

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF WOODCREEK, TEXAS, ESTABLISHING AND LOCATING THE BROOKMEADOW OVERLAY DISTRICT BY AMENDING THE WOODCREEK ZONING ORDINANCE DULY ADOPTED UNDER ORDINANCE NO. 00-65N ON JUNE 1, 2005 AND AMENDED UNDER ORDINANCE NO. 19-255 ON MARCH 13, 2019; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY.

WHEREAS, Chapter 211 of the Texas Local Government Code empowers a city to enact zoning regulations and provide for their administration, enforcement and amendment; and

WHEREAS, the City Council of the City of Woodcreek, Texas, deems it necessary and desirable to establish zoning regulations to provide for the orderly development of property within the City by governing the use of land in order to promote the public health, safety, morals and general welfare of the residents of the City; and

WHEREAS, Property regulation must substantially advance a legitimate governmental interest to pass constitutional muster, which thus requires examination of effect of regulation and legitimate state interest it is supposed to advance, although requirement is not equivalent to rational basis standard applied to due process and equal protection claims. U.S.C.A. Const. Amends. 5, 14.; and

WHEREAS, protecting against the ill effects of urbanization has been found to substantially advance a legitimate governmental interest; and

WHEREAS, this ordinance is intended to protect against the ill effects of urbanization; and

WHEREAS, preserving the rate and character of community growth has been found to substantially advance a legitimate governmental interest; and

WHEREAS, in addressing the issue of preserving the rate and character of community growth, the Texas Supreme Court has found that justification for the foregoing can be preserving uniquely rural and suburban communities with undivided two-lane roads, clusters of trees, and houses on large lots; and

WHEREAS, in addressing the issue of preserving the rate and character of community growth, the Texas Supreme Court has also found that protecting a community from drastic change of at least three residences per acre and vastly increasing the estimated population is justification for zoning regulation; and

WHEREAS, this ordinance is intended to preserve the rate and character of community growth by preserving the uniquely rural Brookmeadow area of Woodcreek with undivided two-lane roads, clusters of trees, and houses on large lots; and

WHEREAS, this ordinance is intended to preserve the rate and character of community growth by protecting the Brookmeadow area of Woodcreek from drastic change of at least three or more residences per acre and vastly increasing the estimated population, when most lots in the Brookmeadow area of Woodcreek are now 1 acre or more; and

WHEREAS, the City of Woodcreek recognizes that the Brookmeadow area of Woodcreek falls within the Jacob's Well Groundwater Management Zone, thus creating a sound basis for a reduction in impervious coverage in this area to preserve and protect groundwater supply, it being a noble and worthy goal for the City of Woodcreek to ensure all residents have access to safe and clean water.

WHEREAS, the Planning & Zoning Commission held a public hearing on April 1, 2022 and recommended approval of the proposed overlay district; and

WHEREAS, the City of Woodcreek has complied with all requirements of notice of public hearing as required by the Texas Local Government Code; and

WHEREAS, the City Council held a public hearing on the proposed overlay district on April 1, 2022 and desires to amend the Zoning Map by providing for a zoning overlay for

Brook Meadow Section One; Brookmeadow Section 2; Brookmeadow Section 3; a Resubdivision of Brookmeadow Section 3, Lots 1 thru 35, 39 and 40; Brookmeadow, Section 4 a Subdivision of 15.98 Acres of Land out of the Ransom Weed Survey No. 63; Amended Plat of a Portion of Lot 19, Brookmeadow Section 4 Establishing Lot 19-A; Brookmeadow, Section 5 a Subdivision of 3.77 Acres of Land out of the Ransom Weed Survey No.63; Brookmeadow, Section 6 a Subdivision of 17.02 Acres out of the Ransom Weed Survey No 63 (see attached); and

WHEREAS, the City Council hereby finds and determines that adopting the proposed zoning overlay is in the best interest of the citizens of Woodcreek.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WOODCREEK, TEXAS:

I. FINDING OF FACT

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

II. 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.

III. CODIFICATION

The City Secretary is hereby authorized and directed to record and publish the language of this repealing Ordinance, and any changes thereto, in the City’s Code of Ordinances.

IV. EFFECTIVE DATE

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

V. 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.

VI. OVERLAY VREATION

That the Brookmeadow Overlay District is hereby established by amending the Woodcreek Zoning Ordinance, duly adopted under Ordinance No. 00-65N on June 1, 2005 and amended under Ordinance No. 19-255 on March 13, 2019, to read as set out, and as located on Exhibit "A".

PASSED AND APPROVED this, the ____ day of _____ 2022, by a vote of ____ Ayes to ____ Nays to ____ Abstentions of the City Council of Woodcreek, Texas.

CITY OF WOODCREEK:

ATTEST:

Jeff Rasco, Mayor

Brenton B. Lewis, Interim City Secretary

OVERLAY DISTRICT

§ 156.090 - BROOKMEADOW OVERLAY DISTRICT

(A) Intent & Purpose.

The purpose of the Brookmeadow Overlay District is to (1) protect against the ill effects of urbanization, (2) preserve the rate and character of community growth of the Brookmeadow community, (3) preserve the uniquely rural Brookmeadow community with undivided two-lane roads, clusters of trees, and houses on large lots, and (4) protect the Brookmeadow community from drastic change of at least three residences per acre (or more) and vastly increasing the estimated population.

(B) Existing Zoning.

All land in the overlay district shall retain its existing zoning designation and all characteristics of such zoning, except as modified herein.

(C) 1 Acre Lot minimum

No lot located within the Brookmeadow Overlay District may be subdivided such that any lot is less than one (1) acre in size. Any lot located in the Brookmeadow Overlay District that is presently less than one (1) acre in size may remain, but may not be further subdivided.

(D) Location

The location of the Brookmeadow Overlay District shall consist of all portions of the following properties contained within the bold blue outline:

