

Ordinance No. 2023-\_\_  
Village of Salado  
County of Bell  
December 7, 2023

**ORDINANCE NO. 2023-16**

**AN ORDINANCE OF THE VILLAGE OF SALADO, TEXAS AMENDING THE EXISTING SUBDIVISION ORDINANCE; AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; RESERVATION OF RIGHTS; A SAVINGS CLAUSE; SEVERABILITY; REPEALER; EFFECTIVE DATE; AND PROPER NOTICE AND MEETING.**

**WHEREAS**, the Board of Aldermen of the Village of Salado seeks to provide for the orderly development of land and use of property within its corporate limits and its extraterritorial jurisdiction; and

**WHEREAS**, the Board of Alderman seeks to maintain the value of the Village's scenic and natural resources, which are the keystones of the Village's economic strength and quality of life, through a comprehensive regulatory program that includes a Subdivision Ordinance; and

**WHEREAS**, the Board of Aldermen is authorized to regulate subdivisions within its corporate limits and its extraterritorial jurisdiction by virtue of the Texas Constitution, the Village's police power, and by the Texas Local Government Code Section 212.003(a); and

**WHEREAS**, the Board of Aldermen retained a professional Planning Consultant to assist in the preparation of a Subdivision Ordinance for the Village and its Extraterritorial Jurisdiction; and

**WHEREAS**, the Board of Aldermen appointed a Steering Committee to assist in the preparation of the Subdivision Ordinance; and

**WHEREAS**, the Mayor and Board of Aldermen called a public meeting to consider certain aspects of the Subdivision Ordinance where public input was received; and

**WHEREAS**, the Board of Aldermen conducted a public hearing and, after all persons were given the opportunity to present testimony, and did consider and subsequently adopt the Subdivision Ordinance based on the testimony and recommendations of the Professional Consultant, Steering Committee, and members of the public; and

**WHEREAS**, the Board of Alderman called a public hearing to consider amendments to certain aspects of the Subdivision Ordinance, and did consider public input at this hearing, and has found that the proposed amendments provide for the orderly development of land and use of property within its corporate limits and its extraterritorial jurisdiction and for the public health, safety, and welfare; and

**WHEREAS**, the intent of this amended Subdivision Ordinance is for it to apply in the

whole of the Village's corporate limits and its extraterritorial jurisdiction;

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMAN OF THE VILLAGE OF SALADO, TEXAS, THAT:**

This ordinance is hereby adopted as the Subdivision Ordinance, as amended, and shall read as follows:

**SECTION I. ENACTMENT PROVISIONS**

- A. Findings of Fact:** All of the above premises are hereby found to be true and correct legislative and factual findings of the Village of Salado and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.
- B. Popular Name:** This Ordinance shall be commonly referred to as "The Subdivision Ordinance."
- C. Scope:** This Ordinance, and the rules and regulations adopted herein, shall apply within the Village limits and its extraterritorial jurisdiction. This Ordinance applies to conduct on public streets, public street rights-of-way, public sidewalks, and public parks.
- D. Effective Date:** This Ordinance shall take effect immediately upon passage and publication.

**SECTION II. ADOPTION**

Ordinance No. 2031-\_\_ is hereby adopted as follows:

**A. Rules of Interpretation**

Words and phrases used in this Chapter shall have the meanings set forth in this section. Terms that are not defined below are given their common, ordinary meaning unless the context clearly requires otherwise. When not inconsistent with the context, words used in the present tense shall include the future tense; words in the plural number shall include the singular number (and vice versa); and words in the masculine gender shall include the feminine gender (and vice versa). The word "shall" is always mandatory, while the word "may" is merely directory. Headings and captions are for reference purposes only.

**SECTION III. RESERVATION OF RIGHTS**

All rights and remedies of the Village of Salado, Texas are expressly saved as to any and all violations of the provisions of any other ordinance affecting the streets and roadways of the Village which existed at the time of the effective date of this Ordinance; and as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, the same shall not be affected by this Ordinance but may be prosecuted until final

disposition by the courts.

#### **SECTION IV. SAVINGS CLAUSE**

The repeal of any ordinance or part of ordinances effectuated by the enactment of this ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the Village under any section or provisions of any ordinances at the time of passage of this ordinance.

#### **SECTION V. SEVERABILITY CLAUSE**

If any provision, section, sentence, clause or phrase of this Ordinance, or the application of the same to any person or set of circumstances is for any reason held to be unconstitutional, void, invalid, or unenforceable, the validity of the remaining portions of this Ordinance or its application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the Board of Alderman of the Village of Salado in adopting, and of the Mayor in approving this Ordinance, that no portion thereof or provision or regulation contained herein shall be come inoperative or fail by reason of any unconstitutionality or invalidity of any portion, provision or regulation.

#### **SECTION VI. REPEALER CLAUSE**

The provisions of this Ordinance shall be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein, provided, however, that all prior ordinances or parts of ordinances inconsistent or in conflict with any of the provisions of this ordinance are hereby expressly repealed to the extent that such inconsistency is apparent. This Ordinance shall not be construed to require or allow any act which is prohibited by any other Ordinance.

#### **SECTION VII. EFFECTIVE DATE**

This Ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

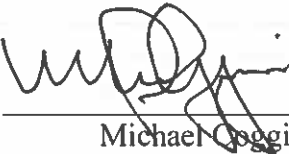
#### **SECTION VIII. NOTICE AND MEETING CLAUSE**

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public 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 of the Texas Government Code.

#### **SECTION IX. PUBLICATION**

This Ordinance shall become effective immediately upon the date of its publication as required by § 52.011 of the Texas Local Government Code. The Village Secretary is hereby directed to cause the caption of this Ordinance to be published in the manner required by law.

