

Sec. 71-29. Residential canal zone.

- (a) That Omega Bay Subdivision, located within the city limits of the city is hereby recognized as a residential canal zone.
- (b) That any and all roads within the designated canal zone may be no less than 20 feet in width and shall conform to all current city Code of Ordinance requirements.
- (c) (1) New construction and improvements require the approval of the governing authority of the residential canal zone and a city building permit.
 - (2) Premises shall not be used for anything other than residential purposes and shall not be used directly or indirectly for the conduct of any business whatsoever, commercial or otherwise.
 - (3) Within a residential canal zone, the following shall apply:
 - Only one residence is permitted per lot; no duplexes are allowed.
 - Where lots are 60 feet or less in width, residences shall be a minimum of 1,000 square feet. For lots greater than 60 feet in width, residences shall be a minimum of 1,200 square feet.
 - Building setbacks are 20 feet from roads and canals and five feet on sides adjacent to other lots. Fences are allowed in the five-foot setbacks but prohibited in the 20' setbacks.
 - The outside finish on all residences and other accessory buildings must be of acceptable materials and shall be kept in good repair and in a neat and clean condition and shall be cleaned or painted when necessary to preserve attractiveness.
 - Construction shall be completed within 120 days from date of issuance of a building permit.
 - No temporary building, tent, house trailer, or any other form of shelter shall be placed upon the lot during construction or at any other time.
- (d) All new or remodeled structures on any lot within a residential canal zone shall be constructed in such a way as to have a zero-drainage impact to any street or adjacent property. Each lot shall be maintained so as to preserve the drainage of the lots and adjacent roadway areas. The erections or placing of any structure or object, or the filling in or excavation of any area of the lot which will prevent free and adequate drainage or allow water to stand on the lot, or adjacent lots, or adjacent waterway, is prohibited.
 - (1) **Exception:**

All residential properties within Omega Bay Subdivision will be exempt from Sec. 71-22(b), (f) (g) (h) Residential Off-Street Parking ordinance, unless the addition, enlargement or extension of the existing driveway or sidewalk will have an adverse effect on streets or adjacent properties.
 - (2) This does not exempt any property owner or contractor from submitting a site/building plan of the proposed addition, extension or enlargement of any driveway or sidewalk for approval by the City plan reviewer and HOA before any construction on any driveway or sidewalk begins.
 - (3) All driveway or sidewalk additions, enlargements or extensions must comply with the city ordinance Sec. 56-6 Standards for construction of sidewalks and Sec.14-390 Physical Specifications for driveways.
 - (4) A drainage plan shall be required for any addition that requires site improvements, including but not limited to new construction, renovations, driveways, patio, etc.
 - (5) Construction within the Omega Bay Subdivision shall be exempt from impervious cover requirements.

PROPOSED AMENDED ORDINANCE FOR APPROVAL

- (e) That any accessory to buildings, attached or detached, such as sheds and decks, shall be erected in accordance with section 71.21(b) this Code and be consistent with the style and outside finish of the residence and be constructed only upon approval of the governing authority of the residential canal zone and subsequently submitted to the city for permit.
- (f) That any privacy fence shall not be located within the 20-foot setback from any canal (navigable waterway) and conform with section 71.21(a)(3) of this Code and be constructed only upon approval of the governing body of the residential canal zone and subsequently submitted to the city for permit.
- (g) A permit application with engineered plans shall be submitted to the governing authority of the residential canal zone and upon approval submitted to the city for permit approval prior to the commencement of construction of any boat house/vessel docks and shall require final inspection. Further, any boat house/vessel dock shall not extend more than 12 feet into a navigable waterway. With approval from the governing body of the residential canal zone, a variance allowing an additional two feet may be requested.
- (h) No livestock, poultry or other domestic or exotic animals of any kind whatsoever other than cats or dogs shall be placed, allowed or kept on any lots and permitted pets must be kept and maintained so as not to constitute an annoyance or nuisance to the other lots in the subdivision. Permitted pets shall be licensed and in conformance to Galveston County Animal Control Regulations.
- (i) In the event any clause, phrase, provision, sentence, or part of this section or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this section as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the city council of the city, 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, whether there be one or more parts.
- (j) *Savings and repealing clause.* All provisions of any ordinance in conflict with this section are hereby repealed, but such repeal shall not abate any pending prosecution for violation of the repealed Ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.
- (k) Any violation of this section or subsection, shall be a misdemeanor and subject to punishment as described in section 1-7 of this Code.

(Ord. No. O-2016-0021, § 2, 11-14-2016)

Editor's note(s)—Ord. No. O-2016-0021, § 2, adopted Nov. 14, 2006, added provisions intended for use as § 71-A. In order to maintain Code format and to allow for future expansion of the Code, said provisions have been redesignated as § 71-29 as set out herein, at the editor's discretion.