

**CITY OF TEXAS CITY
REGULAR CALLED CITY COMMISSION MEETING**

*** * AGENDA * ***

**WEDNESDAY, SEPTEMBER 16, 2009 - 5:00 P.M.
KENNETH T. NUNN COUNCIL ROOM - CITY HALL**

- 1. INVOCATION**
- 2. PLEDGE OF ALLEGIANCE**
- 3. APPOINTMENT TO CITY COMMISSION**
 - a. Consider approval **Resolution No. 09-092** appointing a Commissioner to **fill the vacancy of City Commission District 4** to serve the remaining term of Commissioner Tommy Clark. (Mayor)
- 4. PROCLAMATIONS AND PRESENTATIONS**
 - a. **Service Awards**

Corey Aiken	Fire Department	15 years
William Sherer	Fire Department	15 years
Amelia Chau	Library	15 years
Norman Tolden	Recreation & Tourism	30 years
 - b. **Promotion**

Firefighter Chasity Porter promoted to Engineer.
- 5. REPORTS**
 - a. Quarterly Investment Report for the quarter ending June 30, 2009. (Finance Dept.)
- 6. PUBLIC HEARINGS**
 - a. Public hearing to consider revisions to the City of Texas City's Subdivision Ordinance. (Planning Dept)
 - b. Public hearing for the proposed amendment to the City of Texas City's Zoning Ordinance Section 40 - 58 Accessory Buildings (e) Any metal shipping containers used as an accessory building in a district that is zoned for commercial use (Zoning Districts being "F", "F-1", "G", "H" and/or within construction site areas) not to exceed 24 months; containers allowed within the approved Zoning Districts shall be located within the rear one-half of the lot or must adhere to the established performance standards for the above referenced zoning districts. (Planning Dept)

7. **CONSENT AGENDA: All of the following items on the Consent Agenda are considered to be routine by the City Commission and will be enacted by one motion. There will not be separate discussion of these items unless a Commission Member or citizen so requests. For a citizen to request removal of an item, a speaker card must be filled out and submitted to the City Secretary.**
- a. Consider approval of the minutes from the September 2, 2009 City Commission Meeting.
 - b. Consider approval of **Resolution No. 09-090** awarding the **annual contract** for the purchase of **Surface Treatment Rock, Basalt Rock and Limestone**. (Purchasing Dept.)
 - c. Consider approval of **Resolution No. 09-091** awarding a six-month contract for **Liquid Asphalt - Transport Load**. (Purchasing Dept.)
 - d. Consider approval of **Resolution No. 09-089** awarding the contract for the City's **property, liability, and windstorm insurance** for the period October 1, 2009-September 30, 2010. (Finance Dept.)
 - e. Consider approval of **Resolution No. 09-096** authorizing the Mayor to enter into an interlocal agreement with the County of Galveston for the **reconstruction of the Dike Road** damaged by Hurricane Ike. (Mayor)
8. **REGULAR ITEMS**
- a. Consider approval of **Resolution 09-093** re-appointment of **Municipal Court Presiding and Associate Judges** for a two-year term. (Mayor)
 - b. Consider approval of **Ordinance No. 09-32** levying an **ad valorem tax for the year 2009** for the City of Texas City, Texas, at a rate of \$0.4250 per \$100 valuation of said property at the rate of \$0.342294 per \$100 valuation of said property for the current Maintenance and Operations (M&O) expenses of said City and at a rate of \$.082706 per \$100 valuation of said property for Interest and Sinking (I&S) expenses of said City. (Finance Dept.)
 - c. Consider approval of **Resolution No. 09-095** accepting and approving the **2009 Certified Tax Roll**. (Financial Dept.)
 - d. Consider approval of **Resolution No. 09-094** approving **brokers/dealers** for the purchase of City's investments. (Finance Dept.)
 - e. Consider approval of the **first reading of Ordinance No. 08-29** approving **revisions to the Subdivision Ordinance**, Chapter 110. (Planning Dept.)
 - f. Consider approval of **Ordinance No. 09-30** amending the **Code of Ordinances, City of Texas City**, Appendix A **Zoning**, Section 40-58 **Accessory Buildings**, 40-58(e) Any metal shipping containers used as an accessory building in a district that is zoned for commercial use not to exceed 24 months, containers allowed within the approved zoning districts shall be located within the rear one-half of the lot or must adhere to the established performance standards for the zoning district. (Planning

Dept.)

9. **MAYOR'S COMMENTS**

10. **PUBLIC COMMENTS**

11. **COMMISSIONERS' COMMENTS**

NOTICE OF ANY SUBJECT APPEARING ON THIS AGENDA REGARDLESS OF HOW THE MATTER IS STATED MAY BE ACTED UPON BY THE CITY COMMISSION.

NOTICE: The City of Texas City will furnish free transportation to handicapped individuals via a 4-door sedan for anyone wishing to attend the City Commission meetings. Call 948-3111, City Secretary's Office before noon on Monday preceding the meeting to make arrangements.

I CERTIFY THAT THE ABOVE NOTICE OF THE MEETING WAS POSTED ON THE BULLETIN BOARD IN THE MUNICIPAL BUILDING, 1801 9TH AVENUE NORTH, TEXAS CITY, TEXAS ON THE DATE LISTED BELOW AT 5:00 P.M.

**/s/ Pamela A. Lawrence
PAMELA A. LAWRENCE
CITY SECRETARY**

DATED: September 11, 2009

3.a.

**Appointment of Commissioner District 4
CITY COMMISSION AGENDA 2**

Date: 09/16/2009

Submitted By: Pam Lawrence, Administration

Submitted For: Mayor

Department: Administration

Agenda Area: Regular Items

Information

ACTION REQUEST (Brief Summary)

Consider Resolution appointing a Commissioner to fill the vacancy of District 4.

BACKGROUND

ANALYSIS

ALTERNATIVES CONSIDERED

Fiscal Impact

Attachments

Link: [Res_09-092](#)

RESOLUTION NO. 09-092

A RESOLUTION ACCEPTING RESIGNATION OF TOMMY CLARK AS DISTRICT 4 CITY COMMISSIONER AND APPOINTING A COMMISSIONER TO FILL THE REMAINDER OF THE TERM OF COMMISSIONER TOMMY CLARK; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

WHEREAS, the City Commission of the City of Texas City is comprised of the Mayor, two City Commissioners-at-large, and four City Commissioners each representing a district within the City; and,

WHEREAS, Tommy Clark was elected City Commissioner of District 4 in the regular City Commission election of May 2008; and,

WHEREAS, Tommy Clark resigned from the City Commission on September 2, 2009; and

WHEREAS, Article II, Section 4. *Vacancies*, of **The City Charter** requires that a vacancy on the City Commission be filled by a majority vote of the remaining members of the City Commission at the earliest practicable date after the vacancy occurs; and

WHEREAS, Article II, Section 4, also provides that the appointed person shall serve until the next regular commission election.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF TEXAS CITY, TEXAS:

SECTION 1: That the City Commission of the City of Texas City, Texas, hereby accepts the resignation of Tommy Clark as City Commissioner of District 4.

SECTION 2: That the City Commission of the City of Texas City, Texas, hereby appoints _____ to the City Commission, as City Commissioner of District 4, to serve until the next regular City Commission election.

SECTION 3: That this Resolution shall be in full force and effect from and after its passage and adoption.

PASSED AND ADOPTED this 16th day of September, 2009.

Matthew T. Doyle, Mayor
City of Texas City, Texas

ATTEST:

APPROVED AS TO FORM:

Pamela A. Lawrence
City Secretary

Ronald F. Plackemeier
City Attorney

Service Awards**CITY COMMISSION AGENDA 2****Date:** 09/16/2009**Submitted By:** Rachel Wyatt, Human Resources**Submitted For:** Rachel Wyatt**Department:** Human Resources**Agenda Area:** Proclamations and Presentations**Information****ACTION REQUEST (Brief Summary)****15 Years Service Awards**

Corey Aiken-Fire

William Sherer-Fire

Amelia Chau-Library

30 Years Service Award

Norman Tolden-Rec & Tourism

BACKGROUND**ANALYSIS****ALTERNATIVES CONSIDERED****Fiscal Impact****Attachments***No file(s) attached.***Form Routing/Status**

Route Seq	Inbox	Approved By	Date	Status
		Rachel Wyatt	09/03/2009 02:30 PM	CREATED
1	Human Resources (Originator)	Rachel Wyatt	09/03/2009 02:32 PM	APRV
2	Finance	Cheryl Hunter	09/10/2009 01:22 PM	APRV
3	Paralegal	Linda Jennings	09/11/2009 12:55 PM	APRV
4	City Attorney Office	Linda Jennings	09/11/2009 12:56 PM	APRV
5	Mayor	Matthew Doyle	09/11/2009 01:19 PM	APRV
6	City Secretary			NEW
Form Started By: Rachel Wyatt			Started On: 09/03/2009 02:30 PM	

Promotion**CITY COMMISSION AGENDA 2****Date:** 09/16/2009**Submitted By:** Jane Tull, Fire Department**Submitted For:** Joseph Gorman**Department:** Fire Department**Agenda Area:** Proclamations and Presentations**Information****ACTION REQUEST (Brief Summary)****Promotion**

Fire Fighter Chasity Porter to Engineer

BACKGROUND**ANALYSIS****ALTERNATIVES CONSIDERED****Fiscal Impact****Attachments***No file(s) attached.***Form Routing/Status****Route Seq Inbox****Approved By Date****Status**

Jane Tull 08/26/2009 09:25 AM CREATED

1 Fire Department

NEW

2 Finance

3 Paralegal

4 City Attorney Office

5 Mayor

6 City Secretary

Form Started By: Jane Tull

Started On: 08/26/2009 09:25 AM

5.a.

Quarterly Investment Report for the quarter ending June 30, 2009.
CITY COMMISSION AGENDA 2

Date: 09/16/2009
Submitted By: Cheryl Hunter, Finance
Submitted For: Cheryl Hunter
Department: Finance
Agenda Area: Reports

Information

ACTION REQUEST (Brief Summary)

Quarterly Investment Report for the quarter ending June 30, 2009.

BACKGROUND

ANALYSIS

ALTERNATIVES CONSIDERED

Fiscal Impact

Attachments

*No file(s)
attached.*

Form Routing/Status

Route Seq	Inbox	Approved By	Date	Status
		Cheryl Hunter	09/10/2009 01:17 PM	CREATED
1	Finance (Originator)	Cheryl Hunter	09/10/2009 01:23 PM	APRV
2	Finance (Originator)	Cheryl Hunter	09/10/2009 01:23 PM	APRV
3	Paralegal	Linda Jennings	09/11/2009 12:55 PM	APRV
4	City Attorney Office	Linda Jennings	09/11/2009 12:56 PM	APRV
5	Mayor	Matthew Doyle	09/11/2009 01:20 PM	APRV
6	City Secretary			NEW
Form Started By: Cheryl Hunter		Started On: 09/10/2009 01:17 PM		

Comprehensive revision to the Subdivision Ordinance, Chapter 110 CITY COMMISSION AGENDA 2

Date: 09/16/2009

Submitted By: Julie Morreale, Planning

Submitted For: Don Carroll

Department: Planning

Agenda Area: Public Hearing

Information

ACTION REQUEST (Brief Summary)

Public hearing to consider the Subdivision Ordinance revisions, which were previously reviewed and approved by Council on June 18, 2008. At that time and after the first reading, the City Attorney recommended that the second and third reading be suspended in order to conduct one more comprehensive legal review. Since the completion of this second revision, one year has passed. There were minor edits since the last draft, Staff decided to recommend that this latest draft be sent back to the Planning Board, seek their approval recommendation and resubmit to the City Commission for final disposition (Planning Dept)

BACKGROUND

This proposed revision to the Subdivision Ordinance was approved by the Planning Board on July 6, 2009. It is ready to go before the City Commission for final disposition.

