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## MEETING NOTICE

*The Planning and Zoning Commission of the City of Woodcreek, Texas will conduct a special meeting at Camp Young Judaea, 121 Camp Young Judaea Rd., Woodcreek, TX. The meeting will be held on February 16, 2022 at 1:00 PM. All attendees are encouraged to wear face coverings when a minimum of six-foot social distancing cannot be maintained. **Note: Smoking is not allowed anywhere on the property of Camp Young Judaea.***

*The public may watch this meeting live at the following link:  
<https://meetings.ipvideotalk.com/179418782>. The public may listen to this meeting by dialing one of the following numbers: 1(617) 315-8088 or toll free at 1(866) 948-0772. When prompted enter Meeting ID:179418782.*

*A recording of the meeting will be made and will be available to the public in accordance with the Texas Public Information Act upon written request.*

*This notice, as amended, is posted pursuant to the Texas Open Meetings Act (Vernon's Texas Codes Ann. Gov. Code Chapter 551).*

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## AGENDA

### CALL TO ORDER

### PLEDGES

### ROLL CALL

### PUBLIC COMMENTS

*Any citizen shall have a reasonable opportunity to be heard at any and all meetings of the Planning and Zoning Commission in regard to: (1) any and all matters to be considered at any such meeting, or (2) any matter a citizen may wish to bring to the Commission's attention. No member of the Governing Body may discuss or comment on any citizen public comment, except to make: (1) a statement of specific factual information given in response to the inquiry, or (2) a recitation of existing policy in response to the inquiry. Any deliberation of or decision about the subject of the inquiry shall be limited to a proposal to place the subject on the agenda for a subsequent meeting per Texas Local Government code Sec. 551.042.*

*Citizen comments will be allowed at the beginning of every meeting, or alternatively, before an item on the agenda on which the citizen wishes to speak is to be considered. All citizens will be allowed to comment for three (3) minutes per person and shall be allowed more time at the Chairperson's discretion. In addition, citizens may pool their allotted speaking time. To pool time, a speaker must present the names of three (3) individuals present in the audience who wish to yield their three minutes. Citizens may present materials regarding any agenda item to the city staff at or before a meeting, citizens attending any meeting are requested to complete a form providing their name, address, and agenda item/concern, but are not required to do so before speaking and presenting it to the city staff prior to the beginning of such meeting. Comments may only be disallowed and/or limited as per Government Code § 551.007(e).*

*Citizens may submit written public comments not exceeding 300 words in length to the Interim City Secretary not later than 1:00PM of the Monday preceding the meeting at which the citizen would like the public comment received. If the written public comment is submitted by this time, it shall be read into the public record for the upcoming meeting.*

## **CONSENT AGENDA**

1. Approval of the Planning and Zoning Commission Minutes from November 9, 2021

## **REGULAR AGENDA**

2. Administering Oath of Office of New Members
3. Election of Vice Chairperson
4. Review and Discussion on Open Meetings Act, Public Information Act, Ordinances vs. Resolutions, and Social Media
5. Discussion of Future Meeting Times of the Planning & Zoning Commission
6. Workshop - City of Woodcreek Comprehensive Plan
7. Discuss and Take Appropriate Action on a Possible Change in Zoning Classification, Including a Potential Zoning Overlay and/or Lot Subdivision Minimum of 1 Acre, for the Areas Described as 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 excluding: Brookmeadow IV Lot 20, Brookmeadow 21 Condominium Building AB, Units A and B, Brookmeadow 21 Condominium Building CD, Units C and D, Brookmeadow Condominium Building EF, Units E and F, Brookmeadow Sec 4 Lot 1, Brookmeadow IV Lot 2, Brookmeadow IV Lot 3, Brookmeadow Sec 4 Lot 4, Brookmeadow IV Lot 5 Duplex, Villas of Brookmeadow (more particularly described being 3.306 acres of land and being the resubdivision of part of Lot 19 of Brookmeadow, Section Four as recorded in Volume 3, pages 249-250 of the Plat Records of Hays County, Texas) and Amended Plat of a Portion of Lot 19, Brookmeadow Section 4; 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
8. Discussion and Possible Recommendations on the Potential Legal Issues With the Proposed Brookmeadow Overlay District Requiring One-Acre Lots for New Subdivisions of Properties
9. Discussion and Take Appropriate Action on a Recommendation to the Woodcreek City Council Regarding Parking Requirements as Stated in Title VIII: Traffic Code; Chapter 70: - Traffic Schedules; Schedule IV. - City Parking and it Title XV:- Land Usage; Chapter 156: - Zoning; Sections § 156.028 Hard-Surface Driveways; § 156.029 Parking; § 156.036 Parking and Load Requirements; § 156.056 Carports and Garages; § 156.059 Parking; and § 156.063 - Chart 2: Residential Zoning Requirements
10. Discuss and Take Appropriate Action on Instructions from the City of Council of the City of Woodcreek to Review, Adjust and/or Create Clear Guidelines Regarding Planned Unit Development District, Planned Development District, Conditional Use Permit and Mixed Use Districts with a Focus towards Conservation, the ETJ, (if applicable) and the Possible Benefits For Our Citizenry, and Present to Council Their Recommendations
11. Discussion and Take Appropriate Action on a Recommendation to the City Council of the City of Woodcreek on a Drafted an Ordinance Addressing the Building Across Lot Lines and On Multiple Lots May be Allowed if (and only if) There is Unified Ownership (same ownership) of Adjacent Lots, and if There is Only One Primary Structure (single-family residential home) Presently Existing on One (and only one) of the Adjacent Lots with Unified Ownership

12. Discussion and Take Appropriate Action on a Recommendation to the City Council of the City of Woodcreek on Amending Title XV: - Land Usage . Chapter 155: - Subdivisions, Subsections 155.43, and 155.44 of the City of Woodcreek Code of Ordinances as it Relates to Single-Family Residential Lots and Lots Other Than Single Family Residential and Single-Family Lots Smaller than 12,000 Square Feet
13. Discuss and Take Appropriate Action on Beginning the Public Hearing Process on a Possible Change in Zoning Classification, Including a Potential Zoning Overlay and/or Lot Subdivision Minimum of 1 Acre, for the Areas Described as 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 excluding: Brookmeadow IV Lot 20, Brookmeadow 21 Condominium Building AB, Units A and B, Brookmeadow 21 Condominium Building CD, Units C and D, Brookmeadow Condominium Building EF, Units E and F, Brookmeadow Sec 4 Lot 1, Brookmeadow IV Lot 2, Brookmeadow IV Lot 3, Brookmeadow Sec 4 Lot 4, Brookmeadow IV Lot 5 Duplex, Villas of Brookmeadow (more particularly described being 3.306 acres of land and being the resubdivision of part of Lot 19 of Brookmeadow, Section Four as recorded in Volume 3, pages 249-250 of the Plat Records of Hays County, Texas) and Amended Plat of a Portion of Lot 19, Brookmeadow Section 4; 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

## ADJOURN

*The Planning and Zoning Commission may retire to executive session any time between the meeting's opening and adjournment for the purpose of consultation with legal counsel pursuant to Chapter 551.071 of the Texas Government Code; discussion of personnel matters pursuant to Chapter 551.074 of the Texas Government Code; deliberation regarding real property pursuant to Chapter 551.072 of the Texas Government Code; deliberation regarding economic development negotiations pursuant to Chapter 551.087 of the Texas Government Code; and/or deliberation regarding the deployment, or specific occasions for implementation of security personnel or devices pursuant to Chapter 551.076 of the Texas Government Code. Action, if any, will be taken in open session.*

*This agenda has been reviewed and approved by the City's legal counsel and the presence of any subject in any Executive Session portion of the agenda constitutes a written interpretation of Texas Government Code Chapter 551 by legal counsel for the governmental body and constitutes an opinion by the attorney that the items discussed therein may be legally discussed in the closed portion of the meeting considering available opinions of a court of record and opinions of the Texas Attorney General known to the attorney. This provision has been added to this agenda with the intent to meet all elements necessary to satisfy Texas Government Code Chapter 551.144(c) and the meeting is conducted by all participants in reliance on this opinion.*

### **Attendance by Other Elected or Appointed Officials:**

*It is anticipated that members of other city board, commissions and/or committees may attend the meeting in numbers that may constitute a quorum of the other city boards, commissions and/or committees. Notice is hereby given that the meeting, to the extent required by law, is also noticed as a meeting of the other boards, commissions and/or committees of the City, whose members may be in attendance. The members of the boards, commissions and/or committees may participate in discussions on the same items listed on the agenda, which occur at the meeting, but no action will be taken by such in attendance unless such item and action is specifically provided for on an agenda for that board, commission or committee subject to the Texas Open Meetings Act.*

*The City of Woodcreek is committed to compliance with the Americans with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request. Please call the City Secretary's Office at 512-847-9390 for information. Hearing-impaired or speech disabled persons*

*equipped with telecommunications devices for the deaf may call 7-1-1 or may utilize the statewide Relay Texas program at 1-800-735-2988.*

*Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly.*

I certify that the above notice was posted on the 11<sup>th</sup> day of February 2022 at 4:15PM.

