

## **ORDINANCE NO. 22-312**

### **CITY OF WOODCREEK, TEXAS**

**AN ORDINANCE AMENDING THE CITY OF WOODCREEK, TEXAS, CODE OF ORDINANCES AT TITLE XV ("LAND USAGE"), CHAPTER 156 ("ZONING"); PROVIDING FOR ENACTMENT, REPEALER, SEVERABILITY, CODIFICATION, AND EFFECTIVE DATE, AND FINDING PROPER NOTICE AND MEETING.**

**WHEREAS** The City of Woodcreek recognizes individual property rights of landowners within the city limits; and

**WHEREAS**, The City of Woodcreek seeks to avoid placing undue regulations or limitations on the rights or use of land by private owners; and

**WHEREAS**, The City of Woodcreek values its citizens and understands that property owners shall have their rights protected by the governing body and it is the governing body's duty to review and change certain regulations as necessary in order to promote the greatest liberty possible for residents while still maintaining safety and good order; and

**WHEREAS**, The City of Woodcreek City Council finds that property owners who hold multiple adjacent lots deserve the ability to utilize these lots in a manner they see fit and that said owners can exercise good judgment in the placement of certain accessory structures and fencing to maximize the use of their lands; and

**WHEREAS**, the City Councils finds the creation of this ordinance aligns with the best interests of its citizens and is for good government and order of the City.

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

#### **1. FINDINGS OF FACT**

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

#### **2. ENACTMENT**

The Code of Ordinances of the City of Woodcreek is amended at Title XV ("Land Usage"), Chapter 156 ("Zoning") so as to read in accordance with Attachment A attached hereto and incorporated into this Ordinance for all intents and purposes.

#### **3. REPEALER**

All ordinances, resolutions, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

#### 4. SEVERABILITY

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

#### 5. CODIFICATION

The City Secretary is hereby authorized and directed to record and publish the language of Title XV, Chapter 156, as written by this Ordinance, in the City's Code of Ordinances.

#### 6. EFFECTIVE DATE

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


#### 7. PROPER NOTICE & MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was attended by a quorum of the City Council, was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. 27.

**PASSED & APPROVED** this, the 10<sup>th</sup> day of August 2022, by a vote of 3 (ayes) to 0 (nays) and 0 (abstentions) of the City Council of Woodcreek, Texas.

CITY OF WOODCREEK:

ATTEST:

  
Jeff Rasco, Mayor  
Suzanne Mac Kenzie, City Secretary

**Attachment "A" City of Woodcreek**  
**CODE OF ORDINANCES TITLE XV: LAND USAGE**  
**CHAPTER 156: ZONING**

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

(A) Notwithstanding the foregoing, or any other provisions of this section of Woodcreek's Code of Ordinances, building across lot lines on multiple lots may be allowed if, and only if, there is unified ownership of adjacent lots, and if there is at least one primary structure, such as a single-family residential home, presently existing on one of the lots with unified ownership.

(B) Any new construction or repairs of existing construction on adjacent lots viewed as having unified ownership under this section are subject to the following restrictions:

(1) Fences, water permeable walkways, and similar related landscaping may be built across lot lines and cross over into an adjacent lot as well as any lot adjacent thereto. Provided however, the placement limitations for fencing set forth in section 156.057 shall apply and with the understanding that adjacent lots with unified ownership shall be viewed as "one-lot" for the purposes of determining fence location under this section. Walkways constructed may not utilize concrete pavement and shall feature water permeable options.

(2) Accessory and other non-permanent structures may be built on lots adjacent to a lot on which a primary structure is located as well as any adjacent lot thereto, even if those lots do not have a primary structure, so long as the lots are connected via unified ownership as outlined in this section. Building of such structures is limited by the following restrictions:

(a) Accessory structures, and other non-permanent structures, may not involve the pouring or placement of a concrete slab; they shall be built on the ground or utilizing a pier-and-beam design. This includes walkways constructed to and around accessory and other non-permanent structures. Walkways must be water permeable and may not utilize concrete in their execution or design.

(b) These accessory, non-permanent, structures may **not** be fit for or intended to be used for human occupation. Examples of permitted structures include but are not limited to green houses, sheds, playground equipment, an enclosed garage space, etc. Prohibited structures would include a guest house, pool house, office, or a garage space with climate regulation and a bathroom.

(c) The maximum size for any accessory structure built on an adjacent lot with no primary structure shall be 400 sq ft.

(3) Building setback requirements will apply to all lot lines even the interior lines of adjacent lots when viewed as one collective lot under unified ownership for the purposes of building accessory structures. Only landscaping, walkways, and fencing may cross building setbacks or lot lines. Accessory and other non-permanent structures may not crossover or encroach upon building setback and other interior lot lines as outlined

in section 156.062

(4) Standard impervious cover limitations shall apply to the lot on which the primary structure exists. By fencing in or unifying lots in this manner, it does not increase the total square footage of a single lot and so therefore does not increase impervious coverage limitations or calculations for any of the lots viewed under unified ownership as outlined in this section.

(5) Lots on which there is not a primary structure will only be entitled to use one-half of the allowable impervious cover; this is 15% of the total lot square footage as outlined in section 50.37. This is applicable to all constructions such as accessory structures, placement of large rock landscaping, and decking.

(C) The foregoing does not provide an absolute right to make improvements to adjacent lots with unified 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.

(D) The process for building across lot lines as outlined in this section and applying to adjacent lots viewed as under unified ownership is not equivalent to, nor does it replace the process of replating. Owners that choose to use this section to build across lot lines or place accessory, non-permanent, structures on adjacent lots without a primary structure are subject to disclosing this information to future owners in the real estate transaction process. Lots unified for the purposes of this chapter shall not be considered as replated to a single lot under any legal description as recognized by the City without going through a formal replating process. The City shall not be bound or held responsible if a misrepresentation of lots that have been unified in the manner outlined in this section occurs as replated or as a single lot under any legal description as recognized by government bodies that have the authority to levy taxes or place liens on real property.

(E) Owners who chose to use this section to build across lot lines for adjacent lots under unified ownership retain the right to sell an individual lot and may proceed with the understanding that pending a sell of real property they may be required to remove all or portions of any accessory structures, fencing, walkways, and/or landscaping to sell any single lot viewed as under unified ownership for the purposes of this section of the City of Woodcreek Code of Ordinances.