforced by Declarant, any Owner or the Association.

All of the Lots, the Common Area and Special Common Areas shall be subject to the terms, conditions, reservations and restrictions set out on the Plat and the following restrictions:

(1) All Lots in the Subdivision, except Lot 1, Block H, Phase I; are to be used for residential purposes only and shall not at any time be used for the purpose of any trade, business, manufacturing or commercial enterprise of any kind. However, Lot 1, Block H, Phase I may be used for commercial purpose.

(2) All Lots in the Subdivision are restricted to new, multi-sectional homes (double-wides, etc.), which must be secured in accordance with the Standards Code of the Texas Department of Housing and Community Affairs, Manufactured Housing Division

(3) Each home must be completely underpinned (skirted) within sixty (60) days from placement with appropriate material complementary to the home.

(4) No building, auxiliary building, or any structure shall be erected, placed, or altered on any Lot without prior approval from the Architectural Review Committee. The exterior must be completed within six (6) months after the ground breaking.

(5) All homes must be set back a minimum of twenty-five (25) feet from the front property line and ten (10) feet from side and rear property lines on Lots located within the Subdivision. Setback distance must be a minimum of forty (40) feet on all Lots abutting Highway 114. Any additional structure, such as a separate garage or storage building, may not be built or placed in front of the home. The front property line of corner lots will be that property line which the home faces.

(6) Easements for utilities and drainage are reserved along a ten (10) foot strip of land along the front, rear, and sides of each Lot in the Subdivision.

(7) Sewage disposal for each Lot must be a private sewage facility designed by a Registered Professional Civil Engineer or registered professional sanitarian based upon a percolation test performed on the subject Lot. A private sewage facility permit is required from the Public Works Department for each Lot within the Subdivision. The

to prevent storm drainage water from damaging homes on properties that are lower than the road.

(12) Homes shall not be placed in a 100-year flood plain unless the minimum recommended finished floor elevation is complied with, which is not less than one foot above the 100-year flood plain elevation as shown on each lot on the plat that is within the 100-year flood plain.

(13) No improvements, alterations, placement or posting of any object on the exterior of any Lot or the Common Area [e.g., fences, signs, antennae and satellite dishes, clotheslines, playground equipment, pools, propane and other fuel tanks (other than portable gas grills), lighting, temporary structures, solar devices, and artificial vegetation], or planting or removing of landscaping shall take place without the approval of the Architectural Review Committee.

(14) In the event of damage to or destruction of structures on any Lot, the Lot owner shall repair or reconstruct in a manner consistent with the original construction or such other plans and specifications as approved in accordance with Article V within six (6) months. Alternatively, the Owner shall clear the Lot of building debris and maintain it in a neat and attractive, landscaped condition consistent with the community-wide standard.

(15) No storage of furniture, fixtures, appliances, machinery, equipment, wood piles, lumber, or other goods and chattels not in active use which is visible from outside the Lot will be allowed on any Lot. Storage of any material that could pollute surrounding areas, including, but not limited to, batteries, oil pans, and tires, will not be permitted.

(16) All yard equipment, tools, or items of undetermined utility shall be stored in an approved tool shed or storage building.

(17) No property owner shall allow his property to become unsightly or unsafe from uncultured grasses or unmowed weeds or bushes at any time. No rubbish or debris of any kind shall be placed or permitted to accumulate upon or adjacent to any Lot so as to render any such property or any portion thereof, or activity thereon, unsanitary, unsightly, offensive or detrimental to any other portion of the Properties.

(18) No activities shall be conducted upon or adjacent to any Lot or within improvements constructed thereon which are or might be unsafe or hazardous to any Person or property. No open fires shall be lighted or permitted on the any Lot, except in a contained outdoor fireplace or barbecue unit while attended and in use for cooking purposes or within a safe and well designed interior fireplace.

(19) No noxious or offensive activity shall be carried on upon any Lot, nor shall anything be done which may be or become a nuisance to others.

following are additional requirements by Wise County for Lots with private sewage facilities:

(a) Only one single-family residence shall be located on a Lot and only one residence shall be connected to a septic system.