By:   
Brenton B. Lewis, City Manager

**PLANNING AND ZONING COMMISSION MEETING (CYJ)  
November 09, 2021; 10:00 AM  
Woodcreek, Texas**

**MINUTES**

**CALL TO ORDER**

Chairperson Kotarba called the meeting to order at 10:02AM.

**PLEDGES**

**ROLL CALL**

**PRESENT**

Chairperson Joe Kotarba  
Vice-Chairperson Kathy Maldonado  
Commissioner Larry Alford  
Commissioner Jack Boze  
Commissioner Rogers Holt  
Alt. Commissioner Lydia Johns  
Alt. Commissioner Chris Sonnier

**STAFF PRESENT**

City Manager Brenton Lewis  
City Secretary Linda Land  
City Attorney Bud Wymore  
City Inspector Joe Tijerina  
Administrative Assistant Maureen Mele

**PUBLIC COMMENTS**

Public comments were offered by: Ed Jones and Bob Hambrick.

**CONSENT AGENDA**

- 1. **Approval of the Planning and Zoning Commission Minutes from October 12, 2021**

A motion was made by Commissioner Boze to approve the minutes. The motion was seconded by Commissioner Holt.

A roll call vote was held.

Voting Yea: Chairperson Kotarba, Commissioner Alford, Commissioner Holt, Commissioner Boze, Vice-Chairperson Maldonado.

The motion carried with a 5-0-0 vote.

**REGULAR AGENDA**

- 2. **Discussion and Take Appropriate Action on a Possible Change in Zoning Classification, Including a Potential Zoning Overlay and/or Lot Subdivision Minimum of 1 Acre, for the Areas Described as 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 17.01 Acres out of the Ransom Weed Survey No 63; Requiring One Acre or More Lot Sizes for New Development**

A motion was made by Commissioner Boze to approve the rezoning classification. The motion was seconded by Commissioner Alford.

After discussion, an amendment to the motion was requested by Chairperson Kotarba to propose to City Council to consult with the City Attorney about the legality of the proposed overlay. The amendment was seconded by Vice-Chairperson Maldonado.

A roll call vote was held on the amendment.

Voting Yea: Chairperson Kotarba, Commissioner Alford, Vice-Chairperson Maldonado, Commissioner Holt, Commissioner Boze.

The amendment carried with a 5-0-0 vote.

A roll call vote was held on the main motion.

Voting Yea: Commissioner Holt, Commissioner Boze, Commissioner Alford, Vice-Chairperson Maldonado, Chairperson Kotarba

The motion carried with a 5-0-0 vote.

**ADJOURN**

Chairperson Kotarba adjourned the meeting at 10:22AM.

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**Joe Kotarba, Chairperson**

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**Brenton B. Lewis, Interim City Secretary**

**DRAFT – FOR DISCUSSION  
CITY OF WOODCREEK  
COMPREHENSIVE PLAN**

**(COVER PAGE)  
(INCLUDE IMAGE)**

**(TITLE)**

## Table of Contents

### Vision (Mission)

- This should be developed from the comments included by citizens in response to the Survey. Some of the most frequent thoughts were:
  - Keep the Character (including protect trees and the natural beauty of the area)
  - Protect the Environment (including conserving and increasing green spaces, rejecting over development)
  - Promote a sense of community – create and maintain new traditions

### Background

- Summary of what led to this Plan and why

#### ***I. Introduction (Process) –***

Why a Comprehensive Plan?

What is a Comprehensive Plan? (Define specific to Woodcreek)

How is it structured?

Survey - briefly address

Purpose and definition of “goals and objectives”

How City officials will use the Plan

#### ***II. Overview of Woodcreek***

Brief History

Setting (possibly include a map of the City and its ETJ)

#### ***III. Current Conditions***

This should include:

Government Services

Land Use – (include maps, zoning areas, housing)

Demographics (from the survey and/or Census)

Parks and Open Spaces

Environment

Survey Responses in critical areas may also be included



**IV. Our Vision –**

(This is the reason for the plan. Each of the sections within vision must have goals and objectives.)

- Future Land Use including ETJ
- Public Facilities and Infrastructure (roads, pedestrian mobility, drainage)
- Parks and Green Spaces (some cities include Parks in the Public Facilities section – others keep it separate. Based on the high input in the survey, maybe it should be a separate section for Woodcreek.)
- Environment and Resource Protection
- Economic Development (for our City this would be focusing on the ETJ and options there)

**V. Implementation**

(Each section in “Our Vision” must include goals and objectives with timelines for implementation – some cities choose to add an implementation section, and some do not. In those plans with an implementation section, they include the protocols for monitoring and updating the plan as well as making decisions towards implementation.)

## **Documentation from the January 12, 2022 City Council Meeting**

**Council Meeting Date: Regular City Council Meeting January 12, 2022**

### **Agenda Item 18 Cover Sheet**

**Agenda Item Subject/Title:**

Discuss and Take Appropriate Action on Possible Change in Zoning Classification, Including a Potential Zoning Overlay and/or Lot Subdivision Minimum of 1 Acre, for the Areas Described as 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 (Grummert)

**Agenda Item Summary:**

This ordinance is designed to protect the integrity and unique character of the Brookmeadow neighborhood of the City of Woodcreek, with its estate style homes and larger than average lots. Restricting future subdivision of Brookmeadow to one acre lot minimums protects not only the character of the neighborhood, but property values and safety citywide.

**Financial Impact:**

none

**Recommendations:**

**Submitted by:** Councilmember Grummert

## **Documentation from the January 12, 2022 City Council Meeting**

**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 ?????? 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 ??????????????, 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".