ANALYSIS

ALTERNATIVES CONSIDERED

Fiscal Impact

Attachments

Link: [CC
Public
Hearing
Notice](#)

Link: [CC
memo](#)

Link: [talking
points](#)

Link: [pb
memo
subdivision](#)

Link: [ph
notice cc](#)

Link: [pb
minutes
subdivision](#)

Link: [CC
Public
Hearing
Notice](#)

Link: [draft
subdivision](#)

Form Routing/Status

Route Seq	Inbox	Approved By	Date	Status
		Julie Morreale	07/13/2009 02:41 PM	CREATED
1	Planning (Originator)	Don Carroll	07/14/2009 08:10 AM	APRV
2	Paralegal	Linda Jennings	07/14/2009 08:54 AM	APRV
3	Planning (Originator)	Don Carroll	07/14/2009 10:09 AM	APRV
4	Finance	Cheryl Hunter	08/12/2009 09:44 AM	APRV
5	Paralegal	Linda Jennings	08/12/2009 09:53 AM	APRV
6	City Attorney Office	Linda Jennings	08/12/2009 09:55 AM	APRV
7	Mayor	Matthew Doyle	08/14/2009 08:22 AM	APRV
8	City Secretary			PEND
Form Started By: Julie Morreale			Started On: 07/13/2009 02:41 PM	

NOTICE OF PUBLIC HEARING

Notice is hereby given that the City Commission of Texas City will hold a **PUBLIC HEARING** on **Wednesday, September 16, 2009 at 5:00 p.m.** in the Kenneth T. Nunn Room, City Hall, 1801-Ninth Avenue North, Texas City, Texas 77590. The purpose of the Public Hearing is to hear citizens' opinion in favor of or in opposition to the City of Texas City's proposed comprehensive revision to the City of Texas City's Subdivision Ordinance, by:

AMENDING CHAPTER 110 OF THE CODE OF ORDINANCES OF THE CITY OF TEXAS CITY, GALVESTON COUNTY, TEXAS, ALSO KNOWN AS THE SUBDIVISION ORDINANCE, BY REPEALING THE CURRENT CHAPTER 110 AND ADOPTING A NEW CHAPTER 110 "SUBDIVISIONS".

Any citizen wishing to voice his or her opinion in favor of or in opposition to the above change is invited to be present and will be heard. If you are opposed to this rezoning request, you must submit valid reasons for opposition in writing to the City Commission of Texas City, P. O. Drawer 2608, Texas City, TX 77592-2608. Written comments will be accepted and considered on or before the date of the Public Hearing. After hearing the rezoning request, you may withdraw your opposition should your objections be satisfied. Your withdrawal should be in writing to the City Commission.

/s/ Pamela A. Lawrence
Pamela Lawrence, City Secretary
City of Texas City

Date of posting: August 19, 2009

MEMO

TO: City Commission
FROM: Don Carroll, City Planner
DATE: July 10, 2009
RE: Amendment to the Subdivision Ordinance, Chapter 110

All concerns regarding the amendment to the Subdivision Ordinance have been workshopped and properly vetted by Staff and Planning Board.

Reference Planning Board minutes of June 15, 2009 and July 6, 2009.

This is the second time the Commission is considering this amendment, as the Commission is aware the Subdivision Ordinance revisions were reviewed and approved by you on June 18, 2008. At that time and after the first reading, the City Attorney recommended that the second and third reading be suspended in order to conduct one more comprehensive legal review. Since the completion of this second revision, one year has passed. There were minor edits since the last draft, Staff decided to recommend that this latest draft be sent back to the Planning Board, seek their approval recommendation and resubmit to the City Commission for final disposition (start over).

The Planning Board approved the revised draft Subdivision Ordinance on July 6, 2009. The changes were minor and made after several meetings between Staff (City Engineer, City Attorney and myself).

The changes were minor and recommended by Staff in order to provide best practice and to address the City Attorneys concerns. We now have what we believe is a contemporary Subdivision Ordinance.

Also referenced exhibits

- a.) Talking Points of the Subdivision Ordinance.
- b.) Draft of the Subdivision Ordinance.

DC:jm

Proposed Subdivision Ordinance

Planning Board Briefing

April 16, 2008



Background Information

- City staff identified need for comprehensive review and update of the existing Subdivision Ordinance
- The existing ordinance has been modified on several occasions but no comprehensive update since its original adoption

Goals

- Develop New Subdivision Regulations which:
 - Are in Conformance with the Texas Local Gov't Code
 - Contain "Best Practices"
 - Implement Desired Development in Texas City
 - Provide for an Efficient Review and Approval Process
 - Allow for Flexibility when Necessary

Components of the Draft Ordinance

- Article I. General
- Article II. Administration
- Article III. Platting Procedures
- Article IV. Design Standards
- Article V. Private Street Development
- Article VI. Construction Plans & Improvements
- Article VII. Legal Provisions

Article I. General

- City Authority
- Purpose - safe, orderly development of the City
- Enforcement – no building permit or connection of utilities until plat approved
- Consistency with Comprehensive Plan and Zoning Ordinance
- Definitions – expanded list

Article II. Administration

- Establishing the Authority of the City Engineer – ability to establish standards and specifications for public improvements
- Fees – Currently, there is one flat fee of \$100.00, regardless of size of number of lots

- Fees – Proposed fee schedule for typical plat applications:
 - \$100.00, plus \$5.00 per lot
 - \$100.00 flat fee for amending or minor plats
 - \$10.00 per acre or a portion thereof up to a maximum of \$1,000.00 for a Subdivision Master Plan (20 or more acres)
 - Comparable or less to other cities (League City: \$400.00 + \$8.00/lot; La Marque: \$200.00 + \$8.00/lot)

Article III. General Platting Procedures

- Application and review process for the various types of plats (preliminary plat, final plat, etc..)
- Application forms and content of the plat to be prescribed by the City
 - Allows application forms and required information to be updated as needed

**CITY OF TEXAS CITY**

Transportation & Planning Dept
928 5th Ave North
Texas City, Texas 77590
409.643.5951
Fax 409.949.3001

DEVELOPMENT APPLICATION**APPLICATION TYPE** PLEASE CHECK APPROPRIATE BOX BELOW

- | | | |
|---|--|--|
| <input type="checkbox"/> Zoning Change | <input type="checkbox"/> Replat | <input type="checkbox"/> Subdivision Master Plan |
| <input type="checkbox"/> Detailed Site Plan | <input type="checkbox"/> Minor Plat | <input type="checkbox"/> ROW Abandonment |
| <input type="checkbox"/> Preliminary Plat | <input type="checkbox"/> Amending Plat | |
| <input type="checkbox"/> Final Plat | <input type="checkbox"/> Vacating Plat | |

See appropriate checklist and fee schedule for minimum submittal requirements

PROPERTY INFORMATION

Project Name: _____
Project Address or Location: _____
Legal Description: _____
Proposed No. of Lots: _____ Gross Acreage: _____
Existing Zoning: _____ Proposed Zoning: _____
Existing Use: _____ Proposed Use: _____

APPLICANT & OWNER INFORMATION

Name of Applicant: _____
Signature: _____ Company: _____
Address: _____
City: _____ State: _____ Zip: _____
E-mail: _____ Ph: _____ Fax: _____

Name of Property Owner: _____
Signature: _____ Company: _____
Address: _____
City: _____ State: _____ Zip: _____
E-mail: _____ Ph: _____ Fax: _____

(The property owner may submit a notarized letter of authorization in lieu of a signed application)

For Department Use Only

Date Received: _____ Fee Paid: \$ _____
Accepted by: _____



CITY OF TEXAS CITY

Transportation & Planning Dept
928 5th Ave North
Texas City, Texas 77590
409.843.6961
Fax 409.949.3001

DEVELOPMENT APPLICATION SUBMITTAL REQUIREMENTS

SUBDIVISION PLATS

The following list of submission requirements should be used by the applicant as a guide in preparing a complete application. The City will also use the checklist to verify the completeness of the application at the time it is submitted.

Applicants are responsible for submitting complete applications. Incomplete applications will result in plans being rejected for acceptance or lengthen the development review process.

☐ **Application:** A completed development application including all required signatures.

☐ **Application Fee:**

Subdivision Master Plan	\$10.00 per acre or a portion thereof up to a maximum of \$1,000.00
Preliminary Plat:	\$100.00, plus \$5.00 per lot
Final Plat	\$100.00, plus \$5.00 per lot
Replat	\$100.00, plus \$5.00 per lot
Amending Plat	\$100.00
Administrative Minor Plat	\$100.00
Vacating Plat	\$100.00
Any other Plats	\$100.00
Right-of-Way Abandonment:	\$300.00

☐ **Tax Certification:** A current tax certification for each parcel indicating all taxes on the subject property have been paid to the current year (available from the Galveston County Tax Assessor's Office).

☐ **11" x 17" Plats:** Thirteen (13) copies of the plat

☐ **24" x 36" Plats:** Seven (7) copies of the plat

☐ **Engineering Plans:** Two (2) full sets of the Engineering Plans including the plat and construction plans for a final plat or replat where public improvements are being made. The construction plans shall be 24" x 36" in size and contain all data and calculations related to utilities, drainage or other construction in the subdivision.

SUBDIVISION PLAT SUBMITTAL REQUIREMENTS
CITY OF TEXAS CITY

Page 1 of 12

Final Plat Requirements

- o Note volume and page of deed record ownership.
- o Name of record owner and corresponding deed record volume and page for all adjacent unplatted tracts within 100 feet, to include owners across any adjacent ROW.
- o All adjacent platted property within 100 feet shown in dashed lines, labeling lot and block numbers, subdivision name, street names and plat record reference.
- o Any adjacent, previously approved and currently valid preliminary plats, concept plans or development plans shown.
- o Location of city limit lines and/or extraterritorial jurisdiction lines, all survey lines with survey names labeled.
- o All existing easements including pipelines on or adjacent to this tract shown and labeled as to type and size with dimensional ties to property corners and centerline or boundary dimensions and bearings and recording numbers.
- o The locations, street names and dimensional centerline references to existing or approved street intersections on the perimeter of the subdivision or within 200 feet of the perimeter.
- o Legal description of the land to include current owner's deed record reference, survey and abstract, county, state, POB tied to survey corner or previously filed subdivision corner, or USGS monument, property corners labeled as to pins/rods, found or set with sizes shown, and gross acreage.
- o Point of beginning labeled on plat.
- o Two boundary corners geo-referenced by state plane coordinates.
- o Graphic depiction of all boundary lines shown in heavy lines with a description that matches legal description.
- o Existing ROW shown, labeled and dimensioned, i.e. public streets, highways, alleys, private drives, railroads, etc.
- o Utility easements: Where adjacent property is unplatted or platted showing a utility easement (U.E.), provide a minimum 8-foot U.E. along the property line. If adjacent property is platted and shows no easement, provide a 16-foot U.E. along the interior of the property line. The easements shall be a minimum of 16 feet in width, taking eight feet from each lot where the rear of two lots abut each other, and shall be continuous for the entire length of the block. These easements shall parallel as closely as possible the street line frontage of the block. The width of an U.E. shall be increased in accordance with the specific requirements of a utility company.
- o Street ROW and ROW centerline dimensioned with bearings, all streets having street names as approved by preliminary plat or names dissimilar from any existing street names.