(b) Septic tank performance cannot be guaranteed, even though all provisions of the rules of Wise County, Texas, for private sewage facilities are complied with.

(c) Inspection and/or acceptance of a private sewage facility by the Public Works Department shall indicate only that the facility meets minimum requirements and does not relieve the owner of the property from complying with County, State and Federal regulations. Private sewage facilities, although approved as meeting minimum standards, must be upgraded by the owner at the owner's expense if normal operation of the facility results in objectionable odors, if unsanitary conditions are created or if the facility, when used, does not comply with governmental regulations.

(d) A properly designed and constructed private sewage facility system, in suitable soil, can malfunction if the amount of water it is required to dispose of is not controlled. It will, therefore, be the responsibility of the lot owner to maintain and operate the private sewage facility in a satisfactory manner.

(8) Each Lot must have a driveway culvert which shall be installed in accordance with the policies of Wise County and shall be of sufficient size to pass the five-year storm. In no case shall driveway culverts be less than 12 inches in diameter and a minimum of 20 feet in length, excluding safety ends.

(9) Each Lot must have a driveway above the culvert which should be constructed such that the driveway is six inches below the outside edge of the main road so that storm water which exceeds the capacity of the culvert can pass over the culvert without entering the driveway.

(10) A Lot owner is prohibited from blocking the flow of water or constructing improvements in drainage easements or floodways. The drainage easements or floodways must be left unobstructed so that equipment can be used to clean and maintain them when necessary. No Lot owner shall alter the natural drainage on any Lot to increase materially the drainage of storm water onto adjacent portions of the Properties without the consent of the Lot owner(s) of the affected property, the Board, and the Declarant as long as it owns any portion of the Properties.

(11) Homes placed on lots which are lower than the road or roads on which it fronts and/or abuts shall be built at a finished floor elevation of at least two feet above the proposed grade of the yard adjacent to the slab on the uphill side of the property in order

(20) No garbage or trash shall be placed or kept on any Lot, except in covered containers which shall be kept inside carports, garages, or other structures on Lots except when they are being made available for collection and then only for the shortest time reasonably necessary to effect such collection. All rubbish, trash, or garbage shall be removed from the Lots at least once a week and shall not be allowed to accumulate.

(21) No vehicle (including, but not limited to, automobiles, trucks, boats, trailers, motorcycles, campers, vans, recreational vehicles, and golf carts) may be left upon any portion of the Lot except in a garage, driveway, parking pad, or other area designated by the Board. Commercial vehicles, recreational vehicles, mobile homes, trailers, campers, boats or other watercraft, or other oversized vehicles, stored vehicles, and unlicensed or inoperable vehicles shall not be parked on any Lot other than in enclosed garages.

(22) Chemical pesticides, herbicides and chemical fertilizers will be prohibited for use or application with the Common Areas.

(23) Raising, breeding or keeping of animals of any kind, including livestock and poultry will be prohibited, except that for each Lot there shall be permitted up to a total of two dogs or two cats or one dog and one cat, no more than two birds, and a reasonable number, as determined by the Board, of other usual and common household pets so long as they are confined in a fenced area. No pets will be allowed to run free, nor will pets be allowed that make objectionable noise, endanger the health or safety of, or constitute a nuisance or inconvenience to any property owner. No monkeys, snakes, pigs, goats, poultry, or other livestock will be allowed.

(24) No motor vehicles shall be allowed on any of the Common Areas, except those used for performing maintenance within the Common Areas.

(25) Discharge of firearms or explosives (including fireworks) on any Lot is prohibited. The term "firearms" includes "B-B" guns, pellet guns, and other firearms of all types, regardless of size.

(26) No excavation of top soil, fill dirt, or rock shall take place on any Lot in the subdivision, except for swimming pools, septic tanks, field lines or for leveling purposes directly related to landscaping or architectural improvement of property, all of which is subject to approval.

(27) No water wells may be drilled on the property without written consent of the Association.

All sales or leases of Lots in this Subdivision shall be subject to these Restrictive Covenants, which shall be deemed covenants running with the land.