***(APPROVAL PAGE FOLLOWS)***

**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:**

By: \_\_\_\_\_  
Mayor Jeff Rasco

**Attest:**

By: \_\_\_\_\_  
Linda Land, City Secretary

## OVERLAY DISTRICTS

### § 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.

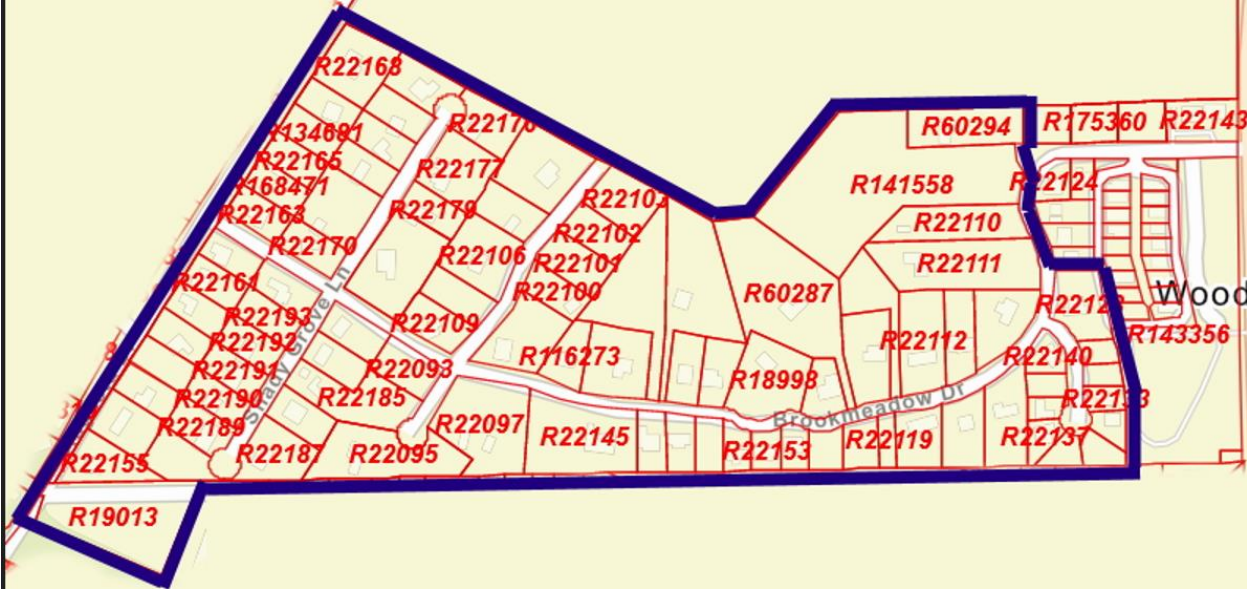
All land in the overlay district shall retain its existing zoning designation and all characteristics of such zoning, except as modified herein.

#### (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:





## SCHEDULE IV. CITY PARKING.

- (A) All owners, tenants or occupants of any residence used for residential purposes shall be required to park their vehicles in garages, carports or driveways. No such vehicle, trailer or recreational vehicle shall be parked on a street or within any property unless same is not visible. Covering said vehicle shall not be construed as being out of sight. Parking of buses, commercial vehicles, trailers, boats, motor homes, RVs, campers, jet skis and the like is prohibited, except on a temporary basis with a permit visible from the street issued by the City of Woodcreek. *Temporary* shall be defined as not to exceed seven days in any 30-day period. Cost of the permit shall be based on the Master Rate Schedule as adopted by resolution of the City of Woodcreek.
- (B) Parking of automobiles, trucks, buses, trailers, mobile homes, recreational or commercial vehicles on publicly-owned right-of-way, park or greenbelt is prohibited except under the following conditions:
- (1) Parallel parking of personal automobiles and trucks will be allowed along the street right-of-way in front of a residential property if the vehicles are pulled off the street pavement (all tires must be off the pavement), no part of the vehicle projects out over the pavement, and the grass has been mowed to a height of less than four inches.
  - (2) Residential property owners may elect to surface the parallel parking space in the right-of-way with a pervious cover, such as gravel or crushed granite upon written approval of proposed surfacing plan by the City.
  - (3) Parking of personal vehicles shall be allowed on publicly-owned rights-of-way, parks and greenbelts with paved or pervious parking spaces provided by the City, subject to the restrictions of any posted signs.
- (C) It shall be unlawful for anyone to store vehicles not in operating condition in open view for more than seven days. Such vehicles must be stored in completely enclosed buildings or removed to an authorized storage area. Since streets are narrow and provide limited parking area, residential off-street parking requirements are essential.
- (D) Erection of signs. The City may erect signage of such design, placement, and location as may be required by law, and any other signage as City staff may determine appropriate or necessary, to notify the public that parking in licensed City right-of-way parking spaces is not allowed between the hours of 2:00 a.m. and 6:00 a.m., is not allowed at all or is otherwise restricted, and that violations may result in the towing of vehicles at owner's expense.
- (E) Two-hour parking signs. In order to promote safer driving in the vicinity of the public parking spaces at Deerfield Drive and Woodcreek Drive, and Champions Circle at Woodcreek Drive, the City shall erect signs reading "2 Hour Parking - Violators will be towed at vehicle owner's expense".
- (F) Penalty. Any person violating any provision of this schedule shall be subject to the penalties and provisions in § 10.99 of this Code of Ordinances.

(Ord. 15-207, 5-13-2015; Ord. 19-257, 3-13-2019)

### § 156.028 HARD-SURFACE DRIVEWAYS.

All buildings shall have a hard-surface driveway. Accessory structures not accessed by road vehicles are excepted.

(Ord. 00-65N, 6-1-2005; Ord. 19-255, 3-13-2019)

Cross reference(s)—Penalty, see § 156.999

### § 156.029 PARKING.

Parking of automobiles, trucks, buses, trailers, mobile homes, recreational or commercial vehicles on publicly-owned rights-of-way, park or greenbelt is prohibited except under the following conditions:

- (A) Parallel parking of personal automobiles and trucks will be allowed along the street right-of-way in front of a residential property if the vehicles are pulled off the street pavement (all tires must be off the pavement), no part of the vehicle projects out over the pavement, and the grass has been mowed to a height of less than four inches.
- (B) Residential property owners may elect to surface the parallel parking space in the right-of-way with a pervious cover, such as gravel or crushed granite upon written approval of proposed surfacing plan by the City.
- (C) Parking of personal vehicles shall be allowed on publicly-owned rights-of-way, parks and greenbelts with paved or pervious parking spaces provided by the City, subject to the restrictions of any posted signs.
- (D) *Penalty.* Any person violating any provision of this section shall be subject to the penalties and provisions in § 10.99 of this Code of Ordinances.

(Ord. 00-65N, 6-1-2005; Ord. 15-217, 10-14-2015; Ord. 16-219, 2-10-2016; Ord. 18-243, 1-17-2018; Ord. 19-255, 3-13-2019)

### § 156.036 PARKING AND LOAD REQUIREMENTS.

No structure or building shall be erected, converted, enlarged, reconstructed or structurally altered unless it shall conform to the off-street parking and loading requirements of this chapter.

(Ord. 00-65N, 6-1-2005; Ord. 19-255, 3-13-2019)

Cross reference(s)—Penalty, see § 156.999

### § 156.056 CARPORTS AND GARAGES.

Carports are not permitted in any zoning district. A fully-enclosed garage is required. See § 156.063 of this chapter for garage requirements by zoning district.

(Ord. 00-65N, 6-1-2005; Ord. 19-255, 3-13-2019) Penalty, see § 156.999

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**§ 156.059 PARKING.**

- (A) Each dwelling unit shall have a hard surface driveway, providing a minimum of three off-street parking areas, each measuring ten feet by 20 feet.
- (B) It shall be unlawful for anyone to store vehicles not in operating condition in open view for more than seven days. Such vehicles must be stored in completely enclosed buildings or removed to an authorized storage area. Since streets are narrow and provide limited parking area, residential off-street parking requirements are essential. Each dwelling unit shall have a hard surface driveway, providing a minimum of three off-street parking areas, each area measuring ten feet by 20 feet.