SUBDIVISION PLAT SUBMITTAL REQUIREMENTS
CITY OF TEXAS CITY

Page 6 of 12

Article III. General Platting Procedures

- Clearly defines the review and approval process (role of the Planning Board and City Commission)
- Allows for the request of additional information when needed
 - Drainage Studies
 - Capacity Calculations
 - Traffic Impact Analysis

Article III. General Platting Procedures

- Establishes new procedures for approval of Amending Plats or Administrative Minor Plats in accordance with State Law
 - Expedites approval of certain Amending plats without going through replat process
 - Allows for staff review and approval (staff may elect to send plat to Planning Board)
- Establishes procedures for Vacating Plats
- Codifies the procedure for abandonment of right-of-way

Article III. General Platting Procedures

- Incorporates the Park/Open Space requirements into this article
 - Lowers the threshold for dedicating park/open space from subdivisions with 200 lots to 100 lots
 - Transfers ownership and maintenance responsibilities to the homeowners association
 - Requires a payment in lieu of dedication for subdivisions with less than 100 lots
- Maintains and clarifies procedures for requesting Variances

Article IV. Design Standards

- Comprehensive section establishing the provision, location and general design of:
 - Streets
 - Sidewalks
 - Lots & Blocks
 - Utility easements
 - Water and Sanitary Sewer System
 - Drainage
- Maintains requirements for lots not served by sanitary sewer service

Article V. Private Street Developments

- Carries forward the provisions adopted in 2001
- Establishes new Intent and Purpose section
- Requires property owners to participate in a HOA
- Provides for City approval of changes to HOA documents regarding street maintenance
- Requires 2 points of access – one can be dedicated for emergency access only

Article VI. Construction Plans and Improvements

- New section establishing requirements to submit engineering plans for streets, storm sewers, drainage facilities, water and sanitary sewer lines and other public utilities
- Prepared in accordance with City's Design Standards
- Defines the role of the City Engineer

Article VII. Legal Provisions

- Establishes penalty for violations
- Provided for severability clause

Questions & Next Steps

April 16, 2008

**Proposed Subdivision Ordinance
Planning Board Briefing**

MEMO

TO: Planning Board
FROM: Don Carroll, City Planner *D.C.*
DATE: June 11, 2009
RE: Subdivision Ordinance

This is a request for approval of the Subdivision Ordinance was approved by the Planning Board on May 19, 2008 (Subdivision Ordinance, Chapter 110). This formulation process included coordination with our consultant, Development Staff and Planning Board. A workshop with our consultant was held on April 16th. All concerns raised during the review sessions were properly addressed, all edits requested by Staff and/or Planning Board were made. With this final draft we now have an ordinance that is contemporary and consistent with the best practices in the context of urban design/industry standards. After reviewing the information presented, the Planning Board members present unanimously voted to recommend approval of this request. Please reference the Planning Board minutes of May 19, 2008.

The Ordinance was previously reviewed and approval recommendation was forwarded to the City Commission. At the suggestion of the City Attorney, Staff had one more legal review of the Ordinance even though the pending Ordinance was approved with the first reading. Our second round of revisions were numerous and we thought since so much time had passed and there were numerous changes that we should present to the Planning board and start the process over.

DC:jm

Talking Points Subdivision Ordinance

Page 3 – Section 110.5 – Requirements for Subdivision Plat, Subsection (d)

Page 4 – Section 110.8 – Definitions – Building Line or Setback line

Page 6 – Section 110.8 – Definitions – Lot

Page 6 – Section 110.8 – Definitions – Person

Page 10 – Section 110.25 – Preliminary Plat, Subsection (d)

Page 12 – Section 110.25 – Preliminary Plat, Subsection (g)

Page 14 – Section 110.25 – Preliminary Plat, Subsection (g) 7

Page 14 – Section 110.25 – Preliminary Plat, Subsection (h) 1

Page 14 – Section 110.25 – Preliminary Plat, Subsection (i) 3

Page 21 – Section 110.31 – Abandonment of Public Right-of-Way; Plat, Subsection (a)

Page 21 – Section 110.31 – Abandonment of Public Right-of-Way; Plat, Subsection (a) 3

Page 22 – Section 110.31 – Abandonment of Public Right-of-Way; Plat, Subsection (c) 7

Page 23 – Section 110.34 – Variances, Subsection (a)

Page 24 – Section 110.34 – Variances, Subsection (c)

Page 24 – Section 110.34 – Variances, Subsection (d)

NOTICE OF PUBLIC HEARING

Notice is hereby given that a Public Hearing to consider comprehensive revisions to our Subdivision Ordinance (Chapter 110) will be held before the City Commission at 5:15 p.m. on Tuesday, August 19, 2009 in the Kenneth Nunn Council Chambers, City Hall, 1801 – 9th Avenue North. The purpose of the Public Hearing is to hear citizens' opinion in favor of or in opposition to the City of Texas City amendment as prescribed by Section 212.002 of the Local Government Code.

PROPOSED COMPREHENSIVE REVISION TO THE SUBDIVISION ORDINANCE, CHAPTER 110

Any citizen wishing to voice his opinion in favor of or in opposition to the above change is invited to be present and will be heard.

Respectfully,

Donald R. Carroll
City Planner

DRC:jm
DATED: July 13, 2009

APPROVAL OF MINUTES

On Monday, June 15, 2009 at 5:00 p.m. the Planning Board met in a regularly scheduled meeting. Board members present were Mayor Doyle, Commissioner Haney, Harold Fattig and Dickie Campbell. Staff members present were Don Carroll, Brian Falk, Nick Finan and Julie Morreale. Citizens present were Cory Clark and Annette Clark.

APPROVAL OF MINUTES. A motion to approve the minutes of May 18, 2009 was made by Commissioner Haney/Mayor Doyle. All members present voted aye. Mr. Dickie Campbell presided over the meeting. The chairperson indicated a quorum was present and called the meeting to order.

ITEM NO. 1. Annette Clark request Site Plan approval of Pond, located at 8002 South Humble Camp Road. (Action) Mr. Carroll provided an overview concerning the request and a memorandum (attached) regarding the Staff review. Mrs. Clark presented the Board with an overview of the project. After a brief discussion, **a motion to approve the site plan of the Pond Site Plan for Annette Clark was made by made by Mayor Doyle/Commissioner Haney. All members present voted aye.**

ITEM NO. 2. Amending Subdivision Ordinance, Chapter 110. (Action) Mr. Carroll provided an overview concerning the request and a memorandum (attached) regarding the Staff review. Commissioner Haney asked if the changes made for amending the Subdivision Ordinance were significant or changed the intent. Mr. Carroll stated there were some text revisions but not significant changes. He continued that since time has passed since the beginning of this project; he would like to start the approval process all over with a new recommendation to be forwarded to the City Commission for final disposition. Mayor Doyle stated he would like for the Board Members to have copies of the revised draft document with the changes highlighted to contrast the new items in the text. He continued this item should be tabled to give the Board sufficient time to look over all changes. After a brief discussion, **a motion to table approval consideration of the amendment of the Subdivision Ordinance, Chapter 110 was made by made by Mayor Doyle/Commissioner Haney. All members present voted aye.**

There being no further business, a motion was made to adjourn by Commissioner Haney/Mayor Doyle. All members present voted aye.

Dickie Campbell, Acting Chairperson


Donald Carroll, Secretary

APPROVAL OF MINUTES

On Monday, July 6, 2009 at 5:00 p.m. the Planning Board met in a regularly scheduled meeting. Board members present were Mayor Doyle, Jose Boix, Harold Fattig and Dickie Campbell. Staff members present were Don Carroll, Brian Falk, Doug Kneupper, Nick Finan and Julie Morreale. Citizens present were Stan Winter.

Mr. Jose Boix presided over the meeting. The chairperson indicated a quorum was present and called the meeting to order.

APPROVAL OF MINUTES. A motion to approve the minutes of June 15, 2009 was made by Dickie Campbell/Harold Fattig. All members present voted aye.

ITEM NO. 1. Lindsay Reyes request conceptual presentation of Southlake PUD, located south of FM 646, west of FM 3436 and north of FM 517 and is bounded on the west by Gum Bayou. (Action) Mr. Carroll provided an overview concerning the request and Staff memorandum (attached). Mr. Stan Winter, representing Southlake, presented the Board with an overview and PowerPoint presentation (attached) of the project variances being requested. Mr. Boix asked if there are any problems with the precedent with the project. Mr. Carroll stated there are no problems as long as a superior design can be demonstrated. Mr. Fattig asked if the changes being requested are significant. Mr. Carroll stated that after meeting with the developers of the Southlake project it was decided by Staff this version is superior to the project that was approved in 2005 for this site. Mr. Kneupper stated the only change that should be made with regards to this proposal is the request to have the 28 foot wide minor streets and portion of the collector streets amended to 30 foot wide. He continued by stating the developers asked him to research what was approved for the P.U.D. Largo Mar with regards to street width and after his research it was determined approval for a 30 foot wide streets was granted. Mr. Winter stated he would like verification of what was approved for that project. Mr. Fattig stated that a 28 foot wide street will be restrictive to residents and for emergency vehicles. A brief discussion regarding the trails through the development a motion to approve the conceptual presentation of Southlake PUD with the exception of 28 foot wide minor streets and portion of the collector streets was made by Mayor Doyle/Harold Fattig. All members present voted aye.

ITEM NO. 2. Amending Subdivision Ordinance, Chapter 110. (Action) Mr. Carroll provided an overview concerning the request and a Staff memorandum (attached). He continued by stating there has not been any request by Board members to revise the latest draft of the amendment text and the amendment should be ready to move for final disposition with City Commission. Mayor Doyle stated he does believe the Board has had adequate time to review the text amendments. A motion to approve the amendment of the Subdivision Ordinance, Chapter 110 was made by made by Harold Fattig/Dickie Campbell. All members present voted aye.

There being no further business, a motion was made to adjourn by Mayor Doyle/Harold Fattig. All members present voted aye.


Donald Carroll, Secretary

Jose Boix, Acting Chairperson

NOTICE OF PUBLIC HEARING

Notice is hereby given that the City Commission of Texas City will hold a **PUBLIC HEARING** on **Wednesday, August 19, 2009 at 5:00 p.m.** in the Kenneth T. Nunn Room, City Hall, 1801-Ninth Avenue North, Texas City, Texas 77590. The purpose of the Public Hearing is to hear citizens' opinion in favor of or in opposition to the City of Texas City's proposed comprehensive revision to the City of Texas City's Subdivision Ordinance, by:

AMENDING CHAPTER 110 OF THE CODE OF ORDINANCES OF THE CITY OF TEXAS CITY, GALVESTON COUNTY, TEXAS, ALSO KNOWN AS THE SUBDIVISION ORDINANCE, BY REPEALING THE CURRENT CHAPTER 110 AND ADOPTING A NEW CHAPTER 110 "SUBDIVISIONS".

