

ORDINANCE NO. _____

CITY OF WOODCREEK, TEXAS

AMENDMENT TO CHAPTER 155 OF THE CODE OF ORDINANCES SUBDIVISION ORDINANCE

AN ORDINANCE AMENDING THE CITY OF WOODCREEK CODE OF ORDINANCES AT TITLE XV ("LAND USAGE"), CHAPTER 155 ("SUBDIVISIONS"), SECTION 155.44 (" LOTS OTHER THAN SINGLE-FAMILY RESIDENTIAL AND SINGLE-FAMILY RESIDENTIAL LOTS SMALLER THAN 12,000 SQUARE FEET "); PROVIDING FOR ENACTMENT, REPEALER, SEVERABILITY, CODIFICATION, AND EFFECTIVE DATE, AND FINDING PROPER NOTICE AND MEETING.

WHEREAS, pursuant to Texas Local Government Code Section 51.001, the City has general authority to amend an ordinance that is for good government and order of the City; and

WHEREAS, the City Council finds that addressing minimum lot size requirements for residencies that connect to state controlled wastewater connections and governing the planning, design, and construction of subdivisions within city's jurisdiction is for good government and order of the City ; and

WHEREAS, the City Council further finds that amending the City Code to provide for additional measures to control and manage the quantity of impervious coverage surfaces through minimum building and lot size requirements within subdivisions is for good government and order of the City; and

WHEREAS, the City Council finds that the ability of the City to ensure public health and safety by the monitoring of existing and proposed street systems – specifically their ability to handle increases in traffic generated, availability of water and wastewater service, capability of providing adequate fire protection, and provision of off-street parking facilities for new subdivisions by setting reasonable limits on the number and density of new residencies is for good government and order of the City; and

WHEREAS, the City Council finds that the City has a duty to protect degradation and pollution of ground-water resources-specifically aquifer protection and supply, and the need to manage drainage and the intensity and directional flow of storm water runoff and that this oversight is good for government.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Woodcreek:

1. FINDINGS OF FACT

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

2. ENACTMENT

Chapter 155 ("LAND USAGE") of the Code of Ordinances of the City of Woodcreek is amended at Section 155.44 so as to read in accordance with Attachment A, which are attached hereto and incorporated into this Ordinance for all intents and purposes.

3. REPEALER

All ordinances, resolutions, or parts thereof, that 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 regulated, herein.

4. SEVERABILITY

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other valid portion of this Ordinance.

5. CODIFICATION

The City Secretary is hereby authorized and directed to record and publish the language of Chapter 50, as amended by this Ordinance, in the City's Code of Ordinances.

6. EFFECTIVE DATE

This Ordinance shall be effective immediately upon its passage and the publication of caption of this ordinance as provided by law.

7. PROPER NOTICE & MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was attended by a quorum of the City Council, 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, Texas Government Code, Chapter 551. 27

PASSED & APPROVED this, the ___ day of February 2022, by a vote of ____ (ayes) to ____ (nays) and ____ (abstentions) of the City Council of Woodcreek, Texas.

Jeff Rasco, Mayor

Brenton Lewis, City Manager, acting City Secretary

Attachment "A"

City of Woodcreek

CODE OF ORDINANCES

TITLE XV: LAND USAGE

CHAPTER 155: SUBDIVISIONS

**§ 155.44 - LOTS OTHER THAN SINGLE-FAMILY RESIDENTIAL AND SINGLE-FAMILY RESIDENTIAL LOTS
SMALLER THAN 12,000 SQUARE FEET.**

(A)The minimum lot area, dimensions, building setbacks and side yard requirements for other than single-family residential use, and for lots smaller than 12,000 square feet, will be considered on an individual basis based on the ability of the existing and proposed street system to handle the traffic generated, availability of water and wastewater service, capability of providing adequate fire protection, and provision of off-street parking facilities. The subdivider shall submit a site plan showing building location, building separation, off-street parking and such other details a may be required to adequately evaluate the proposed subdivision.