(Ord. 00-65N, 6-1-2005; Ord. 19-255, 3-13-2019; Ord. 19-257, 3-13-2019)

Cross reference(s)—Penalty, see § 156.999

	SF-1	SF-2	SF-3	SF-4	SF-5	SF-6	TH/C	DU-1	4PLX	MF	RR	PUD	MH-1
% masonry required	55	55	55	55	55	55	55	55	55	see § 156.064 for MF-1, MF-2 requirements	55		55
Garage required	2-Car	2-Car	2-Car	No	1-Car	2-Car	2-Car	1-Car	1-Car <sup>1</sup>		2-Car	-	1-Car
Off-street parking required	3	3	3	3	3	3	3				3		
Maximum dwelling units per lot	1	1	1	1	1	1	1	2	4		1	-	1
Maximum dwelling height	30'	30'	30'	30'	30'	30'	30'	30'	30'		30'	-	30'
Maximum impervious cover	30 <sup>2</sup>	30 <sup>2</sup>	30 <sup>2</sup>	30 <sup>2</sup>	30 <sup>2</sup>	30 <sup>2</sup>	30 <sup>2</sup>	30 <sup>2</sup>	30 <sup>2</sup>		30 <sup>2</sup>	-	30 <sup>2</sup>
Minimum setbacks													
Front	25'	25'	10'	20'	20'	25'	25'	25'	25'		25'		25'
Interior side	7-1/2'	7-1/2'	0'	0'	7-1/2'	5'	7-1/2'	7-1/2'	7-1/2'		7-1/2'	-	7-1/2'
Rear	25'	25'	15'	15'	15'	25'	25'	25'	25'		25'		15'
Street side	10'	10'	5'	5'	10'	10'	15'	15'	15'		10'	-	10'
Minimum square footage													
One-story	1,500	1,000	1,000	900	1,000	1,000	1,000 <sup>1</sup>	1,000 <sup>1</sup>	800 <sup>1</sup>		1,500	-	1,000
Second-story	500	500	200				200 <sup>1</sup>	200 <sup>1</sup>	800 <sup>1</sup>		500	-	NA

NOTES TO TABLE:

<sup>1</sup> per unit

<sup>2</sup> Maximum impervious cover is capped at 30 percent for construction for which a site development plan was not filed prior to October 20, 2006.

## **Documentation from the January 12, 2022 City Council Meeting**

**Council Meeting Date: Regular City Council Meeting January 12, 2022**

### **Agenda Item 5 Cover Sheet**

**Agenda Item Subject/Title:**

Instruct Planning and Zoning Commission to Review, Adjust and/or Create Clear Guidelines Regarding Planned Unit Development District, Planned Development District, Conditional Use Permit and Mixed Use Districts with a Focus Towards Conservation, the ETJ, (if applicable) and the Possible Benefits for our Citizenry, and Present to Council Their Recommendations (Grummert)

**Agenda Item Summary:**

Our zoning code is silent on some of these districts, and others could be expanded, or adjusted so they better reflect the will of our citizens regarding conservation best practices.

**Financial Impact:**

none

**Recommendations:**

Instruct P&Z

**Submitted by:** Councilmember Grummert

**Presented as an Attachment on the 12/08/2021 Council Agenda**

**§ 156.066 – BUILDING ACROSS LOT LINES & ON MULTIPLE LOTS**

Notwithstanding the foregoing, or any other provisions of this section or Woodcreek's Code of Ordinances, building across lot lines and on multiple lots may be allowed if (and only if) there is unified ownership (same ownership) of adjacent lots, and if there is only one primary structure (single-family residential home) presently existing on one (and only one) of the adjacent lots with unified ownership, subject to the following:

- (1) Fences, sidewalks, and similar related hardscape and landscaping may be built across lot lines and cross over and into a lot adjacent to a lot on which a primary structure is located, as well as any lot adjacent thereto. Provided however, the placement limitations for fencing set forth in section 156.057 shall still apply, but with the understanding the adjacent lots with unified ownership (same ownership) shall be viewed as one-lot for purposes of determining fence location.
- (2) The following may be built on lots adjacent to a lot on which a primary structure is located even if those lots do not have a primary structure: accessory structures (but only insofar as those structures are not fit for or intended to be used for human occupation, but rather, include structures such as green houses, sheds, playground equipment, pool house, etc.), carports, fence, garage, and other structures of the like.
- (3) Building setback requirements will apply only to the outer most limits of adjacent lots when viewed as one collective lot.
- (4) Standard impervious cover limitations shall apply to the lot one which the primary structure exists.
- (5) Lots on which there is not a primary structure will only be entitled to use ½ of the allowable impervious cover.

The foregoing does not provide an absolute right to make improvements to adjacent lots with unified ownership (same ownership). Owners who wish to make improvements under this section will be required to follow the permitting and approval process for the City of Woodcreek.

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## **Documentation from the January 12, 2022 City Council Meeting**

### **CHAPTER 155: SUBDIVISIONS**

#### ***GENERAL PROVISIONS***

##### **§ 155.01 SHORT TITLE.**

This chapter, along with its amendments, shall be known as "Subdivision Ordinance of the City of Woodcreek, Texas".

(Ord. 85-12C, 3-6-2007)

##### **§ 155.02 JURISDICTION.**

No person shall create a subdivision of land within the corporate limits of the City or within the City's extraterritorial jurisdiction, without complying with the provisions of the chapter. All plats and subdivision of any land shall conform to the rules and regulations herein set forth.

(Ord. 85-12C, 3-6-2007)

Cross reference(s)—Penalty, see § 155.99

##### **§ 155.03 INTERPRETATION AND PURPOSE.**

In their interpretation and application, the provisions of this chapter shall be deemed to be minimal in nature and, whenever the principles, standards or requirements of any other ordinances of the City which are higher or more restrictive, the latter shall control. The purpose of this chapter is to achieve orderly development though land subdivision; to provide for adequate municipal services and safe streets; and to protect and promote the health, safety and general welfare.

(Ord. 85-12C, 3-6-2007)

##### **§ 155.04 ADOPTION OF LEGISLATIVE GRANT OF POWER.**

This chapter is adopted under the authority of the Constitution and laws of the state, including particularly Tex. Local Gov't. Code Ch. 212, as heretofore or hereafter amended and the provisions of the Municipal Annexation Act as heretofore or hereafter amended (compiled as Tex. Local Gov't. Code § 43.052).

(Ord. 85-12C, 3-6-2007)

## § 155.05 CONFORMANCE WITH GENERAL PLAN.

No plat or subdivision of land within the City, and within its extraterritorial jurisdiction as determined by Tex. Local Gov't. Code Chs. 43 and 212, shall be approved unless the plat conforms to a general plan of said City and its roads, streets, alleys, easements, parks and public utility facilities, including those which have been or may be laid out and to a general plan for the extension of said City and of its roads, streets, alleys, easements and public highways, regard being had for access to public utilities.

(Ord. 85-12C, 3-6-2007)

## § 155.06 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. When not inconsistent with the context, words used in the present tense include the future; words used in the singular number include the plural number; and words used in the plural number include the singular number. The words "shall" and "will" are always mandatory, while the word "may" is directory.

*Approved Plat.* A plat of a subdivision which has been approved in accordance with the requirements of these regulations and which has been filed for record with the County Clerk and with the City Secretary.

*Building Line.* The line beyond which buildings must be set back from the boundaries.

*City.* The City of Woodcreek, Texas.

*City Engineer.* The City Engineer or such registered professional engineer employed or designated by the City to provide professional engineering services for and in behalf of the City.

*City of Woodcreek Standards.* The standards for streets, drainage, water and sewer facilities and appurtenant structures and such additional standards as may be adopted by the Council, and which may be amended from time to time, and are hereby referred to.

*Collector Street.* A street collecting traffic from other streets and serving as the most direct route to a major street or highway adjacent to a subdivision.

*Council.* The Council of the City of Woodcreek, Texas.

*Cul-de-Sac.* A street having but one outlet to another street, and terminated on the opposite end by a vehicular turnaround.

*General Plan.* The official map of the City as may be adopted and amended by the Council.

*Lot.* A physically undivided tract or parcel of land having frontage on a public street or either approved facility and which is, or in the future may be, offered for sale, conveyance, transfer or improvement; which is designated as a distinct and separate tract; and which is identified by a tract or lot number or symbol in a duly approved subdivision plat which has been properly recorded.

*Major Street.* A principal traffic artery, more or less continuous across the City, which is intended to connect remote parts of the City or areas adjacent thereto, and act as a principal connecting street with state and federal highways, and shall include each street designated as a major thoroughfare, including all existing and proposed major streets as designated by the Council.

*Marginal Access Street.* A street that is parallel to a major street or highway and intended to serve the local traffic in a residential area while shielding the area from the major street.

*Minor Street.*



- (1) A street intended primarily to serve traffic within a Neighborhood or Limited Residential District, and which is not necessarily continuous through several Residential District.
- (2) This *minor street* may also be referred to as a *local street* in other documents.

*Plat.* The map, drawing or chart on which a subdivider's plan of a subdivision is presented, which he or she submits for approval, and all copies of it.