Any citizen wishing to voice his or her opinion in favor of or in opposition to the above change is invited to be present and will be heard. If you are opposed to this rezoning request, you must submit valid reasons for opposition in writing to the City Commission of Texas City, P. O. Drawer 2608, Texas City, TX 77592-2608. Written comments will be accepted and considered on or before the date of the Public Hearing. After hearing the rezoning request, you may withdraw your opposition should your objections be satisfied. Your withdrawal should be in writing to the City Commission.

/s/ Pamela A. Lawrence
Pamela Lawrence, City Secretary
City of Texas City

Date of posting: July 14, 2009

ORDINANCE NO. 09-XX

AN ORDINANCE AMENDING CHAPTER 110 OF THE CODE OF ORDINANCES OF THE CITY OF TEXAS CITY, ALSO KNOWN AS THE SUBDIVISION ORDINANCE, BY REPEALING THE CURRENT CHAPTER 110 AND ADOPTING A NEW CHAPTER 110 "SUBDIVISIONS" PROVIDING FOR THE ADOPTION OF RULES AND REGULATIONS GOVERNING PLATS AND THE SUBDIVISION OF LAND WITHIN THE CITY AND THE AREA OF ITS EXTRATERRITORIAL JURISDICTION; ESTABLISHING PROCEDURES FOR THE SUBMISSION AND APPROVAL OF PLATS; CONTAINING REQUIREMENTS AND MINIMUM DESIGN STANDARDS FOR STREETS, UTILITIES, AND OTHER PUBLIC IMPROVEMENTS; CONTAINING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR THE READING OF THIS ORDINANCE ON THREE (3) SEPARATE DAYS; AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION AND PUBLICATION BY CAPTION ONLY IN THE OFFICIAL NEWSPAPER OF THE CITY.

WHEREAS, the City of Texas City, Texas, is a home-rule city; and,

WHEREAS, the City of Texas City, Texas, seeks to amend **The Code of Ordinances of the City of Texas City** Chapter 110 (Subdivision Ordinance) by repealing the current Chapter 110 and adopting a wholly new Chapter 110 (Subdivision Ordinance); and

WHEREAS, Chapter 212, Texas Local Government Code, authorizes cities of the State of Texas to promulgate rules and regulations governing plats and the subdivision of land in order to protect and promote the health, safety and general welfare of the community; and

WHEREAS, the Planning Board members, after considering this item on May 19, 2008, and **again on** _____, 2009, unanimously voted to recommend the adoption of the new Subdivision Ordinance; and

WHEREAS, the City Commission hereby finds and determines that the establishment of rules and regulations governing plats and the subdivision of land is necessary to ensure the safe, orderly and healthful development of the community; and

WHEREAS, a **public hearing** before the City Commission was held on the _____ day of _____, 2009, at which hearing all persons desiring to be heard were heard concerning adoption of the rules and regulations governing plats and the subdivision of land as contained herein;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF TEXAS CITY, TEXAS:

SECTION 1: That **The Code of Ordinances of the City of Texas City, Texas**, Chapter 110, is repealed in its entirety.

SECTION 2: That a new Chapter 110, "Subdivisions" of **The Code of Ordinances of**

the City of Texas City, Texas, is hereby approved and adopted to read and provide as follows:

“ARTICLE I. GENERAL

Section 110.1 Authority.

This ordinance is adopted under the Constitution and laws of the State of Texas, including particularly Chapter 212 of the Local Government Code of the State of Texas. This ordinance is adopted pursuant to the provisions of Article I, Sections 1 and 2 of the Charter of the City of Texas City.

Section 110.2 Purpose.

It is the purpose of this chapter to provide for the safe, efficient, and orderly development of the City, and to make adequate provision for streets, utilities, services, and facilities, all in accordance with the comprehensive plan and ordinances of the City of Texas City.

Section 110.3 Enforcement.

- (a) The City shall withhold the issuance of building permits from any subdivision until such subdivision has been approved by the municipal authority responsible for approval of the final plat of such subdivision and the recording of such plat in the office of the Galveston County Clerk
- (b) Neither the City, its officials or any public utility or any other entity that provides water, sewer, electric, gas or other utility service, shall serve or connect any land that is subject to a platting requirement under this Chapter with such service unless presented with a copy of a recorded final subdivision plat containing a certificate showing approval of such plat by the municipal authority of the City of Texas City responsible for approval of such final subdivision plat, or, if applicable, unless presented with or otherwise holds a certificate pursuant to Section 212.0115 of the Local Government Code indicating that a plat is not required for the land.
- (c) The provisions of this Chapter shall not be construed to prohibit the issuance of permits for construction on any lot upon which a residence building exists and which was in existence prior to December 1, 1971, or to prohibit the repair, maintenance or installation of any public or private infrastructure for, to or abutting any lot, the last recorded conveyance of which prior to passage of such ordinance was by metes and bounds, or by any subdivision, whether recorded or unrecorded, if such subdivision was in existence prior to December 1, 1971.

Section 110.4 Jurisdiction.

These regulations shall govern any and every person, firm, corporation, or organization owning any tract of land within the corporate limits of the City who may hereafter divide the same into two or more parts for the purpose of laying out any subdivision of any tract of land or any addition to said City, or for laying out suburban lots or building lots, or any lots, and street, alleys or parks or other portions intended for public use, or the use of purchasers or owners of

lots fronting thereon or adjacent thereto. These regulations shall also govern any and every person, firm, corporation, or organization constructing any street, right of way improvement or any related roadway improvement, whether or not a subdivision as defined herein is being created.

Section 110.5 Requirement for Subdivision Plat.

- (a) Subdivision Plat. It shall be unlawful for any person owning a tract of land to divide said tract into two (2) or more parts or to create from said tract one (1) or more lots of record, or to dedicate any street, alley, easement, park or other area dedicated for public use, or for the private use of owners of lots fronting thereon, without having first platted same in accordance with this Chapter. It is the specific purpose and intent of this Chapter to extend the application of these subdivision regulations, to the fullest extent permitted by law, to each and every division of land, regardless of the size or purpose of the division.
- (b) Development Plat. A development plat shall be required for the construction or placement of any new building, regardless of square footage, on any tract or parcel not currently occupied by a building or buildings, which is not part of an approved platted subdivision.
- (c) Amending Plat. An amending plat or replat, as applicable under Chapter 212, Texas Local Government Code, shall be required to alter any aspect of a recorded plat.
- (d) Large Tract Exception. A subdivision plat shall not be required for the division of land into parts greater than five (5) acres or more, where each part has access and no public improvement is being dedicated. The term public improvement shall mean any right-of-way, easement, or physical improvement of any kind intended for public use. After administrative review that a division meets the above criteria, and that no oversizing is required to serve adjacent tracts, a certificate shall be administratively issued pursuant to Section 212.0115 of the Texas Local Government Code indicating that a plat is not required for the land.

Section 110.6 Consistency with Comprehensive Plan, Policies and Zoning Ordinance.

It is the intent that this Chapter shall provide for the implementation of the City of Texas City Comprehensive Plan, including the Future Land Use Map, Thoroughfare Plan and other applicable elements, the Zoning Ordinance, and any supplemental land use and/or community development policies that may be hereafter adopted by the City Commission.

Section 110.7 Conflicting Regulations

Whenever the standards and specifications in this Chapter conflict with those contained in any another ordinance or provision of the City Code, the most stringent or restrictive provision shall govern.

Section 110.8 Definitions.

Words and terms used in this Chapter, unless otherwise specified, shall have their normal meaning in commonly accepted usage. The word "shall" or the word "must" shall be deemed as mandatory; the word "may" shall be deemed as permissive. Certain words and terms shall have the meaning for the purpose of this Chapter defined as following:

Alley is a public right-of-way that affords a secondary means of access to abutting property.

Block is a tract or parcel of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, highways, streams, or corporate boundary lines. There may be more than one numbered block as shown on a plat falling within a single block as herein defined. The City Engineer serves as the City's authority as to the determination of questions regarding the limits or extent of a block.

Board is the Planning Board of the City of Texas City.

Building is any structure built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind.

Building line or setback line shall mean the line of a required yard which is generally parallel to the adjacent street line or side or rear lot line, as applicable. Except as otherwise specifically authorized, no building or structure is permitted within a required yard (i.e. the area between the building line and the street line or side or rear lot line).

Building lot shall mean a single tract of land located within a single block which, (at time of filing for a building permit) is designed or created by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. It shall front upon a public street or other approved place. Therefore, a "building lot" may be subsequently subdivided into two or more "building lots", and a number of "building lots" may be cumulated into one "building lot", subject to the provisions of this article and the Zoning Ordinance of the City of Texas City.

Building Official is the building inspections department head and the administrative official charged with responsibility for issuing permits and enforcing the Zoning Ordinance and Building Codes of the City of Texas City.

Certificate of occupancy or compliance shall mean an official certificate issued by the City through the enforcing official which indicates conformance with or approved conditional waiver from zoning regulations and which authorizes legal use of the premises for which it is issued.

City is the City of Texas City, Texas.

City Attorney is the professional attorney representing the City of Texas City, Texas, pursuant to the City Charter Article IX, Section 1.

City Commission is the elected Mayor and Commission members, the governing body with the legislative authority of the City of Texas City, Texas.

City Engineer is the professional civil engineer representing the City of Texas City, Texas.

City Planner is the professional urban planner representing the City of Texas City, Texas.

Commission is the City Commission with the legislative authority of the City of Texas City, Texas.

Common area is real property and/or improvements thereon, including but not limited to: private storm drains, streets, sidewalks, utilities, parks, lakes and/or screening walls; open space; trails and/or floodplain management areas. Common area is either owned in fee, controlled as an easement or is property leased by the property owner's association for the common use, enjoyment and benefit of the members of the property owner's association. All common areas shall be maintained by the members of the property owner's association, not the City.

Concept plan is a plan that establishes the general development intent. It serves as a guide for the approval of future site plans and plats relating to the property.

County is Galveston County.

Cul-de-sac is a local street with only one primary outlet and having a terminal of sufficient width for the reversal of traffic movement.

Dead-end street is a street having right-of-way or pavement which terminates abruptly at one end without intersection with another street, but has no terminal of sufficient width for the reversal of traffic movement.

Dedication is the act transmitting property or an interest in property to the City or other entity.

Developer, development, or to develop includes the construction of a new building or any structure on a building lot, the relocation of an existing building to another building lot, or the use of open land for a new use. "To develop" is to create a development. "Developer" is the person or legal entity undertaking to develop real property in the City.

Development review committee is a committee consisting of City staff, utility company representatives and other public officials who review all plats and site plans submitted for municipal approval.

Easement is a right given by the owner of a parcel of land to another person, public agency or private corporation for specific and limited use of that parcel.

Floodplain is that area subject to inundation by flood, having a given percentage of probability of occurrence in any given year, based on existing conditions of development within the watershed area, as determined by the Federal Emergency Management Agency (FEMA) and as reflected on the Federal Insurance Rate Map (FIRM).

Final acceptance is the acceptance by the City of Texas City of all capital improvements constructed by a developer in connection with the development of land.

Fire Marshal is the official Fire Marshal or designated representative of the City of Texas.

Flag lot is a lot that is designed in a manner such that the main structure on the lot is accessible only by a long, narrow strip leading from a public street.

Floodway is the channel and adjacent areas of water course within which no obstructions to flow are allowed, so that the 100 year flood may pass without cumulatively increasing the 100year floodplain elevation, and as dedicated on the FIRM.

