

ORDINANCE

(Motion was made by Robert Ras and seconded by Mary Reeves that the following Ordinance be passed:)

Ordinance No. 2003-05

SUBDIVISION ORDINANCE

Section 1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Building setback restriction means a defined area designated on a subdivision plat in which a building or structure may not be constructed and which is located between the adjacent street right-of-way line or other type of easement or the right-of-way line and the proposed building.

City engineer means the registered professional engineer employed or designated by the city to provide professional engineering services for and on behalf of the city.

Developer means a person or legal entity engaged in the business of improving and selling or using land for the purpose of constructing improvements on such land, to be sold or leased to others or otherwise handled for the developer's own personal gain or use.

Extraterritorial jurisdiction means the unincorporated territory extending one-half mile beyond the city limits and contiguous to the city limits which has been established as a result of the provisions of the Texas Municipal Annexation Act, V.T.C.A., Local Government Code § 42.001 et seq., and the state law regarding subdivisions, V.T.C.A., Local Government Code § 212.001 et seq.

Owner means the person designated as the owner of record of property to be subdivided or platted.

Plat means one of the following:

- (1) *Final plat* means a map or drawing of a proposed subdivision which is prepared in a manner suitable for recording in the records of the county and contains accurate, detailed engineering data, dimensions, dedicatory statements and certificates and is prepared in conformance with the conditions of preliminary approval previously granted by the

planning and zoning commission.

- (2) *Preliminary plat* means a map or drawing of a proposed development which illustrates the features of the development for review and approval by the planning and zoning commission, but is not suitable for recording in the county records.

Resubdivision means the division of an existing recorded subdivision, together with any change of lot size or the relocation of any street line within such subdivision.

Subdivision means the division of a tract or parcel of land into two or more parts or lots for the purpose, whether immediate or future, of sale or building development or transfer of ownership, and includes a resubdivision.

Vegetation barrier means a visual screen of vegetation which shall not be less than six feet in height. A typical barrier would include trees, evergreens or other native flora.

Section 2. Scope.

This chapter shall govern every person or legal entity owning any tract of land within the city limits or the extraterritorial jurisdiction of the city, who may:

- (1) Divide the tract of land into two or more parts for the purpose of laying out any subdivision of any tract of land or any addition to the city; or
- (2) Lay out suburban or building lots or any lots, streets, alleys, parks or other portions intended for public use or for construction of any commercial, public or residential structure on the land.

Section 3. Purpose, authority and jurisdiction.

- (a) In accordance with the authority granted in V.T.C.A., Local Government Code § 212.041 et seq., as amended, which statute is made a part of this chapter, the city council adopts this chapter to control the subdivision of land within the corporate limits and the extraterritorial jurisdiction of the city in order to provide for the orderly development of the area to secure adequate provision for traffic, light, air, recreation, transportation, water, drainage, sanitary sewer and other facilities.
- (b) In accordance with the authority granted in V.T.C.A., Local Government Code § 42.001 et seq., on annexation, which statute is made a part of this chapter, the city council adopts this chapter as to the extent of extraterritorial jurisdiction.

Section 4. Variances.

When a subdivider can show that a section of this chapter would cause unnecessary hardship if strictly adhered to or where, because of some condition peculiar to the site or the unique nature of the development, compliance with this chapter is not consistent with or required by good engineering and planning practices and if, in the opinion of the city council and the city engineer, a departure from this chapter may be made without destroying the intent of this chapter, the city council may authorize a variance.

Section 5. Vegetation barriers.

- (a) The city council and planning and zoning commission have established the following vegetative barriers:
 - (1) A vegetative setback or barrier of 25 feet in width shall be maintained at all times where commercial and multifamily properties abut any single-family residential property or adjacent acreage that may become single-family residential in the future.
 - (2) Vegetation barriers of not less than 15 feet will be required for commercial property that abuts any existing multifamily tract.
 - (3) A vegetative setback or barrier of 30 feet in width shall be maintained at all times where commercial, multifamily and single-family residential property abuts a major roadway or state highway.
- (b) Clearing of grass and vegetation shall not begin before review and approval by the planning and zoning commission of the preliminary plat.

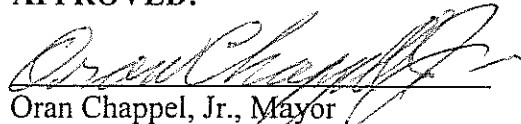
Section 6. Violation; penalty.

Any person who violates any provision of this chapter, or any portion thereof, shall, upon conviction, be punished pursuant to Ordinance _____.

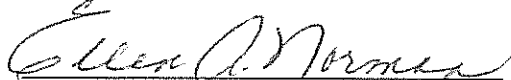
This ordinance 2003-05 shall become effective and applicable November 1, 2003.

PASSED AND APPROVED BY THE TOWN COUNCIL OF THE TOWN OF WOODLOCH, ON November 11, 2003 AND TO BECOME EFFECTIVE ON NOVEMBER 1, 2003.

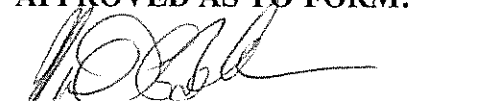
APPROVED:


Oran Chappel, Jr., Mayor

ATTEST:


Ellen Norman, Town Secretary

APPROVED AS TO FORM:


Michael C. Beller, Town Attorney