*Public Street or Alley.* Any public right-of-way owned or controlled by the City, county or state, maintained by same, for use of vehicular traffic.

*Subdivider or Developer.* Synonymous and are used to include any person, partnership, firm, association, corporation (or combination thereof), or any officer, agent, employee, servant or trustee thereof, who performs, or participates in the performance of, any act toward the subdivision of land within the intent, scope and purview of this chapter.

*Subdivision.* The division of any lot, tract or parcel of land into two or more lots for the purpose, whether immediate or future, of sale or building development situated within the corporate limits or within the extraterritorial jurisdiction. It also includes vacating and resubdivision of land or lots.

*Surveyor.* A registered public surveyor, as authorized by the state statutes to practice the profession of surveying.

*Utility Easement.* An interest in land granted to the City, to the public generally, and/or to a private utility corporation, for installing utilities across, over or under private land, together with the right to enter thereon with machinery and vehicles necessary for the maintenance of said utilities.

(Ord. 85-12C, 3-6-2007)

### **§ 155.07 ENFORCEMENT.**

In addition to any other remedy provided by law, the City and its officers have the right to enjoin any violation of this chapter by injunction issued by a court of competent jurisdiction.

(Ord. 85-12C, 3-6-2007)

### **§ 155.08 SPECIAL PROVISIONS.**

- (A) It shall be unlawful for the County Clerk to receive or record any such plan, plat or replat, unless and until the same shall have been approved by the Council and duly authenticated by the Mayor.
- (B) No permit shall be issued by the City or county for the installation of septic tanks on any lot in a subdivision for which a final plat has not been approved and filed for record, or on any tract which is not a lot in a recorded subdivision.
- (C) No building, repair, plumbing or electrical permit shall be issued by the City for any structure on a lot in a subdivision for which a final plat has not been approved and filed for record, or on any tract which is not a lot in a recorded subdivision.
- (D) The City shall not repair, maintain, install or provide any streets or public services in any subdivision for which a final plat has not been approved and filed for record, or for any tract which is not a lot in a recorded subdivision.
- (E) No public utility shall sell or supply water, sewer, electric or telephone service to any subdivision for which a final plat has not been approved and filed for record, or to any tract which is not a lot in a recorded subdivision.

- (F) If any subdivision exists for which a final plat has not been approved or in which the standards contained herein or referred to herein have not been complied with in full, and the Council of the City shall pass a resolution reciting the fact of such non-compliance or failure to secure final plat approval, and reciting the fact that the provision of divisions (A) through (E) above will apply to the subdivision and the lots herein, the City Secretary shall, when directed by the Council of the City, cause a certified copy of such resolution under the corporate seal of the City to be filed in the Deed Records of the county. If full compliance and final plat approval are secured after the filing of such resolution, the City Secretary shall forthwith file an instrument in the deed records of the county stating that divisions (A) through (E) above no longer apply.
- (G) Provided, however, that, the provision of this section shall not be construed to prohibit the issuance of permits, repair and maintenance of public streets, and the furnishing of utility services to lots in a subdivision which had been filed for record with the county prior to the adoption of this chapter by the City.

(Ord. 85-12C, 3-6-2007) Penalty, see § 155.99

### § 155.09 LEGAL PROVISIONS.

- (A) *Conflicting ordinances.* If any other City ordinances are in conflict with this chapter, the most stringent rules will apply. Nothing will be permitted under the provisions of this chapter that is in violation with another valid ordinance of the City.
- (B) *Severability clause.* If any provision of this chapter, or the application thereof to any person or circumstances, is held invalid, the remainder of this chapter, and the application of such provision to other persons or circumstances, shall not be affected thereby.
- (C) *Action.* In behalf of the City, the City Attorney shall, when directed by the Council, institute appropriate action in a court of competent jurisdiction to enforce the provisions of this chapter or the standards referred to herein with respect to any violation thereof which occurs within the City or within the extraterritorial jurisdiction of the City as such jurisdiction is determined under the Municipal Annexation Act, Tex. Local Gov't. Code Ch. 43, or within any area subject to all or a part of the provisions of this chapter.

(Ord. 85-12C, 3-6-2007)

### § 155.10 VARIANCES.

- (A) The Council may authorize a variance from this chapter when, in its opinion, undue hardship will result from requiring strict compliance. In approving a variance, the Council shall prescribe only conditions that it deems necessary or desirable to the public interest, in making its findings, the Council shall take into account the nature of the proposed use of the land involved and existing uses of land in the vicinity, the number of persons who will reside or work in the proposed subdivision and the probable effect of such variances upon traffic conditions and upon the public health, safety, convenience and welfare in the vicinity. All requests for variances must be submitted in writing and shall cite the specific section of this chapter from which a variance is requested and the justification upon which the request is based. No variance shall be granted unless the Council finds:
- (1) There are special circumstances or conditions affecting the land involved such that the strict application of this chapter would deprive the applicant of the reasonable use of this land;
  - (2) The granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property in the area; and
  - (3) The granting of the variance will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of this chapter.

- (B) Such findings of the Council, together with the specified facts upon which such findings are based, shall be incorporated into the official minutes of the meeting at which the variance is granted. Variances may be granted only when in harmony with the general purpose and intent of this chapter so that the public health, safety and welfare may be secured and substantial justice done. Pecuniary hardship to the subdivider, standing alone, shall not be deemed to constitute hardship. No variance shall be granted to the requirements for street paving, water, sewer and drainage facilities.

(Ord. 85-12C, 3-6-2007)

### **§ 155.11 COMPLIANCE.**

- (A) *General.* No plat of any subdivision shall receive final approval unless the subdivider has complied or provided for compliance with the policies and procedures set forth in §§ 155.40 through 155.44 of this chapter, and in the applicable ordinances of the City. Until such policies and procedures have been complied with by the subdivider and the plat approved by the Council as herein required, no building, water, septic system, plumbing or electrical permit shall be issued by the City as to any property in the subdivision.
- (B) *Serving subdivisions with utilities.* Unless and until a subdivision plat has been submitted and received final approval, and the subdivider has constructed or provided a performance bond or other acceptable guarantee for this chapter required streets, curbs, paving, utilities and drainage facilities therein, in the manner provided by this chapter, it shall be unlawful for any public utility to sell or supply water, sewer, electric or telephone service to any tract of land in the City or its extraterritorial jurisdiction.

(Ord. 85-12C, 3-6-2007) Penalty, see § 155.99

### **§ 155.12 DEDICATION AND MAINTENANCE OF STREETS.**

- (A) It shall be unlawful for the City through any officer, contractor or employee to maintain the streets in a subdivision unless the streets are dedicated to the City and until such streets have been constructed to the specifications of the City, the required utilities and drainage facilities have been installed, and such improvements have been accepted in writing by action of the Council.
- (B) Private streets may be platted in which case they shall remain the property of the subdivider and/or subsequent owners, in the event the subdivider proposes to use private streets, a property owners' association or other responsible entity must be formed which has the authority and financial capability to properly maintain the streets.
- (C) The subdivider shall be responsible for creation of this entity and shall prepare restrictive covenants which require all property owners in the subdivision to pay an assessment for the purpose of maintaining the private streets.
- (D) The election of the subdivider to provide private streets, and the approval of the City of private streets, shall in no way diminish the obligation of the subdivider to comply with all other requirements of this chapter with respect to standards of construction for streets, required plan specifications, contract documents and performance guarantees.

(Ord. 85-12C, 3-6-2007) Penalty, see § 155.99

### **§ 155.13 EXTRATERRITORIAL APPLICABILITY.**

The requirements of this chapter are hereby extended to and shall apply to all of the areas under the extraterritorial jurisdiction of the City as provided for in the Municipal Annexation Act, Tex. Local Gov't. Code Ch.

43. Any violation of this chapter within the area under extraterritorial jurisdiction of the City shall not constitute a misdemeanor under this chapter, nor shall any fine provided for in this chapter be applicable to a violation within such extraterritorial jurisdiction. The City Council may take whatever action deemed necessary and proper, and may direct the City Attorney to institute action in District Court to enjoin violation of any provisions of this chapter within the area of the City's extraterritorial jurisdiction.

