

ORDINANCE NO. _____ 2018

(SUBDIVISION ORDINANCE – AMENDMENTS)

AN ORDINANCE OF THE TOWN OF SHADY SHORES, TEXAS, AMENDING THE SUBDIVISION ORDINANCE OF THE TOWN OF SHADY SHORES, BY AMENDING AND PROVIDING REGULATIONS FOR THE IMPROVEMENT OF SUBDIVISION DEVELOPMENT REGARDING DRAINAGE, SIDEWALKS, STREETLIGHTS, AND ELECTRIC AND NATURAL GAS UTILITIES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING FOR A PENALTY OF A FINE NOT TO EXCEED THE SUM OF \$2000.00 FOR EACH OFFENSE; PROVIDING A PUBLICATION CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Shady Shores Planning and Zoning Commission and the governing body of the Town of Shady Shores, in compliance with the laws of the State of Texas and the ordinances of the Town of Shady Shores have given requisite notice by publication and otherwise, and after holding any required hearings and affording a full and fair hearing to all property owners generally and to all persons interested in the subjects, and in the exercise of its legislative discretion have concluded that the Subdivision Ordinance of the Town of Shady Shores should be amended as described herein;

NOW, THEREFORE, be it ordained by the Town council of the Town of Shady Shores, Denton County, Texas:

I. The Subdivision ordinance is amended as follows:

SECTION 1.8 (C) IS ADDED AS FOLLOWS:

“C. The regulations below are required or all residential subdivisions proposed and platted after the effective date of the ordinance adopting this Section 1.8 (C) which provide 20 or more lots, or 20 or more residential units; either originally or cumulatively in phases:

1. The subdivision shall have roads which incorporate curb and gutter storm drains in compliance with the construction requirements of the Town. Bar (Borrow) ditch drainage is not permitted.
2. Sidewalks of concrete construction, not less than three feet in width, and providing for a continuous pathway from lot to lot in the front yard of the lots are required.
3. Streetlights are required. The fixtures, poles, number and placement are to be proposed by the Developer for the review and approval of the Town Council after review and recommendation of the Planning and Zoning Commission. Streetlights shall use energy efficient LED lighting. (Light Emitting Diode)
4. Electric and Natural Gas utilities and both required for the subdivision. The choice of which franchisees of the Town are to be used in the subdivision is subject to the prior written approval of the Town.

II. PENALTY FOR VIOLATIONS

Violations: Any person, association of persons, firm or corporation violating any of the provisions of this ordinance or failing to comply therewith, or with any of the requirements thereof, or building or

altering any building or structure in violation of any detailed statement or plan submitted and approved hereunder, shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined any sum not more than Two Thousand (\$2,000.00) dollars. Each and every day any such violation continues shall constitute a separate offense.

III. SEVERABILITY CLAUSE

If for any reason any section, paragraph, subdivision, word, phrase, clause or provision of this Ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, word, phrase, clause or provision of this Ordinance. For it is the definite intent of this Town Council that every section, paragraph, subdivision, word, phrase, clause or provision of this Ordinance be given full force and effect for its purpose.

IV. REPEALING CLAUSE

All provisions of the ordinances of the Town of Shady Shores in conflict with the provisions of this ordinance are hereby, repealed and all other provisions of the ordinances of the Town of Shady Shores not in conflict with the provisions of this ordinance shall remain in full force and effect.

WHEREAS it appears that this Ordinance needs to be adopted in order to protect the public interest, comfort, and general welfare and development of the Town of Shady Shores, Texas, creates an emergency for the preservation of the public health, safety and welfare, and requires that this Ordinance shall take effect immediately from and after its passage and the publication of the caption of said Ordinance, as the law in such cases provides.

PASSED AND APPROVED this the _____ day of _____, 2018 A.D. by the Town Council of the Town of Shady Shores, Denton County, Texas.

Town of Shady Shores, Texas:

Cindy Aughinbaugh, Mayor

ATTEST:

Wendy Withers, Town Secretary

APPROVED AS TO FORM:

James E. Shepherd, Town Attorney