PASSED AND APPROVED on SECOND READING this, the 7<sup>th</sup> day of December, 2023, by a vote of 4 (ayes) to 1 (nays) and     abstentions vote of the Board of Alderman of the Village of Salado, Texas.

  
Michael Coggin, Mayor

ATTEST:

  
~~Debbie Bean, Village Secretary (Acting)~~  
DAN FERROSON

Approved to Form:

  
Josh Katz, Village Attorney

# **Subdivision Ordinance of the Village of Salado, Texas**

## **TABLE OF CONTENTS**

<b>I. GENERAL PROVISIONS</b>	<b>1</b>
Section 1.1: Authority; Extension to Extraterritorial Jurisdiction	1
Section 1.2: Interpretation and Purpose	1
Section 1.3: Application of Regulations	3
Section 1.4: Jurisdiction	4
Section 1.5: Exemptions	5
Section 1.6: Pending Applications	6
Section 1.7: Interpretation; Conflict; Severability	6
Section 1.8: Saving Provision	6
Section 1.9: Waivers/Suspensions	6
Section 1.10: Payment of All Indebtedness Attributable to a Specific Property	8
Section 1.11: Right to Deny Hearing and Plat	8
Section 1.12: Misrepresentation of Facts	8
Section 1.13: Definitions	8
Section 1.14: Development Review Bodies and Approval Authority	15
<b>II. PROCEDURES</b>	<b>17</b>
Section 2.1: Pre-Application Procedures	17
Section 2.2: Statutory Procedures	17
Section 2.3: Concept Plan Approval	23
Section 2.4: Procedures and Submission Requirements for Construction Plat Approval	24
Section 2.5: Procedures and Submission Requirements for Final Plat Approval	34
Section 2.6: Owner's/Applicant's Responsibility Regarding Copies of a Recorded Plat	38
Section 2.7: Development Plats	38
Section 2.8: Replatting	40
Section 2.9: Amending Plats	42
Section 2.10: Plat Vacation	44
Section 2.11: Minor Plats	45

<b>III. SUBDIVISION DESIGN STANDARDS</b>	<b>47</b>
Section 3.1: Streets	47
Section 3.2: Alleys	60
Section 3.3: Easements	62
Section 3.4: Blocks	62
Section 3.5: Sidewalks	63
Section 3.6: Lots	64
Section 3.7: Building Lines	65
Section 3.8: Utility Services (not provided by the Village of Salado)	65
Section 3.9: Water and Wastewater Facility Design	66
Section 3.10: Storm Water Collection and Conveyance Systems	68
<b>IV. PUBLIC SITES AND OPEN SPACES</b>	<b>69</b>
Section 4.1: Areas for Public Use	69
Section 4.2: Protection of Drainage and Creek Areas	69
Section 4.3: Property Owners or Homeowners Associations	71
Section 4.4: Park Land and Public Facility Dedication	73
<b>V. IMPROVEMENTS REQUIRED PRIOR TO ACCEPTANCE OF SUBDIVISIONS BY THE VILLAGE OF SALADO</b>	<b>76</b>
Section 5.1: Improvements, In General	76
Section 5.2: Monuments	77
Section 5.3: Street Lights	77
Section 5.4: Street Names and Signs	78
Section 5.5: Street and Alley Improvements	78
Section 5.6: Retaining Wall Requirements, Construction Regulations, and Design Criteria	79
Section 5.7: Screening and Landscaping Construction Regulations, Requirements, and Design Criteria	80
Section 5.8: Water and Wastewater Requirements	83
Section 5.9: Improvement of Adjacent (Perimeter)	84
Section 5.10: Storm Drainage and Water Quality Controls	85

<b>VI. REQUIREMENTS FOR ACCEPTANCE OF SUBDIVISIONS BY THE VILLAGE OF SALADO</b>	<b>86</b>
Section 6.1: Withholding Village Services and Improvements Until Acceptance	86
Section 6.2: Guarantee of Public Improvements	86
Section 6.3: Temporary Improvements	88
Section 6.4: Government Units	88
Section 6.5: Failure to Complete Improvements	88
Section 6.6: Acceptance of Dedication Offers	89
Section 6.7: Maintenance and Guarantee of Public Improvements	89
Section 6.8: Construction Procedures	89
Section 6.9: Review and Acceptance of Public Improvements	90
Section 6.10: Deferral of Required Improvements	92
Section 6.11: Issuance of Building Permits and Certificates of Occupancy	92
<b>VII. FILING FEES &amp; PLAT RE-SUBMISSION REQUIREMENTS</b>	<b>94</b>
Section 7.1: Schedule of Fees and Re-Submission Requirements	94
<b>VIII. ENFORCEMENT; VIOLATIONS; PENALTIES</b>	<b>96</b>
Section 8.1: Enforcement; Violations; Penalties	96

**Subdivision Ordinance  
of the Village of Salado, Texas**

**“I. GENERAL PROVISIONS**

**Section 1.1: Authority; Extension to Extraterritorial Jurisdiction**

- 1.1 a. This Ordinance is adopted under the authority of the Constitution and laws of the State of Texas, including Chapter 212, Texas Local Government Code, being adopted after a public hearing on the matter held on December 7, 2023.

...

**II. PROCEDURES**

**Section 2.4: Procedures and Submission Requirements for Construction Plat Approval**

...

(m) Inspections following Construction Plat Approval. Following approval by the Village of a Construction Plat, the Village or its designee will conduct an inspection of the development described in the Construction Plat to ensure that any work performed complies with the Construction Plat as well as any applicable requirements of this Ordinance. The frequency of the inspections will be at the discretion of the Village Administrator. The cost of the inspection will be incorporated into the platting fees paid by the permitted party at the time of subdivision permitting.

...”