(Ord. 85-12C, 3-6-2007)

## **PROCEDURES**

### **§ 155.25 PRE-APPLICATION MEETING.**

Prior to the preparation of the preliminary plat, the subdivider may seek the advice of the Council in interpreting this chapter. This step does not require formal application, fee or filing of any plat with the City Secretary. At such a meeting, the Council will be able to make any suggestions that would direct the proposed subdivision toward desirable objectives and possibly prevent unnecessary work and expense if objectives are not met. The pre-application meeting is elective on the part of the subdivider. In the event the subdivider elects to have a pre-application meeting, the subdivider shall contact the City Secretary and ask to be placed on the agenda of the next meeting of the City Council and make such oral and graphic presentations of the proposed subdivisions as he or she deems appropriate and request any clarification or interpretation of this chapter.

(Ord. 85-12C, 3-6-2007)

### **§ 155.26 PRELIMINARY PLAT.**

(A) *General.*

- (1) Action by the Planning and Zoning Commission and City Council. All subdivision plat applications (except minor plats and amended plats) shall be reviewed by the Planning and Zoning Commission. The Planning and Zoning Commission may:
  - (a) Recommend approval of the plat application;
  - (b) Recommend approval of the application subject to certain conditions; or
  - (c) Vote to deny the plat application within 30 calendar days following the official submission date, unless the applicant has submitted a written waiver of the 30-day review/approval time.
- (2) City Council shall consider the recommendation of the Planning and Zoning Commission and, if the application is in complete conformance with all other pertinent regulations of the City, then City Council shall take action to approve or disapprove the application.
- (3) The City Council shall take action on the plat within 30 calendar days following action by the Planning and Zoning Commission. Affirmation of, or minor modifications to, the recommendation of the Planning and Zoning Commission shall require a simple majority vote of the City Council members present and voting.

- (B) *General filing.* Prior to filing a final subdivision plat for approval, the subdivider shall prepare a preliminary plat and submit 12 copies to the City Secretary, at least two weeks prior to the meeting of the Council at which it is to be considered. Subdividers may not file a final subdivision plat for action until a preliminary plat has been submitted to and approved by the Council. Upon approval of the preliminary plat, the subdivider may proceed with preparation of a final plat and such other plans and documents as may be required by this chapter.

- (C) *Overall preliminary layout plat or larger tract.* Where the proposed subdivision constitutes a unit of a larger tract owned by the subdivider which he or she intends to be subsequently subdivided as additional units of the same subdivision, the subdivision plat shall be accompanied by a layout of the entire area, showing the tentative layout of street, blocks and drainage for such area. The overall layout, if approved by the Council, shall be attached to and filed with a copy of the approved subdivision plat in the permanent files of the City. Thereafter, fractional plats of subsequent units of such subdivision must be submitted for preliminary plat approval, and shall conform to such approved overall layout, unless changed by the Council.
- (D) *Specifications.* A preliminary plat of any proposed subdivision shall be drawn on sheets a maximum size of 24 inches wide by 36 inches long and drawn to a scale of 100 feet to one inch. In cases of large developments which would exceed the dimensions of the sheet of 100-foot scale, preliminary plats may be 200 feet to one inch in scale, and shall show the following information:
- (1) The date, scale and north point; a key plan showing location of the tract; the title under which the plat is to be recorded, and the names of the owner and engineer, land planner, landscape architect, architect or surveyor or other person preparing the plat;
  - (2) The existing boundary lines and acreage of the land to be subdivided, and property lines and names of owners of adjacent properties;
  - (3) The location of the centerline of existing watercourses, railroads and other similar drainage and transportation features, and the location and sizes of existing streets, easements, alleys, lots and public area on or adjoining any part of the land;
  - (4) Topographical information approximately equivalent to five-foot contour lines based on United States Geological Survey datum, which shall be specified on the plat;
  - (5) The location, size and flow line of all existing drainage structures on the land being subdivided and on adjoining tracts;
  - (6) The locations, width and dimensions of proposed streets, alleys, easements, parks and other public spaces, sites for all private use, lot and block numbers, lot lines and building lines;
  - (7) The route of any existing or proposed utility lines, including location of fire hydrants;
  - (8) Description, by metes and bounds, of the subdivision;
  - (9) Primary control points or descriptions, and ties to such control points to which dimensions, angles, bearings, block numbers and similar data shall be referred;
  - (10) Proposed street names;
  - (11) Front building setback lines on all lots and sites. Side yard setback lines at street intersections;
  - (12) Location of City limits boundary if they traverse the subdivision, or are contiguous to such boundary; and
  - (13) Vicinity sketch or map at a scale of not more than one inch equals ten feet shall show existing subdivisions, street, easements, rights-of-way, parks and public facilities in the vicinity, and the general drainage plan.
- (E) *Processing of preliminary plat.*
- (1) The Council shall check the preliminary plat as to its conformity in the general plan and to this chapter. The Council will act on the preliminary plat approving, disapproving or approving with conditions.
  - (2) If conditional approval is given, the conditions shall be recorded in the minutes of the meeting.
- (F) *Final acceptance or approval.* Approval of the preliminary plat as such shall not constitute final acceptance or approval of the subdivision. When a preliminary plat has been approved by the Council, the final plat, as

defined in this chapter, shall be submitted within six months thereafter; otherwise, approval of the preliminary plat shall terminate unless the time for filing of the plat is extended by the Council at the written request of the subdivider.

(Ord. 85-12C, 3-6-2007)

### § 155.27 FINAL PLAT.

- (A) *Filing procedures.* Upon approval of the preliminary plat, the subdivider shall file a final subdivision plat and other supporting documents required by this chapter with the City Secretary. The filing of the final plat shall not be deemed complete until all supporting documents required by this chapter have been filed. When all documents have been filed and the filing fee as provided herein have been paid, the City Secretary shall provide the subdivider a receipt indicating the effective date upon which all required documents were filed. The Council shall act upon the final plat within 30 days of the effective filing date. A filing fee in accordance with the Master Rate Schedule as adopted by resolution of the City of Woodcreek, per lot for single-family residential lots and per acre for non-single-family lots shall be charged for the area subdivided.
- (B) *Specifications.* The final plat shall be drawn in black ink upon film, linen, tracing cloth or other permanent tracing material 18 inches wide and 24 inches long to a scale of 100 feet to one inch, and shall include the following information:
- (1) Date, subdivision title, scale and north point;
  - (2) The names of the adjoining subdivisions or the names of the adjoining property owners, together with the respective plat or deed references;
  - (3) Final contour data at intervals not more than two feet for land with an average slope of up in 2 percent and not more than five-foot intervals for land with an average slope of greater than 2 percent;
  - (4) The lines and names of all proposed streets or other right-of-way or easements, including a statement of the purpose for which such easements are dedicated, and other open spaces to be dedicated for public use or granted for use of the inhabitants of the subdivision;
  - (5) Lot and block numbers of property;
  - (6) Sufficient data to determine readily and reproduce on the ground the location, bearing and length of every street line, lot line, boundary line, block line and building line whether curved or straight, and including true north point. This shall include the radius, central angle and tangent distance for the property lines of curved streets and curved property lines;
  - (7) Surveyor's certificate, owner's dedication, certification of City approval; and
  - (8) If the subdivision is not to be served immediately by a sewage collecting system connected to a treatment plant or to a public sewer system, a restriction prohibiting occupancy of any lot until a septic tank has been licensed by the county shall be noted on the final plat.
- (C) *Supporting documents.* In addition to the final plat, three sets of the following documents must be filed with the City Secretary:
- (1) Construction plans, specifications and contract documents for water, sewer, street and drainage improvements, along with a cost estimate for such facilities prepared by the subdivider's engineer;
  - (2) Copies of letters of approval from State Health Department for the water and sewer improvements;
  - (3) Letters of certification from the utility companies which will be furnishing water, sewer, electric and telephone service to the subdivision. The required form for these letters of certification are included as is set forth herein;