Geometric design standards is the minimum allowable engineering geometric standards adopted by the City of Texas City affecting the functional traffic level operation, service and safety of highways, roads, alleys and streets in Texas City.

Homeowners or property owners association (HOA or POA) shall mean a formal nonprofit organization operating under recorded instruments established, among other things, to maintain or improve a Common Area.

Infrastructure is all streets, alleys, sidewalks, storm drainage facilities, water and wastewater facilities, utilities, lighting, transportation, and such other facilities as required by the City of Texas City.

Lot shall mean a physically undivided tract or parcel of land having frontage on a public street or approved private street and which is, or in the future may be, offered for sale, conveyance, transfer or improvements; which is designated as a distinct and separate tract; and which is identified by a tract or lot number or symbol on a duly approved subdivision plat that has been properly recorded.

Lot of record is an area of land designated as a lot on a plat of a subdivision recorded, pursuant to statutes of the State of Texas, with the County Clerk of Galveston County, Texas, or an area of land held in single ownership described by metes and bounds upon a deed recorded or registered with the county clerk prior to annexation by the City of Texas City.

Monument is a permanent structure set on a line to define the location of property lines, important horizontal subdivision control points, and other important features on a plat.

Mutual access easement is a grant of one or more of the property rights by the property owner or owners to and/or for the use or benefit by the public, for access between and/or across two (2) or more lots or tracts of land.

Person shall mean any individual, partnership, association, firm, corporation, governmental agency, or political subdivision.

Planning Board is the City Planning Board appointed by the City Commission to study and advise the Commission in matters of City planning and zoning and which is authorized to review/approve subdivision plats and site plans.

Plat shall mean a plan of a subdivision of land creating building lots or tracts and showing all essential dimensions and other information essential to comply with the subdivision standards of

the City of Texas City subject to review/approval by the Planning Board and City Commission. Reference to a plat in this Chapter means an official plat of record which has been reviewed/approved by the Planning Board and or the City Commission and filed in the plat records of Galveston County. A plat includes a replat.

Plat, amending is a plat making minor corrections to a previously approved plat in accordance with Chapter 212 of the Local Government Code.

Plat, final shall mean a complete and exact subdivision plan prepared in conformity with the provisions of this Chapter and in a form suitable for recording with County Clerk of Galveston County, with necessary affidavits, dedications and acceptances.

Plat, minor is a plat involving four or fewer lots fronting on an existing street and not requiring the creation of any new street or the extension of municipal facilities.

Plat, preliminary is a map of a proposed land subdivision showing the character and proposed layout of the tract in sufficient detail to indicate the suitability of the proposed development. It is intended to provide a review of the overall lot configuration, water and sewer services, street patterns and to illustrate the features of the proposed subdivision for review and preliminary approval by the Commission, but is not intended or suitable for recording with the County Clerk of Galveston County, Texas. The review will determine conformance with the City's subdivision and development regulations. A preliminary plat allows the City and the developer to estimate future participation in infrastructure costs.

Plat, vacating shall mean a plat document that has the effect of voiding a recorded subdivision plat.

Public park is any publicly owned or controlled park, playground, parkway, greenbelt, or roadway within the jurisdiction and control of the City.

Replat is a legal document that describes a tract of land by bearings and distances; locates and defines easements and dedicates the necessary rights-of-way for streets and alleys and which is prepared is to accommodate changes in lots, blocks, utility easements, boundary lines, rights-of-way, or street names of the subdivision of a tract which has been previously platted.

Roadway is that portion of any street or road, between curbs or shoulders, designated for vehicular traffic.

Street is a public right-of-way which affords a primary means of access to abutting property. A driveway or alley which serves only to give secondary vehicular access to a building lot or to an accessory parking or loading facility, or to allow vehicles to take or discharge passengers at the entrance to a building shall not be considered a street.

Street line shall mean the right of way line of a street.

Street, arterial is a street intended as the primary urban traffic-carrying system between major traffic centers

Street, collector is a street intended to provide circulation within neighborhoods, to carry traffic from minor or local streets to arterial streets, or to carry traffic through or adjacent to commercial or industrial areas.

Street, marginal access is a street which is parallel to and adjacent to an arterial street, which primarily provides access to abutting properties and protection from through traffic.

Street, minor or local is a street is used primarily for access to abutting residential property.

Street, private is a street which has no publicly dedicated right-of way.

Subdivider is any person, partnership, firm, association, corporation (or combination thereof), or any officer, agent, employee, servant or trustee thereof, who performs or participates in the performing of any act toward the subdivision of land, within the intent, scope and purview of these regulations.

Subdivision shall mean the division of any lot, tract or parcel of land by plat, map or description into two (2) or more parts, lots or sites for the purpose, whether immediate or future, of sale, rental or lease, or division of ownership. Any dedication and the laying out or realignment of new streets, or other public or private access ways, with or without lotting, shall constitute a subdivision. Subdivision shall also include the resubdivision and replatting of land or lots that are part of a previously recorded subdivision. An "addition" is a subdivision as defined herein. The term "subdivision" shall also include the division of land whether by plat or by metes and bounds description and when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.

Thoroughfare plan as depicted in the City's Comprehensive Plan and Land Use Map is the official plan for the orderly physical development of highways, roads, and streets in the City of Texas City.

Variance is a form of relief that may be granted to a subdivider by the Planning Board or City Commission.

Sections 110.9- 110.21 Reserved.

ARTICLE II. GENERAL PLATTING PROCEDURES

Section 110.22 Pre-submittal Conference.

(a) Prior to submitting an application for any type of a subdivision plan or plat, the subdivider shall consult with the City Planner and the City Engineer or their duly authorized representatives concerning the ultimate land use of the proposed development, the most advantageous subdivision plan, the suitability of the location of the proposed subdivision, the

arrangement of streets, alleys, and lots, the layout of utility lines and drainage facilities and applicable regulations and policies of the City regarding the proposed development.

(b) The subdivider shall also coordinate with all utility companies that have franchise agreements with the City to determine recommended easement and utility locations.

Section 110.23 General Application Process.

(a) The applicant shall submit to the City Planner, or designee, a complete application packet prepared in the manner prescribed by the City. Applications for plat approval shall be available in the office of the City Planner.

(b) A complete application shall include the certification of payment of all taxes and fees as prescribed by the City of Texas City.

(c) The date of filing for plat approval shall be the date a fully completed application is actually received by the City. No incomplete application shall be deemed as submitted until any and all deficiencies are corrected.

Section 110.24 Subdivision Master Plan.

(a) The purpose of a subdivision master plan is to review and approve a general plan for the development of large tracts of property, including the layout of streets, lots, and open spaces, and sites for public facilities and utilities.

(b) Unless a subdivider chooses to file a preliminary plat application, a subdivision master plan shall be prepared by the subdivider as a condition precedent to approval of any application for a plat, when any of the following conditions exist:

(1) The tract of land to be subdivided contains 20 or more acres,

(2) The tract of land to be subdivided has the potential by the existing or proposed zoning to accommodate 60 or more single family dwellings, or

(3) In the opinion of the City Engineer or the City Planner the tract of land to be subdivided is complicated by unusual physical, utility, land use, ownership, or other conditions.

(c) Formal application and the required information for a subdivision master plan shall be made to the City Planner by the applicant on forms prescribed by the City.

(d) Review and decision-making process.

(1) Within thirty (30) days following the date of filing of a completed application for a subdivision master plan, it shall be submitted to the Planning Board for review and a

recommendation to the City Commission. The Planning Board shall make a recommendation for approval, disapproval or approval with modifications.

- (2) The City Commission shall make the final determination regarding subdivision master plans, which determination may include approval, disapproval, or approval with modifications.
- (e) Approval of a subdivision master plan shall not constitute automatic approval of a preliminary or final plat. The subdivider shall be required to submit a preliminary and final plat, including construction plans where applicable, for each section or phase of development.
- (f) Approval of a subdivision master plan shall be valid for twelve (12) months from the date of City Commission approval. Any application for a preliminary plat or final plat approval subject to a subdivision master plan must be formally filed with the City Planner before the twelve-month period expires in order for the subdivision master plan to remain valid.
- (g) Reapproval of a subdivision master plan may be applied for at any time after the approved plan becomes invalid. The Planning Board or the City Commission may require changes in the reapproval of a subdivision master plan in light of new or significant information or requirements, or changed conditions.
- (h) Applications for preliminary and final plats within an area for which a subdivision master plan has been adopted shall be in substantial conformity with such adopted plan; unless otherwise approved by the City Commission.

Section 110.25 Preliminary Plat.

- (a) A preliminary plat shall be prepared by the subdivider as a condition precedent to approval of any final plat, when any of the following conditions exist:
 - (1) The tract of land to be subdivided contains twenty (20) or more lots, or
 - (2) The tract contains forty (40) or more acres, regardless of the number of lots, or
 - (3) The Planning Board or City Commission, upon recommendation by the City Planner, **City Engineer, or designee**, determines that planning considerations necessitate employment of the preliminary plat review process to adequately safeguard public health and safety issues relating to development of the tract.
- (b) Unless the preliminary plat application is a part of an approved subdivision master plan, the preliminary plat shall depict the owner's or subdivider's entire property holding.
- (c) Formal application and the required information for a preliminary plat shall be made to the City Planner by the applicant on forms prescribed by the City.
- (d) Additional plans required.

The City Engineer may require the following additional plans, studies and analyses in conjunction with a preliminary plat application. The documents shall include all information deemed necessary by the City Engineer to adequately protect and preserve the public health, safety and welfare of the applicant and any property impacted by the proposal, and to assure compliance with the provisions of this Chapter. Additional plans, studies and analyses:

- (1) Preliminary drainage study
- (2) Preliminary water, sanitary sewer, storm sewer and drainage capacity calculations; and
- (3) Traffic impact analysis (TIA)

(e) Review and decision-making process.

- (1) Within thirty (30) days following the date of filing of a completed application for a preliminary plat approval, it shall be submitted to the Planning Board for review and final decision. The Planning Board shall approve, disapprove or approve with modifications.
- (2) If approved by the Planning Board, the following special notes and signature block shall be placed on the preliminary plat:

“Approval of this Preliminary Plat by the Planning Board and City Commission shall be deemed an expression of approval of the layout submitted on the preliminary plat as a guide to the final engineering of streets, water, sewer and other required improvements and utilities and to the preparation of the final plat. Approval of this preliminary plat shall not constitute automatic approval of the final plat, nor be considered authorization to begin construction or sell lots. Approval of the preliminary plat shall not constitute a guarantee or warranty, either implied or otherwise that all other applicable codes and ordinances of the City of Texas City have been complied with. It shall be the responsibility of the subdivider to ensure that all applicable requirements of the City of Texas City relative to the subdividing and development of property have been met.”

On the _____ day of _____, 20____, this preliminary plat was duly approved by the Planning Board of the City of Texas City.

Signed: _____
Secretary of the City of Texas City Planning Board

Signed: _____
Chairman of the City of Texas City Planning Board

- (f) Approval of a preliminary plat shall be valid for twelve (12) months from the date of City Commission approval. A final plat application must be formally filed with the City Planner before the twelve-month period expires in order for the preliminary plat to remain valid.
- (g) Reapproval of a preliminary plat may be applied for at any time after the previously approved preliminary plat becomes invalid. The Planning Board or the City Commission may require changes in the reapproval of a preliminary plat in light of new or significant information or requirements, **or changed conditions**.

