

**ORDINANCE NO. 313**

**AN ORDINANCE OF THE CITY OF UHLAND, TEXAS AMENDING THE CITY'S SUBDIVISION ORDINANCE KNOWN AS ORDINANCE 245 AS AMENDED, RELATED TO AMENDING ARTICLE I, SECTION 6 UNAUTHORIZED SUBDIVISION OR DEVELOPMENTS AND OTHER MATTERS IN CONNECTION THEREWITH; REPEALING ALL ORDINANCES TO THE EXTENT THEY ARE IN CONFLICT; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Umland ("City") is a Texas General Law Municipality operating under the laws of the State of Texas; and

**WHEREAS**, the City is empowered by Chapter 212 of the Texas Local Government Code to establish subdivision regulations within the incorporated limits of the City and within the City's Extraterritorial Jurisdiction (ETJ); and

**WHEREAS**, the City has given appropriate and reasonable consideration to the amendments to the subdivision regulations contained herein and found them to be the most appropriate for the City; and

**WHEREAS**, the City Council of the City of Umland, Texas, finds that the amendments to the subdivision regulations as depicted in this Ordinance are compliant with the requisites of state law, including Texas Local Government Code; and

**WHEREAS**, the City has complied with all conditions precedent necessary to take this action, has properly noticed and conducted all public hearings and public meetings pursuant to the Texas Local Government Code and Texas Government Code, as applicable.

**WHEREAS**, the City Council finds that the amendments to the subdivision regulations depicted in this Ordinance are necessary for the orderly development of this community and represents the best interest of all citizens of the City of Umland, Texas and promotes the aesthetics, health, safety, general welfare and convenience of the people.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF UHLAND, TEXAS, AS FOLLOWS:**

**SECTION 1.** The foregoing recitals are found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes and findings of fact.

**SECTION 2.** Ordinance 245 as amended of the City of Umland, is hereby amended as shown on Exhibit A attached hereto.

**SECTION 3.** If any provisions of this Ordinance is illegal, invalid, unenforceable under present or future laws, the remainder of this Ordinance will not be affected and, in lieu of each illegal, invalid or unenforceable provisions, a provision as similar in terms to the illegal, invalid or unenforceable provision as is possible and is legal, valid and enforceable will be added to this Ordinance.

**SECTION 4.** This Ordinance shall be cumulative of all provisions of ordinances of the City except where the provisions of the Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

**SECTION 5.** This Ordinance shall be construed and enforced in accordance with the laws of the state of Texas and the United States of America.

**SECTION 6.** It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Texas Open Meetings Act, Chapter 551, Texas Government Code, as amended.

**SECTION 7.** That all rights and privileges of the City and individual landowners are expressly saved as to any and all pending permits or violations of the provision of any ordinances repealed by this ordinance which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violation and all pending litigation, both civil and criminal, whether pending in court or note, under such Ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

**SECTION 8.** This Ordinance shall be in full force and effect after its final passage and approval by the City Council, as duly attested by the Mayor and City Secretary.


**PASSED, APPROVED, and ADOPTED on the 8th day of May, 2024.**

Ayes- 4    Nay- 0    Abstain- 0



Lacee Duke, Mayor

ATTEST:



Kimberly Weatherford, City Secretary





## EXHIBIT A

All text which is underlined denotes addition of new text. All text which is ~~stricken through~~ denotes removal of existing text. All other text is existing, unchanged text. Any existing text which has been omitted shall be considered unchanged. All text which is both between braces { } and *italicized*, is for document organization and reference only and is not intended to be adopted. The City of Umland, Texas Ordinance 245 as amended Article I, Section 6 Unauthorized Subdivisions or Developments is hereby amended as follows:

### ARTICLE I

#### SECTION 6. UNAUTHORIZED SUBDIVISIONS OR DEVELOPMENTS

- A. Permits in Unauthorized Subdivisions or Developments. No building, site, or construction permit of any kind shall be issued by the City for any site, structure or construction thereof on a lot until the plat has been accepted and approved by the City in accordance with this ordinance and filed for record with the County, with the following exceptions:
1. Permits for clearing and grading of land and public infrastructure;
  2. Permits for additions to existing structures not exceeding twenty-five percent (25%) of the area of the building at the time of the adoption of this ordinance; ~~and~~
  3. Permits for interior finish out or improvements to existing structures;
  4. Permits for repair or maintenance; and
  5. Permits for building, site, or construction on a lot upon which a residential building exists or, was in existence on or before May 8, 2024. This exception includes the demolition and rebuilding of an existing residential building.
- B. Utility Services in Unauthorized Subdivisions or Developments. No utility shall install or construct facilities within a subdivision or development unless the final plat has been accepted and approved by the City in accordance with this Ordinance, filed for record with the County, or the property is exempt from platting per LGC Sec.212.012 and a site construction permit, which includes utility facility construction and installation, has been approved. Utilities shall not set consumer or end user meters, sell or provide any service on or to a lot unless all corresponding building permits and inspections have been approved. A Utility is required to verify that the lot to or upon which service is being requested is part of a final plat that has been accepted and approved by the City in accordance with this ordinance, filed for record with the County, and that all permits and inspections have been approved.
- ~~C. Public Services in Unauthorized Subdivisions or Developments. The City shall not install, repair, maintain, authorize, or provide any streets or public utility services on or to any lot until a Plat, within which the lot is created has been accepted and approved by the City in accordance with this ordinance, and filed for record with the County.~~