- (4) Where the subdivider proposes to use private streets, copies of the executed documents creating the entity authorized and responsible for maintaining the private streets and the original executed restrictive covenants requiring all property owners in the subdivision to pay an assessment for the purpose of maintaining the private streets. The restrictive covenant will be filed in the deed records of the county by the City Secretary contemporaneously with the recording of the final subdivision plat;
  - (5) Where sewage treatment is to be provided by individual septic tank and tile fields or absorption beds, the subdivider shall furnish a report prepared by a registered professional engineer licensed by the state. Such report shall include a statement as to whether or not, in the engineer's professional opinion, all lots in the subdivision can be adequately served by septic tank and tile field or absorption bed installations without causing a public health hazard or nuisance. The report shall be based in part on the results of percolation tests, the number and location of which are to be determined by the engineers;
  - (6) A certificate from the City Treasurer and from the appropriate official of other taxing agencies within whose jurisdiction the proposed subdivision lies to the effect that all ad valorem taxes currently due have been paid on the land included within the subdivision; and
  - (7) When improvements including streets, drainage, water and wastewater facilities are required, the subdivider shall execute a performance agreement in the form set by the City, and file the same with the City Secretary.
- (D) *Processing of final plat.*
- (1) When the City Secretary determines that all final plat filing requirements have been met, the City will review the final plat and all required supporting documents for compliance with this chapter and any other applicable ordinances of the City. Action will be taken by the Council within 90 days of the effective filing date to either approve or disapprove the final plat. If no action is taken to approve or disapprove the final plat within such 90-day period, then the final plat shall be deemed to be approved. If the plat is not approved, the City shall indicate the applicable section or sections of this chapter with which the plat and supporting documents are in non-compliance.
  - (2) Within a period of two years after the plat has been approved, and if the subdivider has constructed and has had accepted, by the City, all required street, drainage, water and wastewater improvements, the Mayor shall direct the City Secretary to cause the final plat to be recorded in the deed and plat records of the county. No plat will be filed, however, without a written request from the subdivider along with a check payable to the City for the amount of the recording fee.
  - (3) At the request of the subdivider, the final plat may be recorded prior to completion of the required street drainage, water and wastewater improvements by the subdivider providing an acceptable guarantee for performance. The guarantee of performance shall be in the form set by the City. The Mayor will then direct the City Secretary to cause the plat and the performance agreement to be recorded in the deed and plat records of the county. Upon completion of the required street, drainage, water and wastewater improvements and acceptance by the City, an instrument, in the form as set by the City releasing the subdivider from the requirements of the performance agreement, shall be filed by the City Secretary in the deed and plat records of the county. At the time of filing the guarantee of performance referred to above, the subdivider shall make a written request that the plat be recorded and tender a check in the amount required to pay the recording fee for the plat, the performance agreement and the release of the performance agreement.
  - (4) In the event an approved plat has not been recorded in one of the manners described above within two years of approval, said approval of such plat shall expire. Thereafter, should the subdivider desire to resubmit the plat, it shall be submitted in the same manner as a previously unsubmitted plat.

- (E) *Processing of vacating and resubdivision plats.* Vacating, resubdivision, amending and correction plats shall be processed as provided for by the state law, and shall meet all the requirements of this chapter.

(Ord. 85-12C, 3-6-2007; Ord. 16-220, 4-13-2016; Ord. 19-256, 3-13-2019)

## **DESIGN STANDARDS**

### **§ 155.40 GENERAL DESIGN PRINCIPLES AND OBJECTIVES.**

- (A) *Conformity with the general plan.* All subdivisions shall conform to a general plan for orderly and unified development of streets, utilities, neighborhood design and public land and facilities, as well as the other provisions of this and other ordinances and codes of the City.
- (B) *Provision for future subdivision.* If a tract is subdivided into parcels larger than five acres, such parcels shall be arranged to allow logical further subdivision and the opening of future streets.
- (C) *Standards for site improvements.* All streets, alleys, utility installations and other site improvements required to be installed by the subdivider under the provisions of these regulations shall conform to the requirements of this section and to the then current policies, specifications and regulations of the City, or other approved agencies responsible for design, construction methods and standards.

(Ord. 85-12C, 3-6-2007)

### **§ 155.41 STREETS.**

- (A) *Street layout.* The arrangement, extent, character, width, grade and location of all streets shall conform to the general plan of the City. Minor residential streets shall provide adequate circulation within the neighborhood and yet discourage through traffic. The street layout shall be arranged to achieve the most desirable development of the entire neighborhood unit with appropriate consideration of creeks, drainage channels, wooded areas and other topographical features which lend themselves to special treatment.
- (B) *Relation to adjoining streets.* Where appropriate to the neighborhood pattern, existing streets in adjoining areas shall be continued and tied into the street layout. The width and alignment of such streets shall be as approved by the Council.
- (C) *Projection of streets.* When adjoining areas are not yet subdivided, the arrangement of streets shall provide for the proper projection of streets into the adjoining unsubdivided areas as well as will be required to complete the neighborhood pattern or conform to the general plan.
- (D) *Block lengths.* In general, block lengths shall not exceed 1,800 feet or be less than 500 feet.
- (E) *Partial or half streets.* In the case of minor streets, no new half streets shall be platted. Where the proposed subdivision abuts upon an existing half street, the remaining half of the street shall be platted.
- (F) *Dead-end streets and cul-de-sacs.*
- (1) Dead-end streets shall be prohibited, except as short stubs projected to be continued in future subdivisions in conformance with § 155.40(B) of this chapter or when designed as cul-de-sacs. Temporary turnarounds shall be provided on projected streets until such time as they are extended.
  - (2) Cul-de-sac streets in general shall not exceed 800 feet in length and shall have a turnaround right-of-way of not less than 100 feet in diameter with a minimum pavement of 80 feet in diameter.
- (G) *Alignment.* The alignment of all major and secondary streets shall conform to the general plan of the City.



- (H) *Intersections.* All intersections of streets shall be at approximately 90 degrees.
- (I) *Right-of-way and pavement widths.* All street and pavement widths shall conform to the general plan and any exhibits attached to the ordinance codified herein, but in no case shall the right-of-way widths be less than the following:
- (1) *Major streets.* As approved by the Council;
  - (2) *Collector streets.* Sixty feet; and
  - (3) *Minor streets.* Fifty feet if curbs are required by this chapter or used, 65 feet otherwise.
- (J) *Street names.*
- (1) Names, of new streets shall not duplicate the names of existing streets within the community unless the new street is a continuation of or part of a future continuation of such existing street. Street names shall be chosen to avoid similarity or confusion with existing street names. Names of all new streets shall be subject to approval by the Council, and be coordinated on an area wide basis with the U.S. Postal Service.
  - (2) Street addresses should also be coordinated with present existing addresses.
- (K) *Other minimum improvements.* Street signs will be installed at each street intersection and shall conform to the existing signs in the City.
- (L) *Construction standards.* All streets shall be constructed in accordance with *Specifications for Paving and Drainage Improvements of Hays County, Texas*, and exhibits attached to the ordinance codified herein.
- (M) *Reserve.* A provisional one-foot reserve shall not be allowed along the side or end of streets dedicated to the public trial abut property not subdivided in a recorded plat.
- (N) *Temporary right-of-way.* When deemed necessary by the Council, temporary right-of-way shall be provided for certain uses or locations, such as the provisions of turnarounds on projected streets. Such temporary right-of-way shall revert to the abutting property owners when no longer required for its original purpose.

(Ord. 85-12C, 3-6-2007)

#### **§ 155.42 EASEMENTS.**

- (A) *Utility easements.* Easements shall be provided for installation of utilities, as required by the utility companies providing service to the subdivision.
- (B) *Drainage easements.* Where the subdivision is traversed by a watercourse, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such watercourse, and of sufficient width to accommodate a 100-year return frequency storm, as determined by HUD Flood Hazard Boundary Maps or other appropriate federal agencies.