Section 110.26 Final Plat.

- (a) After obtaining approval or conditional approval of a preliminary plat and fulfilling all requirements of the preliminary plat approval, the applicant may, if wishing to proceed with the subdivision, submit an application for a final plat. The application for final plat approval shall be in accordance with all ordinance requirements.
- (b) Applications for approval of final plats shall be made to the City Planner on forms prescribed by the City.
- (c) At the time of final plat application, all required engineering plans must be approved by the City Engineer and shall be subject to compliance review and approval by the City Engineer.
- (d) Additional plans required.

The City Engineer may require the following additional plans, studies and analyses in conjunction with a final plat application. The documents shall include all information deemed necessary by the City Engineer to adequately protect and preserve the public health, safety and welfare of the applicant and any property impacted by the proposal. Additional plans, studies and analyses:

1. Drainage study
 2. Water, sanitary sewer, storm sewer and drainage capacity calculations
 3. Traffic impact analysis (TIA)
- (e) The final plat instrument becomes the official, accurate, permanent record of the division of land. It shall substantially conform in all aspects to the preliminary plat, shall be clearly reproducible on a material acceptable to the County Clerk's office and shall be certified as hereinafter provided. It may include all or only a portion of the area of the approved preliminary plat.
 - (f) The final plat shall be in accordance with the approved preliminary plat. Provided, however that the Planning Board or City Commission may authorize minor adjustments to street and alley alignments, length, and lot lines where the Board or Commission determines such adjustments are consistent with the intent and general layout of the approved preliminary plat. Where the final plat deviates from the approved preliminary plat to the extent that the

Board or Commission finds such deviation to be significant and not consistent with the intent and general layout of the approved preliminary plat, such final plat shall not be approved until it reflects the originally approved preliminary plat, or a new preliminary plat has been approved in accordance with this Chapter.

(g) Common Areas and Homeowners Associations.

- (1) When a subdivision contains common areas, drainage ways, screening walls, landscaping, subdivision entryway features or other facilities not located within the public right-of-way nor subject to City maintenance, the common areas and improvements shall be shown on the final plat along with an adequate form for dedication thereof. This dedication form shall accomplish the following purposes:
 - (a) Save the title to common area properties for the responsibility and benefit of the homeowners association.
 - (b) Express a definite undertaking by the developer to convey the common properties and responsibilities to the homeowners association.
 - (c) Tie the covenants and homeowners use provisions to the plat so that collection of fees and denying use is legally supportable.
- (2) Prior to recording the plat, the developer shall:
 - (a) Create an incorporated nonprofit homeowners association, and
 - (b) Record covenants which automatically make every lot owner a mandatory member of the association, give the property owner the right to use the common property, and establish their voting rights and their obligations to pay assessments.
- (3) The homeowners association's restrictive covenants shall provide for continuous maintenance and control of the common areas by a responsible body, in perpetuity, for the benefit of the homeowners without using public funds. Membership in the homeowners association shall run with the title to each lot. Membership in the homeowners association is not voluntary and its primary source of operating funds is a periodic assessment levied against each parcel of land within the development under recorded covenants which shall be incorporated into each deed and which shall run with the land to bind each and every owner of it and which are enforceable as a lien against the land.
- (4) Maintenance.

A homeowners association (HOA) shall be responsible for maintenance of all landscaping, buffering, screening, irrigation and associated improvements adjacent to residential subdivisions along public thoroughfares and shall have an HOA fee to be levied against each property owner within the subdivision. The HOA covenants shall include a provision that if the HOA defaults, the City shall have the rights of the association to either file a lien on property within the subdivision or assess property

owners within the subdivision. This shall include the open space common area designated for screening and buffering. The developer shall establish the HOA, which meets the approval of the City attorney, prior to the acceptance of all public improvements.

- (5) The articles of incorporation of the homeowners association, its bylaws, and the restrictive covenants shall be submitted to the City Attorney for approval along with the final plat and shall be recorded as a part thereof.
- (6) In the approval of the above documents, the City shall determine that the proper legal position is ensured and that the proposed homeowners' association will function properly both during and after the time in which the developer is active in the subdivision. The City may require the association to provide ongoing reporting of budgetary actions, financial reports, and collection activity on homeowners' assessments. Should the funding of the common areas maintenance not support the level of maintenance required by applicable ordinance, the City may require additional security for the provision of such maintenance.
- (7) In lieu of creating a homeowners association, the developer may retain responsibility for the common areas, provided the developer guarantees adequate security, to the satisfaction of the City Engineer, to provide for continuous maintenance and control of the common areas by a responsible body, in perpetuity, for the benefit of the homeowners without using public funds.

(h) Review and decision-making process.

- (1) A completed application for final plat approval shall be acted on by the Planning Board within thirty (30) days following its submittal. The Planning Board shall approve, deny, or approve with modifications or conditions. The final plat shall not be filed with the County Clerk until all the following steps are completed:
 - (a) Required improvements have been made by the subdivider;
 - (b) The improvements have been inspected and approved by the City;
 - (c) All utility impact fees have been paid; and
 - (d) The plat has been signed by the Mayor on behalf of the City Commission.

(i) Certificates and Statements.

- (1) A surveyor's certificate in the following form shall be placed on the subdivision plat:

KNOW ALL MEN BY THESE PRESENTS: I, the undersigned _____, a Registered Professional Land Surveyor in the State of Texas, hereby certify that this plat is true and correctly made under my supervision and in compliance with City and State survey regulations and laws and made on the ground and that the corner

monuments were properly placed under my supervision.

(Seal) _____

Registered Professional Land Surveyor No. _____

- (2) An engineer's certificate in the following form shall be placed on the subdivision construction plans:

KNOW ALL MEN BY THESE PRESENTS: I, the undersigned, _____, a Professional Engineer Registered in the State of Texas, hereby certify that proper engineering consideration has been given to these plans and all engineering aspects are in compliance with City and State engineering regulations and laws.

(Engineer Seal) _____ Registered Professional Engineer

P.E. Registration No. _____

- (3) An owner's acknowledgement and certificate of dedication in the following form shall be placed on the subdivision plat:

That (OWNER'S NAME) action herein by and through its duly authorized officers, does hereby adopt this plat designating the herein above described property as (SUBDIVISION NAME), an addition to the City of Texas City, Texas and does hereby dedicate, in fee simple [note: usually not fee simple ????,] to the public use forever, the streets, alley, and public use areas, shown hereon, and does hereby dedicate the easements shown on the plat for the purposes indicated to the public use forever, said dedications being free and clear of all liens and encumbrances except as shown herein. No buildings, fences, trees, shrubs or other improvements shall be constructed or placed upon, over, or across the easements on said plat. Utility easements may also be used for the mutual use and accommodation of all public utilities desiring to use or using the same unless the easement limits the use to a particular utility or utilities, said use by public utilities being subordinate to the public's and City of Texas City's use thereof. The City of Texas City and any public utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs, or other improvements or growths which in any way endanger or interfere with the construction, maintenance or efficiency of its respective system on any of these easements. The City of Texas City and any public utility shall at all times have the right of ingress and egress to and from and upon any said easement for the purpose of using, constructing, reconstructing, inspecting, patrolling, maintaining and adding to or removing all of part of its respective system without the necessity at any time of procuring the permission of anyone.

(OWNER'S NAME) does hereby bind itself, its successors and assigns to forever warrant and defend all and singular the above described streets, alleys, easements and rights unto the public against every person whomsoever lawfully claiming or to claim the same or any part thereof. This plat approved subject to all ordinances, rules, regulations, and resolutions of the City of Texas City.

WITNESS MY HAND THIS _____ DAY OF _____, 20__.

Signature of Owner

Position in Corporation (if
applicable)

Name of Corporation (if applicable)

Lien Holder (if applicable)

If there is no lien holder, add the following statement:

To the best of my knowledge, there are no liens against this property.

Signature of Owner

(4) Notary Certificate

STATE OF _____

COUNTY OF _____

Before me, the undersigned authority, a Notary Public in and for the said County and State on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same in the capacity therein stated.

Given under my hand and seal of office, this _____ day of _____, 20__.

Notary Public in and for the State of _____

My commission expires: _____

(5) Homeowners association form, if applicable, shall be prescribed by the City.

(6) Planning Board Signature Block.

On the _____ day of _____, 20__, this plat was duly approved by the Planning Board of the City of Texas City.

Signed: _____
Secretary of the City of Texas City Planning Board

Signed: _____
Chairman of the City of Texas City Planning Board

(7) Construction compliance.

It is understood that if the final plans for (Subdivision Name) are approved by the City Engineer and Planning Board of the City of Texas City, the undersigned will in all things comply with all provisions of such plat and construction plans and will duly perform all construction called for therein, fully and completely. No changes shall be made in construction plans without the consent in writing of the City Engineer being first had and obtained.

Owner Developer

Witnesses:

On the ____ of _____, 20____.

(8) Certification of approval of City Commission and authority for City Secretary to file plat.

This is to certify that all improvements to (name of subdivision) Subdivision have been completed and accepted by the City of Texas City, Texas, and this subdivision plat is ready for the City Secretary to file said plat in the County Clerk's office.

Mayor, City of Texas City Texas

(j) Expiration and Request for Reapproval.

- (1) Approval of the final plat shall expire unless the plat is recorded in the office of the County Clerk within a period of 30 months after the date of approval by the Planning Board. Any final plat not filed within such time shall be considered invalid. An extension may be requested upon evidence of substantial completion of public improvements.

- (2) Reapproval of a final plat by the Planning Board may be applied for at any time after the approved plat becomes invalid. If the Planning Board, during consideration of the reapproval of any such plat, should deem changes necessary in the reapproval of a final plat in light of new or significant information or requirements, or changes in conditions, it shall so inform the subdivider. A final plat submitted for reapproval shall be prepared in accordance with, and comply with, the requirements of this Chapter, the Zoning Ordinance, and all other applicable requirements in effect at the time such application for reapproval is formally filed with the City.

Section 110.27 Replat.

(a) Replat Required:

- (1) A replat is required to alter or create new lot lines, add or remove easements, or alter any other aspects of a recorded plat, and shall meet the requirements of Chapter 212 of the Texas Local Government Code. An amending plat may be submitted in lieu of a replat if the amending plat meets the requirements of Section 212.016 of the Texas Local Government Code.

(b) Content, review and decision making process.

- (1) An application for approval of a replat shall contain the same information as is required for an application for final plat approval, with the following additional requirements:
 - a. Exact name of previous plat, which shall be retained in the title of the replat identified.
 - b. Blocks, lots and portions thereof which are being replatted, shall be identified.
 - c. Recording information applicable to the previous plat, including volume and page number.
 - d. Original plat information being deleted, abandoned, or changed by the replat, (lots and blocks, rights-of-way, etc.), shall be shown lightly sketched or dotted on the drawing with a note of explanation.
 - e. The word "replat" shall be shown in the title block.
- (2) At the time of application for a replat, all required engineering plans must be approved by the City Engineer.
- (3) The replat shall be reviewed by the Planning Board in accordance with the final plat requirements of Section 110.26 of this Chapter, except that any required public hearings and notification shall be in accordance with Chapter 212 of the Texas Local Government Code. [is there now administrative review of replats as suggested by the APA Texas newsgroup posting (email you sent me, Don. I cant find a reference to that in 212.014)????]