By Well Estates: Background

- 2008 - Council amended Zoning Ordinance 96 - 11; reducing the 27 'tenants' or 'components to just 6 (Ordinance 2008 - 01)
 - ✓ *The intention was to maintain only the major tenants/components such as requiring new mobile homes (vs. stick-built homes)*
 - ✓ *All City of Rhome ordinances apply, unless they conflict with tenants 1 - 6*

By Well Estates: Background



➤ Deed Restrictions vs. City Ordinances

- ✓ *Deed restrictions stay with the land. Enforcement is a civil issue between homeowners*
- ✓ *City Ordinances are enforced by the City*

By Well: Current PD District Requirements

1. Residential only; excepting specific parcels for commercial
2. New double-wide mobile homes only
3. Must have skirting
4. Must have two porches with handrails
5. Must have detached garage
6. Septic must be designed by Registered Engineer & permitted by Wise County, inspected annually.
7. All other City of Rhome Ordinances apply

EXHIBIT "A"

PROVISIONS

1. All lots in the By Well Estates, except Lot 1, Block H, Phase I, are to be used for residential purposes only and shall not at any time be used for any purpose of any trade, business, manufacturing or commercial enterprise of any kind. However, Lot 1, Block H, Phase I, may be used for commercial purposes.
2. All lots in the subdivision are restricted to residences utilizing new (unless specifically approved by the Planning and Zoning Commission), multi-sectional homes (double-wides, et cetera, and specifically prohibiting single-wides) which must be secured in accordance with the Standards Code of the Texas Department of Housing and Community Affairs, Manufactured Housing Division.
3. Each such home must be completely underpinned (skirted) within sixty (60) days from placement on the lot with appropriate material complementary to the home and in compliance with all existing ordinances or statutes of the City or State of Texas and all existing federal rules and guidelines.
4. Each multi-sectional home must have at least two (2) porches with steps and handrails. The porch off the front entrance must be a minimum size of four feet by eight feet (4' X 8') and the porch off the back entrance must be a minimum size of four feet by four feet (4' X 4').
5. Each lot must have a detached garage with the minimum size being a single-car garage (12' X 24', or 288 square feet) and must have an overhead door. The materials and color for the roof and sides of the garage must be the same as the home. The garage must be centered on the side of the home where possible. The garage must be totally completed no later than one (1) year from the date the home is placed on the lot.
6. Sewage disposal for each Lot must be a private sewage facility designed by a Registered Professional Civil Engineer or registered professional sanitarian based upon a percolation test performed on the subject Lot and provided to the City of Rhome. A private sewage facility permit is required from the City of Rhome Public Works Department for each Lot within the subdivision. Any such sanitary sewer system placed on any such Lot within the subdivision shall meet all State and local requirements.
7. All other ordinances of the City of Rhome not in conflict with these provisions are to be in full force and effect notwithstanding the passage of this ordinance.

What is a Planned Development District?

- *The Planned Development District is a district in which planned associations of uses developed as integral land use units such as industrial districts, offices, commercial or service centers, shopping centers, residential developments of multiple or mixed housing including attached single-family dwellings or any appropriate combination of uses which may be planned, developed or operated as integral land use units either by a single owner or a combination of owners.*
- *A PD District may be used to permit new or innovative concepts in land utilization not permitted by other zoning districts in this Ordinance. While greater flexibility is given to allow special conditions or restrictions that would not otherwise allow the development to occur, procedures are established herein to ensure against misuse of increased flexibility.*

What is a Planned Development District?

- Used to permit new or innovative concepts in land utilization not permitted by other zoning districts in this Ordinance.
- Allows flexibility; procedures are established to ensure against misuse of increased flexibility.
- Look at the PD Zoning Ordinance as a smorgasbord to mix and match
- Not all pieces will be in every PD District
- This is why it is important to pay attention to the 'Detailed Site Plan' in the PD procedure because, once adopted, it becomes that specific PD District's ruling Zoning.
- Case in Point: Underground Utilities were not specifically included so are not required in By Well Estates

By Well Estates: Background



Questions?