(Ord. 85-12C, 3-6-2007)

#### **§ 155.43 SINGLE-FAMILY RESIDENTIAL LOTS.**

- (A) *General layout.* The shape and orientation of lots shall be appropriate to the topographic features of the site. Side lot lines shall be substantially at right angles to straight streets and radial to curved streets. Corner lots shall have sufficient width to provide appropriate building setbacks from and orientation to both streets. Each lot shall front on a platted public or private street.

- (B) *Lot area and dimensions.* The area, depth and width of lots shall be appropriate for the existing neighborhood and for the type of development and use contemplated.
- (1) Where individual septic tank and tile fields or absorption beds are used and water service from a state-approved public water supply is not available, the minimum lot size shall be one acre. The average width of each lot in such case shall be 150 feet.
  - (2) Where individual septic tanks and tile fields or absorption beds are used and where water service from a state-approved public water supply is furnished, the minimum lot area shall be 20,000 square feet. The average width of each lot in such case shall be 100 feet.
  - (3) Where wastewater facilities connected to a state-approved wastewater treatment plant are provided and water service from a state-approved public water supply is furnished, the minimum lot area shall be 12,000 square feet and the average width of each lot shall be 80 feet.
- (C) *Building setback lines.* Minimum front setback lines and side setback lines at street intersections shall be shown on the plat and shall conform to the restrictions, if any, imposed on the subdivision by the subdivider. In no event shall the front building setback be less than 25 feet, and the side building setback at street intersections shall not be less than 15 feet.
- (Ord. 85-12C, 3-6-2007)

**§ 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.
- (B) All streets, whether public or private, shall be constructed according to the *Specification for Paving and Drainage Improvements of Hays County, Texas*. Three complete sets of plans, specifications and contract documents for all street and drainage improvements and the engineer's cost estimate shall be submitted with the final subdivision plat. The plans shall show such features as typical roadway sections, plan and profile or other satisfactory description of the proposed improvements, and the location, size, length, slope and hydrological and hydraulic calculations for culverts and other drainage facilities.
- (Ord. 85-12C, 3-6-2007)

***REQUIRED IMPROVEMENTS***

**§ 155.55 STREET AND DRAINAGE IMPROVEMENTS.**

- (A) *General.* The City's authorized representative shall from time to time inspect the construction of street and drainage improvements for compliance with the standards governing the same and the approved plans, specifications and contract documents, inspection by the City's authorized representative or election not to inspect shall not diminish the obligation of the subdivider to construct the improvements according to the standards governing the improvements or the approved plans specifications and contract documents.

(B) *Acceptance of completed street and drainage improvements.* Upon completion of the street and drainage improvements a final inspection will be conducted by the City's authorized representative. The subdivider shall furnish the City the following items at the time of the final inspection:

- (1) An engineer's certificate that the street and drainage improvements have been constructed in substantial compliance with the governing standards and the approved plans, specifications and contract documents;
- (2) Two sets of "as built" plans; and
- (3) A maintenance bond written by a surety company authorized to do business in the state, or other guarantee satisfactory to the City, in the amount of 10 percent of the cost of the street and drainage improvements. Such maintenance bond or guarantee shall provide for the repair of any defects in the street and drainage improvements for a period of one year after acceptance by the City. Upon passing a final inspection and receipt of the above required items, the City will accept the street and drainage improvements by resolution of the Council.

(Ord. 85-12C, 3-6-2007)

### **§ 155.56 WATER SUPPLY.**

All lots less than one acre in area must be served by a state-approved public water supply. The subdivider shall submit three complete sets of plans, specifications and contract documents of all water system improvements along with evidence of approval of the same by the State Department of Health, along with the engineer's cost estimate for these facilities. In addition to State Department of Health requirements, the minimum water line size shall be six inches in diameter for residential areas and eight inches in diameter in commercial areas. National Standard type, three-way fire hydrants with a minimum of a five-inch valve opening must be provided so that every lot is within 500 feet of a fire hydrant. All subdivisions of land within the corporate limits of the City regardless of lot size shall have water service from a state-approved central water system and meet the requirement for main size and fire hydrants as set out above; provided that, this sentence shall not apply to the City's extraterritorial jurisdiction.

(Ord. 85-12C, 3-6-2007)

### **§ 155.57 STORM WATER DRAINAGE FACILITIES.**

(A) *General policies.*

- (1) Storm water drainage improvements shall be provided for the subdivision. Storm water drainage improvements must not adversely affect abutting properties. Storm water drainage facilities shall be designed in compliance and in accordance with this section and generally recognized accepted engineering practices.
- (2) All storm water drainage facilities shall be designed to intercept and transport the projected runoff from a 25-year frequency storm. In addition, those flows greater than a 25-year frequency up to and including a 100-year frequency storm shall be contained within the right-of-way of public streets and drainage easements.
- (3) Projected runoff rates for the design and analysis of storm water drainage facilities shall be based on the expected ultimate developed state of the upstream contributing area and shall apply to any and all references to floodplain, flows, design frequencies or any other quantitative hydraulic description.
- (4) The requirements provided in this section shall not relieve the owner of responsibility under state law to adjacent and downstream property owners.

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- (B) *Storm water drainage facilities.* Except as stated herein, all development establishing impervious cover or otherwise modifying an existing site shall incorporate on-site drainage facilities to prevent any increase in the peak rate of runoff from the two-, ten- and 25-year frequency storm. The City Engineer may modify this requirement under either of the following circumstances:
- (1) An approved off-site storage is provided by the developer for the required regulation of peak flows; or
  - (2) Sealed engineering data and calculations are presented which fully describe, explain and justify recommended alternatives.
- (C) *Computation and plans.*
- (1) Plans for proposed drainage facilities shall be submitted to the City Engineer for acceptance prior to construction.
  - (2) Computations for all drainage related design shall be submitted with the plans for review. Data submitted shall include, but is not limited to, a drainage area map, a summary of methodology employed and resulting data, land use and runoff coefficient assumptions and other pertinent hydrologic and hydraulic data.
  - (3) Certification shall be submitted by an engineer that the plans and computations are in compliance with the requirements of this section.
- (D) *Subdivision plats.*
- (1) Final plats for subdivisions shall show the limits of the 100-year floodplain for all waterways draining 50 or more acres by hatchmarking said floodplain on the plat.
  - (2) The final plat of any proposed residential subdivision shall provide public rights-of-way, drainage easements or separate lots dedicated for such purposes to cover at a minimum the 100-year floodplain areas, drainage channels, pipe systems and any other related drainage facilities. All other final plats shall provide drainage easements or separate lots dedicated for such purposes to cover at a minimum the 25-year floodplain areas, drainage channels, pipe systems and any other related drainage facilities.
  - (3) The final plat shall establish minimum finished floor elevations for all lots at two feet above the 100-year floodplain elevation.

(Ord. 85-12C, 3-6-2007; Ord. 85-12D, 3-6-2007)

### **§ 155.58 DRAINAGE.**

- (A) *General.* No lot in any subdivision which falls within the 100-year floodplain as determined by appropriate federal agencies shall be approved unless the affected area is delineated on the plat and a restriction prohibiting buildings or septic tank installations in the area so designated is incorporated on the plat. The minimum lot area requirements of this chapter must be met exclusive of any part of the lot which is located in the 100-year floodplain.
- (B) *Facilities required.* All necessary storm drainage facilities including enclosed storm sewers, bridges, culverts and watercourse improvements to carry off storm water from a 25-year return frequency storm within the subdivision and integrate such subdivision drainage with the overall drainage system shall be provided.

(Ord. 85-12C, 3-6-2007)

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**§ 155.99 PENALTY.**

Anyone violating any provision of this chapter within the corporate limits of the City shall be guilty of a misdemeanor and, upon conviction, shall be fined an amount not to exceed \$2,000. Each day that such a violation continues shall be deemed a separate offense, and be punishable as such. Prosecution or conviction under this section shall not be a bar to other remedies of relief for violation of this chapter.

(Ord. 85-12C, 3-6-2007)