

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF VAN ALSTYNE, TEXAS, AMENDING CHAPTER 38 OF THE CODE OF ORDINANCES OF THE CITY, THE SAME BEING THE SUBDIVISION AND LAND DEVELOPMENT ORDINANCE OF THE CITY OF VAN ALSTYNE, SPECIFICALLY AMENDING CHAPTER 38, "SUBDIVISION AND LAND DEVELOPMENT," SECTION 38-258, "GENERAL CONSTRUCTION AND IMPROVEMENTS," BY AMENDING THE LANGUAGE REQUIRED FOR PAVING MATERIALS IN RURAL SETTINGS; PROVIDING FOR SAVINGS, REPEALING, AND SEVERABILITY CLAUSES; PROVIDING A PENALTY CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, the City of Van Alstyne ("City") is a Type A General Law Municipality located in Grayson and Collin Counties created in accordance with provisions of the Texas Local Government Code and operating pursuant to the enabling legislation of the State of Texas; and

WHEREAS, the City Council of the City of Van Alstyne ("City Council") adopted Chapter 38 of its Code of Ordinances, the same being the Subdivisions and Land Development ("Subdivision") Ordinance of the City, which sets forth the orderly conveyance of land, including natural resources, and establish municipal control over the character of development; and

WHEREAS, the City Council has considered the proposed amendment to the Subdivision Ordinance and the appropriateness of the amendment; and

WHEREAS, after public notices were given in compliance with State law and public hearings were conducted, and after considering the information submitted at those public hearings and all other relevant information and materials, the Planning & Zoning Commission of the City has recommended to the City Council the adoption of the amendment to the Subdivision Ordinance as set forth in this Ordinance; and

WHEREAS, after complying with all legal notices, requirements, and conditions, a public hearing was held before City Council at which the City Council considered the recommendation of the Planning and Zoning Commission, and among other things, the necessity for orderly and appropriate regulations of the use of land, and the City Council does hereby find that the amendment to the Subdivision Ordinance approved hereby accomplishes such objectives; and

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

SECTION 1: Incorporation of Premises. The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

SECTION 2: Findings. After due deliberations and consideration of the recommendation of the Planning and Zoning Commission and the information and other materials received at the

public hearing, the City Council has concluded that the adoption of this Ordinance is in the best interests of the City of Van Alstyne, Texas, and of the public health, safety, and welfare.

SECTION 3: Subdivision Amendments. Chapter 38 of the Code of Ordinances of the City of Van Alstyne, Texas, the same being the City's Subdivision Ordinance, is hereby amended as follows, with deletions being struck through and additions being underlined, and all other articles, chapters, sections, paragraphs, sentences, phrases, and words not expressly amended hereby are hereby ratified and affirmed:

Sec. 38-258. General construction and improvements.

- (a) *Conformity to the design requirements.* No plat shall be approved by the ~~City Council~~ Planning & Zoning Commission, and no completed improvements shall be accepted by the city engineer, unless and until such conforms to the City Design Manual in this chapter, and all other applicable standards as prescribed by the City. All streets, alleys, sidewalks, drainage ways, water and sewer lines, and improvements shall be designed, placed, and constructed in accordance with the City Design Manual, as amended.
 - (1) Development within the city limits. All streets, both adjacent to residential and non-residential tracts of land, shall be constructed of cement paving with curb and gutters, according to the detailed street sections shown in the City Design Manual.
 - (2) Residential development in Van Alstyne's extraterritorial jurisdiction (ETJ). Internal streets to be used by the residents and service providers within a large-lot residential development (one-acre tracts and larger) may use any of the following roadway construction options:
 - a. The in-city standard of concrete paving with curb and gutter.
 - b. Concrete paving with bar ditches.
 - c. Chip seal paving with a cement base with bar ditches.
- (b) *Conformity to comprehensive plan.* All subdivisions shall conform to the applicable parts of the comprehensive plan and thoroughfare plan of the City.
- (c) *Reserve strips.* There shall be no reserve strips of land permitted within a subdivision except those which are planned to be conveyed or dedicated to a federal or state agency for state highways US 75, FM 121, FM 3133, and State Highway 5.
- (d) *Subdivision names.* Subdivision names shall not duplicate or cause confusion with the names of existing subdivisions. All subdivision names shall be approved by the city council upon recommendation of the city manager or his designee.

SECTION 4: No Vested Interest/Repeal. No developer or property owner shall acquire any vested interest in this Ordinance or in any other specific regulations contained herein. Any portion of this Ordinance may be repealed by the City Council in the manner provided for by law.

SECTION 5: Unlawful Use of Property. It shall be unlawful for any person, firm, entity, or corporation to make use of the Property in some manner other than as authorized by this Ordinance, and it shall be unlawful for any person, firm, entity, or corporation to construct on said Property and building that is not in conformity with the permissible uses under the City's Zoning Ordinance and this Ordinance.

SECTION 6: Penalty. Any person, firm, corporation, or entity violating the Ordinance, or any provision of Van Alstyne's Zoning Ordinance, as it exists or may be amended, shall be deemed

guilty of a misdemeanor, and upon conviction thereof, shall be fined a sum not exceeding Two Thousand Dollars (\$2,000.00). Each continuing day's violation under this Ordinance shall not preclude Van Alstyne from filing suit to enjoin the violation. Van Alstyne retains all legal rights and remedies available to it pursuant to local, state, and federal law.

SECTION 7: Severability. Should any section, subsection, sentence, clause, or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. Van Alstyne hereby declares that it would have passed this Ordinance, and each section, subsection, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional or invalid.

SECTION 8: Savings/Repealing Clause. Van Alstyne Zoning Ordinance shall remain in full force and effect, save and except as amended by this or any other ordinance. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinances, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 9: Effective Date. This Ordinance shall become effective from and after its adoption and publication as required by law.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF VAN ALSTYNE, TEXAS on the 10th day of August, 2021.

Jim Atchison, Mayor

**ATTESTED TO AND
CORRECTLY RECORDED BY:**

Jennifer Gould, City Clerk

Date of Publication: August 20, 2021, Van Alstyne Leader