STATE OF TEXAS **ORDINANCE NUMBER 2026-003**

CITY OF NEW BERLIN

AN ORDINANCE ESTABLISHING THE RULES AND REGULATIONS FOR JURISDICTIONAL ENTITY AND UTILITY COORDINATION FOR THE DESIGN OF ANY SUBDIVISION OF PROPERTY WITHIN THE CITY OF NEW BERLIN AND EXTRATERRITORIAL JURISDICTION (ETJ) AS AN AMENDMENT TO AND IN CONJUNCTION WITH ORDINANCE NUMBER 2003-001 AND SUBSEQUENT UPDATES TO THE SUBDIVISION ORDINANCE.

WHEREAS, The governing body of the City of New Berlin, Texas recognizes and has determined that proposed growth within City of New Berlin and its Extraterritorial Jurisdiction (ETJ) will be reliant upon existing and proposed improvements to infrastructure systems and the necessity to coordinate with jurisdictional authorities providing services to proposed developments; and

WHEREAS, It is imperative that any proposed development or subdivision of property must provide roadway connectivity within the development and to major thoroughfares and ensuring capacity from local providers for adequate access to utility infrastructure; and

WHEREAS, Fire Department, Law Enforcement and emergency first responders must have free access on all public streets and supportive infrastructure for emergency response; and

WHEREAS, Coordination with City, County and local School Districts must be consulted to provide current service needs, traffic impacts and strategic planning for future improvements; and

WHEREAS, after notice of public hearings in the manner prescribed by law and publication as required by the Code of Ordinances and the City of New Berlin; and

WHEREAS, the Planning & Zoning Commission and the Board of Aldermen having duly considered the requirements of the Code of Ordinances and state law; and

WHEREAS, the Planning & Zoning Commission and the Board of Aldermen contends that the Code amendments included within this Ordinance promote the health, safety and welfare of the Citizens of New Berlin.

NOW THEREFORE:

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF NEW BERLIN, TEXAS:

SECTION 1. DEFINITIONS

A. City: The City of New Berlin including any designated representative assigned to act on the behalf of the City including Board of Aldermen and the Planning & Zoning Committee.

B. Developer: A Person, Entity or any designated representative acting in behalf of the Developer who purchases property with the intent to subdivide, construct new or rehabilitate existing structures for the purposes of sale or rental.

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C. Impervious Cover: Any hard or non-porous surface, such as roofs, asphalt, concrete or other non-permeable surface that generates water run-off conditions and prevents rainwater from naturally soaking into the ground.

SECTION 2. REQUIREMENTS

A. Residential Lots should meet the preferred lot size of 5 acres to maintain the historic rural character of the community of New Berlin as part of a planned development; however, the absolute minimum considered lot size is 1 acre consistent with the minimum parcel size to obtain a septic permit.

B. Residential Lots should not exceed 1/10 of the total acreage in impervious cover (i.e. approximately 4,350 Square Feet per 1 Acre) in order to maintain appropriate spacing between permanent structures for emergency access and to minimize impacts from stormwater run-off to pre-development hydrology. Any requested variance to the impervious cover requirement should include a proportionate amount of undeveloped property located within the development as designated open space for public use to be maintained by the Developer/Development as appropriate. Acreage located within the recognized 100-year floodplain WILL NOT be considered to offset impervious cover calculations in any requested variance.

C. Block Design for streets and roadways within a proposed development should be in accordance with adopted City of New Berlin standards and the provisions of this ordinance.

D. Developers shall comply with the provisions of the adopted Tree Ordinance for the City of New Berlin in consideration of the layout of any support infrastructure in proposed rights of way, easements or other public (non-residential lots) uses subject to the protection and mitigation requirements of Heritage and Significant Trees.

E. A Road Plan for any proposed development must be presented to the Planning & Zoning Committee for review and concurrence prior to going before the Board of Aldermen for approval. Road Plans seeking review from should include:
    a. A Traffic Impact Study assessing conditions of existing roadways from the proposed development to the closest major thoroughfare (typically designated locally as “FM” or Farm to Market) including evaluation of existing roadway conditions, increased traffic flow from proposed dwelling units and adequate ingress/egress to serve the development.
    b. Demonstration of the road plan approvals by the County Commissioner’s Court that align with the County Thoroughfare Plan.
    c. Demonstration of coordination and approvals with the Texas Historical Commission (THC) for compliance with State Laws and Cultural Preservation of Historical Resources.
    d. Demonstration of coordination and approvals with the Texas Department of Transportation (TxDOT) and compliance with US Law 106 National Preservation Act of 1968 to determine the effect of increased traffic flow on adjacent, existing thoroughfares.
    e. Demonstration of coordination and review with the local School Districts to ensure adequate bus loading consideration and vehicular turning radii for safe student drop-off

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& pick-up and expected student growth from proposed residential units for transportation planning.

F. Utility coordination and pre-liminary engineering studies with local utility providers must be presented to the Planning & Zoning Committee for review and concurrence prior to going to the Board of Aldermen for approval. Utility provider coordination should include, but not limited to, the following service providers:
    a. Demonstration of coordination with the local Water Utility Provider to ensure adequate capacity and operating pressure to serve the proposed number of dwelling units and any projected water use required for fire suppression as needed for hydrants or storage capacity within the development if applicable. *(Reference part G in this section for additional information regarding Firefighting support systems.)*
    b. Demonstration of coordination with the local Wastewater Utility Provider to determine local availability or assumed Septic System Design to be permitted in compliance with Texas Commission on Environmental Quality (TCEQ) standards under County authority and approval. On-site collection and disposal of wastewater within a proposed development WILL NOT be permitted within the City or ETJ.
    c. Demonstration of coordination with the local Electrical Service Provider to ensure adequate capacity to serve the proposed number of dwelling units and any required upgrades to infrastructure as appropriate.
    d. All other utility coordination not listed including natural gas lines and other easements, existing & proposed, should be indicated on proposed development plans with demonstration of concurrence prior to presentation to the Planning & Zoning Committee.

G. Fire and Emergency response coordination and approval of proposed development plans including:
    a. Review of proposed roadway and lot plans including maximum distances from proposed fire suppression infrastructure, roadway widths, turning radii, lot setbacks for emergency access and adequate ingress & egress as determined and approved by the County Fire Marshall and the New Berlin Volunteer Fire Department Chief.

SECTION 3. REPEALER

A. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 4. SEVERABILITY

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or illegal, such decision shall not affect the validity of the remaining sections of this Ordinance. The Board of Aldermen hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared void, and that in lieu of each clause or provision of this Ordinance that is invalid, illegal, or unenforceable there be added as a part of the Ordinance a clause or provision as similar in terms to such invalid, illegal or unenforceable clause or provision as may be possible, legal, valid and enforceable.

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SECTION 5. EFFECTIVE DATE:

This Ordinance shall be effective upon passage and approval.

PASSED, APPROVED and ADOPTED on the 19th day of October 2026.

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WALTER WILLIAMS, MAYOR

CITY OF NEW BERLIN, TEXAS

ATTEST:

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ROXANN PULLIN, CITY SECRETARY

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