Section 110.28 Amending Plat.

(a) Authority for Amending Plats.

An application for an amending plat may be submitted to the City in accordance with Chapter 212.016 of the Texas Local Government Code.

(b) Content, review and decision making process.

- (1) An application for approval of an amending plat shall contain the same information as required for an application for final plat approval pursuant to Section 110.26 of this Chapter with the following additional requirements:
 - (a) A note identifying what element(s) of the plat is (are) being amended;
 - (b) A graphic representation encircling the area of the plat being amended; and
 - (c) The words "Amending Plat" shall be shown in the title block.
- (2) In accordance with the Texas Local Government Code, Section 212.0065, the City of Texas City delegates to the **City Planner and City Engineer** the authority to approve amending plats, if such amending plat conforms to the requirements of this Chapter and applicable provisions of Chapter 212, Texas Local Government Code.
- (3) The **City Planner and City Engineer** may, for any reason, elect to present the amending plat to the Planning Board for approval.
- (4) The **City Planner and City Engineer** shall not disapprove an amending plat application. Any application for approval of an amending plat that the **City Planner and City Engineer** determine should be disapproved shall be referred to the Planning Board for consideration, prior to the expiration of thirty (30) days from the date of filing of the application.
- (5) If an amending plat is approved by the **City Planner and City Engineer**, the signature block and signature of the chairman of the Planning Board shall not be required. The following signature shall, however, appear on the amending plat

On the ____ day of _____, 20____, this amending plat was approved by the **City Planner and City Engineer** of the City of Texas City.

Signed: _____
City Planner of Texas City

Section 110.29 Administrative Minor Plat.

(a) Authority for Administrative Minor Plats.

An application for an administrative minor plat may be submitted to the City in accordance with Chapter 212.0065 of the Texas Local Government Code.

(b) Content, review and decision making process.

- (1) The administrative minor plat shall contain the same information in accordance with the final plat requirements of Section 110.26 of this Chapter.
- (2) In accordance with the Texas Local Government Code, Section 212.0065, the City of Texas City delegates to the **City Planner and City Engineer** the authority to approve administrative minor plats which:
 - (a) involve four (4) or fewer lots; and
 - (b) front onto an existing street; and
 - (c) do not require the creation of any new street or the extension of municipal facilities.
- (3) The **City Planner and City Engineer** may, for any reason, elect to present the administrative minor plat to the Planning Board for approval.
- (4) The **City Planner and City Engineer** shall not disapprove the administrative minor plat and shall be required to refer any administrative minor plat application which he/she refuses to approve to the Planning Board for consideration.
- (5) If the administrative minor plat is approved by the **City Planner and City Engineer**, the signature block and signature of the chairman of the Planning Board shall not be required. The following signature shall, however, appear on the administrative minor plat.

On the ____ day of _____, 20____, this administrative minor plat was approved by the **City Planner and City Engineer** of the City of Texas City.

Signed: _____
City Planner of the City of Texas City

Section 110.30 Vacating Plat.

(a) Authority for Vacating Plats.

An application to vacate a previously recorded plat may be submitted to the City in accordance with Chapter 212.013 of the Texas Local Government Code.

(b) Content, review and decision making process.

- (1) The vacating plat shall contain the same information required for final plats as set forth in Section 110.26 of this Chapter with the following additional requirements:
 - (a) A note identifying the original plat being vacated shall be indicated; and
 - (b) The words "Vacating Plat" shall be shown in the title block.
- (2) An application for approval of a vacating plat shall be submitted to the Planning Board for review and final decision. The Planning Board shall approve, disapprove or approve with modifications.

Section 110.31 Abandonment of Public Right-of-Way; Plat.

(a) Abandonment procedure. Any person desiring to seek abandonment of a public right-of-way by the City shall follow the procedures set forth in the Section.

(b) Application content.

- (1) An application for the abandonment of a public street or public alley right-of-way may be initiated **only** by the property owners abutting such right-of-way. The application shall contain the signatures of the owners all properties that abut the subject right-of-way, and shall include proof of such ownership. **[what if the CITY wants to initiate an abandonment????]**
- (2) All public utilities must consent in writing to the abandonment.
- (3) The application shall include a plat depicting the location and physical configuration of the right-of-way to be abandoned drawn to a scale that clearly defines the limits of the abandonment. The plat shall also contain a proper metes and bounds legal description, prepared by a registered surveyor, of the proposed abandonment. **If the abandonment is approved, a copy of such plat shall be attached as an exhibit to the ordinance approving such abandonment.**

(c) Process.

- (1) Upon receipt of a complete application including all support documentation as required by Section 110.31(a), a Public Hearing shall be scheduled with the Planning Board.
- (2) Notice of the Public Hearing shall be provided to the owners of all property abutting the subject right-of-way.
- (3) The Planning Board shall also consider the impact upon properties that do not physically abut the right-of-way sought to be abandoned, with special consideration being given to the ease and availability of access to such properties in the event the requested abandonment is approved. **[what about fair market value for the land? Appraisal?]**

- (4) To be considered, written correspondence in favor of or in opposition to the request must be submitted on or before the date of the Planning Board's Public Hearing.
- (5) Upon recommendation by the Planning Board, the request shall be submitted to the City Commission for final action.
- (6) Abandonment of right-of-way, if approved by the City Commission, shall be by ordinance, which shall be filed following adoption with the County Clerk of Galveston County.
- (7) The Mayor is authorized to execute and deliver an quitclaim deed to any abutting property owner, for that portion of the abandonment, if requested by the property owner. [note: this is what we put in our abandonment ordinances...see any reason why we shouldn't put in here as well?]

Section 110.32 Extraterritorial Jurisdiction Regulations.

The regulation of subdivisions within the City's extraterritorial jurisdiction shall be in accordance with an agreement with Galveston County as approved by the City on October 23, 2002 and as amended.

Section 110.33 Park/Open Space Requirements.

(a) Dedication of Park/open space dedicated.

- (1) Any subdivider who seeks approval of a plat for the development of a residential subdivision which has a master plan potential greater than 100 residential lots shall dedicate by warranty deed a minimum of one-half acre of land to the Homeowners Association for public neighborhood park use for each 100 lots or fraction thereof. The subdivider shall be responsible for development of said park(s) and maintenance of said park(s) until such time that a Homeowners Association is established which shall assume maintenance responsibilities. The location of the open space shall be approved with the final plat.
- (2) Any subdivider who seeks approval of a plat for the development of a residential subdivision which has a master plan potential for 100 or fewer residential lots shall make a payment in lieu dedication in accordance with subsection (e) below.

(b) Recreation sites.

Land reserved for recreation purposes shall be of a character and location suitable for use as a playground, playfield, or for other recreation purposes, and shall be relatively level and dry. The Recreation and Tourism Department of the City and/or the Recreation and Tourism Board shall be involved in the process for determining what land will be dedicated under the provisions of this section. All land to be reserved for dedication to the City for park purposes shall be clearly depicted on the plat, "Reserved for park and/or recreation purposes".

(c) Applicability of land utilizing average density.

Any subdivision plat in which the principle of average density of flexible zoning has been utilized shall not be exempt from the provisions of its section, except as to such portion of land which is actually dedicated to the City for park and recreation purposes.

(d) Other recreation reservations.

The provisions of this section are minimum standards. None of the paragraphs above shall be construed as prohibiting a developer from reserving other land for recreation purposes in addition to the requirements of this section.

(e) Alternative payment in lieu of land dedication.

(1) Subject to approval of the City Commission, a landowner or developer responsible for park/open space dedication under subsection (a) may elect to apply to the City to meet the park/open space requirement, in whole or in part, by a cash payment in lieu of land. Such cash payment shall be based upon \$10,000.00 per acre of park/open space required, or fraction thereof.

(2) Such payment in lieu of land dedication shall be deposited in a park and recreation improvement fund to be established by the City. The cash in lieu of land shall be used by the city for improvement of a neighborhood park, playground, or recreation area, located in the general neighborhood of the development. The City may use the funds for the acquisition of property for this purpose. The neighborhood park, playground or recreation area shall be available to, and directly benefit, the persons in the subdivision for which payment was made.

Section 110.34 Variances.

(a) The City Commission may authorize a variance from any provision in this Chapter, when, in its opinion, undue hardship would result from requiring strict compliance. In granting a variance, the City Commission shall prescribe only conditions that it deems necessary or in the public interest. In making the findings required in this Section, the Commission shall take into account the nature of the proposed use of the land involved, existing uses of land in the vicinity, the number of persons who will reside or work in the proposed subdivision, and the probable effect of the variance upon traffic conditions and upon the public health, safety, convenience and welfare in the vicinity. The staff and Planning Board shall first review the request for a variance, conduct land use studies and make a written recommendation to the City Commission.

(b) No variance shall be granted unless the Planning Board finds and recommends, and the City Commission concurs:

(1) that there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this Chapter would deprive the applicant of

the reasonable use of his land; and

- (2) that the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant; and
- (3) that the granting of the variance will not be detrimental to the public health, safety or welfare, or injuries to other property in the area; and
- (4) that the granting of the variance will not have the effect of preventing the orderly subdivision of other land in the areas in accordance with the provisions of this Chapter.

(c) The findings of the Planning Board and City Commission, together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the meetings at which such variance is recommended and granted. Variances may be granted only when in harmony with the general purpose and intent of this Ordinance, so that the public health, safety and welfare may be secured and substantial justice served. Pecuniary hardship to the subdivider, standing alone, shall not be deemed to constitute undue hardship.

(d) Notwithstanding subsection (b) above, the City Commission may grant a variance or variances to the provisions of this Chapter in conjunction with the approval of a Planned Unit Development zoning ordinance (rezoning). If a PUD is approved, the City Commission need not consider and approve each variance contained within.

[Note: do we still need PB review and the findings in subsection b for PUD variances?]

Sections 110.35 - 110.39 Reserved.

ARTICLE III. DESIGN STANDARDS

Section 110.40 General.

- (a) Conformity to design requirements.

No plat shall be approved by the Planning Board or City Commission, and no completed improvements shall be accepted by the City Engineer, unless they conform to the following design requirements and applicable standards, or unless waived by the City Commission in accordance with Section 110.33. Although the intention of this Section is to establish uniform design standards, it neither replaces the need for engineering judgment nor precludes the use of information not presented. Improvements shall also be designed in accordance with all applicable City Design Standards and Details. Other accepted engineering procedures may be used if approved by the City Engineer, and such procedures are not inconsistent with the minimum requirements contained herein.

- (b) Adequate public facilities policy.

The land to be divided or developed must be served adequately by essential public facilities

and services. No subdivision shall be approved unless and until adequate public facilities exist or provision has been made for water, sanitary sewer, storm sewer, drainage, electric and road facilities which are necessary to serve the development proposed, whether or not such facilities are to be located within the property being platted or off-site. This policy may be defined further and supplemented by other ordinances adopted by the City. Wherever the subject property adjoins undeveloped land, or wherever required by the City to serve the public good, utilities and drainage systems shall be extended to adjacent property lines to allow connection of these utilities and drainage systems by adjacent property owners when such adjacent property is platted and/or developed.

(c) Provision for future subdivisions.

If a tract is subdivided into parcels larger than ordinary building lots, these parcels shall be arranged to allow for the extension of future streets and utilities [???].

(d) Reserve strips.

