

PROPOSED REDLINES

Sec. 21.12.2. General Provisions

- A. The owner of a tract of land located within the City limits or in the ETJ of the City who divides the tract in two (2) or more parts to lay out a subdivision of the tract, including an addition to the City, to lay out suburban, building, or other lots, or to lay out streets, alleys, squares, parks, or other parts of the tract intended by the owner of the tract to be dedicated to public use ~~or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares parks or other parts~~ must have a plat of the subdivision prepared. A division of a tract under this section includes a division regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method.
- B. No person shall create a subdivision of land within the City or within its ETJ without complying with the provisions of this Article, and all plats and subdivisions of any such land shall conform to the rules and regulations set forth in this Article.
- C. In addition to any other remedy provided by law, the City and its officers shall have the right to enjoin any violation of this UDC by injunction issued by a court of common jurisdiction.
- D. All land subdivided or platted into lots, blocks and streets within the City or within its ETJ, as provided by state law, shall comply in full with the requirements of this UDC. No plat shall be filed in the office of the County Clerk for a tract within the City or its ETJ unless it is approved by the Planning and Zoning Commission or the City Manager or his/her designee, as applicable.
- E. The City has requested each County in which the City is located not to issue a permit for the installation of septic tanks on any lot in a subdivision for which a final plat has not been approved and filed for record, or any lot in a subdivision in which the standards contained herein or referred to herein have not been complied with in full.
- F. No permit shall be issued for any structure on a lot in a subdivision for which a final plat has not been approved and filed for record, nor for any structure on a lot within a subdivision in which the standards contained herein have not been complied with in full.
- G. The City shall not authorize any person nor shall the City itself repair, maintain, install or provide any streets or public utility services in any subdivision for which a final plat has not been approved and filed for record, nor in which the standards contained herein or referred to herein have not been complied with in full.
- H. The City shall not authorize any person nor shall the City itself sell or supply any water or sewer service within a subdivision for which a final plat has not been approved or filed for record, nor in which the standards contained herein or referred to herein have not been complied with in full.
- I. Disapproval of a plat by the City Manager or his/her designee or the Planning and Zoning Commission shall be deemed a refusal by the City to accept the offered dedications shown thereon. Approval of a plat shall not impose any duty upon the City concerning the maintenance or improvement of any such dedicated parts until the proper authorities of the City have actually appropriated the same by entry, use, or improvement. Any such dedication, before or after actual appropriation may be vacated by the City in any manner provided by law.
- J. On behalf of the City, the City Attorney shall, when directed by the City Council, institute appropriate action in a court of competent jurisdiction to enforce the provisions of this UDC or the standards referred to herein with respect to any violation thereof which occurs within any area subject to all or part of the provisions of this UDC.
- K. In addition thereto, any abutting owner or lessee or other person prejudicially affected by the violation of the terms of this UDC may resort to any court of competent jurisdiction for any writ or writs, or to obtain such relief, either in law or equity, as may be deemed advisable in these premises.

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- L. If any subdivision exists for which a final plat has not been approved or in which the standards contained herein or referred to herein have not been complied with in full, the City Council shall take appropriate action reciting the fact of such noncompliance or failure to secure final plat approval. Reciting the fact of such noncompliance or failure to secure the final plat approval, and reciting the fact that the provisions of subsections 21.12.2.G. through 21.12.2.K. of this Article will apply to the subdivision and lots herein, the City Secretary shall, when directed by the City Council, cause certified copy of such action under the seal of the City to be filed in the deed records of the county or counties in which such subdivision or part thereof lies. If full compliance and final plat approval are secured after the filing of such action, the City Secretary shall forthwith file an instrument in the Deed Records of such county or counties stating that sections 21.12.2.B. through 21.12.2.K. no longer apply.
- M. The provisions of this Article shall not be construed to prohibit the issuance of permits for any lots upon which a residential building exists and was in existence prior to passage of this UDC nor to prohibit the repair, maintenance, or installation of any street or public utility services for, to or abutting any lot, the last recorded conveyance of which prior to passage of this UDC was by metes and bounds, and/or any subdivision, or lot therein, recorded or unrecorded, which subdivision was in existence prior to the passage of this UDC.