There shall be no reserve strips controlling access to land dedicated or intended to be dedicated to public use.

(e) Subdivision names.

Subdivision names shall not duplicate or cause confusion with the names of existing subdivisions. All subdivision names shall be approved by the Planning Board or City Commission upon recommendation of the City Planner.

Section 110.41 Streets.

(a) Layout.

Adequate streets shall be provided by the subdivider, and the arrangement, character, extent, width, grade and location of each shall conform to the Comprehensive Plan and Transportation Plan of the City and shall be considered in their relation to existing and planned streets, to topographical conditions, and to public safety and convenience, and in their appropriate relationship to the proposed uses of land to be served by the streets. The street layout shall be devised for the most advantageous development of the entire neighborhood. The subdivider shall apply sound access management and traffic principles to street and intersection layouts.

(b) Relation to adjoining street system.

Where necessary to the neighborhood pattern, existing streets in adjoining areas shall be continued, and shall be at least as wide as the existing streets and in alignment therewith.

(c) Projection.

Where adjoining areas are not subdivided, the arrangement of streets in the subdivision shall make provision for the proper projection of streets into the unsubdivided areas.

(d) Jogs.

Whenever possible, street jogs with centerline offsets of less than one hundred twenty-five (125) feet shall be avoided.

(e) Half streets or adjacent streets.

In the case of collector, minor or marginal access streets, no new half streets shall be platted.

(f) Intersections.

Street intersections shall be as nearly at right angles as practicable, giving due regard to terrain and topography.

(g) Dead-end streets.

Dead-end streets shall be prohibited except as short stubs to permit future expansion. In no case shall the length of such street exceed **two hundred fifty** (250) feet. If such street exceeds **one hundred fifty** (150) feet, then a temporary turnaround which meets Fire Department standards shall be provided.

(h) Cul-de-sac.

(1) In general, a cul-de-sac shall not exceed **six hundred** (600) feet in length. Cul-de-sac length shall be measured as the distance from the center of the cul-de-sac to the nearest intersecting street right-of-way line.

(2) In residential areas, the cul-de-sac shall have a minimum right-of-way radius of fifty (50) feet and a minimum driving surface radius of **forty** (40) feet.

(i) Location and width of streets shown on the Comprehensive Plan and Transportation Plan.

Where a subdivision embraces a street as shown on the Comprehensive Plan and Transportation Plan of the City, this street shall be platted in the location and of the width indicated by these Plans.

(j) Minor streets.

Minor streets shall be laid out so as to discourage their use by through traffic.

(k) Pavement widths and rights-of-way shall be as follows.

(1) Arterial streets shall have a right-of-way width of at least eighty (80) feet, with a pavement width of at least forty-five (45) feet back to back of curbs.

(2) Collector streets shall have a right-of-way of at least sixty (60) feet and a pavement width of at least thirty-seven (37) feet back to back of curbs.

- (3) Minor streets shall have a right-of-way of at least sixty (60) feet and a pavement width of at least thirty (30) feet back to back of curb.
- (l) Streets forming part of the boundary of the adjacent subdivision boundary shall have the following pavement widths and rights-of-way widths:
 - (1) The subdivider shall dedicate a right-of-way of forty (40) feet in width for new adjacent arterial streets, and two (2) thoroughfare lanes shall be paved.
 - (2) New adjacent collector and minor streets shall be full width and conform to subsection (k) of this Section.
 - (3) Where the proposed subdivision abuts upon an existing street or half street that does not conform to subsection (k) of this Section, the subdivider shall dedicate right-of-way sufficient to make the full right-of-way width conform to subsection (k), and there shall be paved so much of such right-of-way as to make the full pavement width comply with subsection (k). Before any pavement is laid to widen existing flexible base pavement, the existing pavement shall be cut back two feet to ensure an adequate subbase and pavement joint.

(m) Construction requirements.

The minimum standard residential street shall be a 30-foot curb-and-guttered street constructed in accordance with the City's standards. The City Commission may grant permission to the subdivider to build open ditch, road section streets, conforming to minimum specifications. However, the subdivider must show good and sufficient cause to the City Commission before it will grant permission to build open ditch, road section streets. Additional construction requirements will be promulgated by the City Engineer in accordance with section 110-16 [there is no section 110-116!] and the City's Design Standards and Details.

(n) Curbs.

Curbs shall be installed by the subdivider on both sides of all interior streets, and on the subdivision side of all streets forming part of the boundary of the subdivision, unless the subdivider has permission from the City Commission not to install curbs.

(o) Names.

Names of new streets shall not duplicate or cause confusion within the names of existing streets, unless the new streets are a continuation of or in alignment with existing streets, in which case names of existing streets shall be used.

(p) Streetlights.

Streetlights shall be installed by the subdivider at all street intersections within the subdivision and at adjacent intersections on the north and east boundaries of the subdivision.

- (q) Street name and traffic control signs.

Street name and required traffic control signs shall be installed by the subdivider within or abutting the subdivision.

- (r) Minimum elevation.

The minimum elevation of streets (top of curb or centerline) shall be 5.5 feet above mean sea level in locations behind and protected by the storm tide protection levee (seawall).

Section 110.42 Sidewalks.

Sidewalks having a minimum width of four feet shall be required along any street upon which a lot abuts and shall be designed and installed in accordance with all applicable City Design Standards.

Section 110.43 Pedestrian Access.

A pedestrian access easement having a minimum of six (6) feet, shall be dedicated where deemed necessary by the Planning Board or City Commission to provide circulation or access to schools, parks, shopping centers, transportation and other community facilities, or to provide pedestrian circulation within the subdivision. The pedestrian access easement shall be paved with a concrete sidewalk, minimum of six (6) feet in width.

Section 110.44 Blocks.

- (a) Block lengths shall be not less than three hundred (300) feet or more than twelve hundred (1,200) feet. However, block lengths may exceed twelve hundred (1,200) feet along arterial thoroughfares, as designated on the Comprehensive Plan and the Transportation Plan.
- (b) The length, width and shape of blocks shall be determined with due regard to:
- (1) Provision of adequate building sites suitable to the special needs of the type of use contemplated;
 - (2) Zoning requirements as to lot size and dimensions; and
 - (3) Need for convenient and safe access, circulation, and control of street traffic.

Section 110.45 Lots.

- (a) Lots shall be designed in a manner to provide adequate width, depth and shape to provide open area, to eliminate overcrowding, and to be appropriate for the type of development and use contemplated, and in accordance with the Zoning Ordinance.
- (b) Every lot shall meet the minimum area and dimension standards as set forth in the Zoning Ordinance for the district in which the lot is located. The Planning Board shall have the authority to recommend and the City Commission shall have the authority to approve, a subdivision plat where lots have area, dimensions or setbacks greater [??] than the minimum standards set forth in the Zoning Ordinance.
- (c) Extra depth and width in certain cases.

Where a lot in a residential area backs up to a railroad right-of-way, a drainage easement, high voltage electric transmission line, high-pressure gasoline, oil or gas line, an arterial street, an industrial area, or other land use which has a depreciating effect on the residential use of the property, and where no marginal access street other street, or substantial buffer is provided at the rear of the lot, additional depth shall be required in the amount determined by the Planning Board. Where a lot sides to any of the uses mentioned in this subsection, additional width shall be required by the Planning Board.

(d) Street frontage.

- (1) Every lot shall have frontage on, and access to, a public street (except where private street subdivision is approved????). However, where existing conditions make it impractical for one or more lots to have frontage on a public street or where in-fill development can be accommodated, the City Commission may authorize a flag lot configuration.
- (2) The minimum width of the flag lot shall be sixty (60) feet. The main structure of the flag lot shall be served by a paved drive of sufficient width and appropriate design so as not to deter access by emergency vehicles or any other public services.
- (3) The main structure served by a flag lot shall contain a sprinkler system or other fire suppression system as approved by the Fire Marshal.

(e) Non-conforming single family lots.

Where a lot, served by sanitary sewer service has less area than provided for in this Chapter or required by the Zoning Ordinance and was in separate ownership at the time of the passage of the original Zoning Ordinance, dated January 26, 1946, this Section shall not prohibit the erection of a single-family dwelling.

(f) Lots without Access to Sanitary Sewer Service.

- (1) Where off-lot sanitary sewer service is not required, and is not provided, residential lots shall have an area of at least two (2) acres, and shall be at least two hundred (200) feet wide. The minimum width shall be measured at the front building line.

- (2) All on-site sanitary sewer facilities shall be approved by the Galveston County Health District.
- (3) Variances.

The following is the sole variance procedure specific to Lots without Access to Sanitary Sewer Service:

- (a) The City Commission may authorize a variance from the two (2) acre or two hundred (200) foot width requirements for on-site sanitary sewer facilities when, in its opinion, undue hardship will result from requiring strict compliance. In granting a variance, the Commission shall prescribe only conditions that it deems necessary or desirable to protect the public interest.
- (b) In making the findings required in this Section, the Commission shall take into account the nature of the proposed use of the land involved, existing uses of land in the vicinity, the number of persons who will reside at the proposed location, and the probable effect of the variance upon the public health, safety, convenience and welfare in the vicinity.
- (c) The Planning Board shall first review the request for a variance and make a written recommendation to the City Commission.
- (d) No variance shall be granted unless the Commission finds:
 - (1) There are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this article would deprive the applicant of the reasonable use of his land;
 - (2) The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant;
 - (3) The granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property in the area; and
 - (4) The granting of the variance will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of this article.
- (e) In consideration of a variance, the Commission shall also be provided the following evidence and information:
 - 1. The Galveston County Health District has approved the on-site sanitary sewer facilities;
 - 2. The applicant agrees that if platting is required by State law or City ordinance, any granting of a variance is conditional on the property being platted, approved by the City, and recorded in the Galveston County Deed Records;

3. The applicant has paid all property taxes; and if
4. The property is in excess of one (1) acre of undeveloped land area, excluding water bodies (ponds, lakes, streams, etc.); and, one of the following guidelines applies:
 - a. The subject property perimeter is bounded by undevelopable property which if it were combined with the subject property would cause it to exceed the minimum size requirement above. Undevelopable property includes natural bodies of water, highway, railway, or other right-of-way, or other characteristics of the land that substantially prevent the property from being developed by any property owner; or
 - b. Other factors (other than economic hardship) exist that would prohibit the applicant from purchasing enough additional property to meet the requirements of this Section.
- (f) The findings of the City Commission, together with the specific facts upon which the findings are based, shall be incorporated into the official minutes of the Commission meeting at which the variance is granted.
- (g) Variances may be granted only when in harmony with the general purpose and intent of the City Code, so that the public health, safety and welfare may be secured and substantial justice done. Pecuniary hardship to the sub-divider, standing alone, shall not be deemed to constitute undue hardship.

Section 110.46 Utility Easements.

- (a) Each block that does not contain an alley as provided for in Section 110.42 [warning...this jump cite doesn't work. It refers to sidewalks!] of this Section shall have a utility easement at the rear of all lots reserved for the use of all public utility companies and the City.
- (b) Utility easements shall be a minimum of sixteen (16) feet in width, taking eight (8) feet from each lot where the rear of two lots abut each other, and shall be continuous for the entire length of the block. Easements shall parallel as closely as possible the street line frontage of the block. Additional easement areas may be required to accommodate utility equipment pads and boxes.
- (c) Where utility easements are not straight within a block, or if an easement does not connect on a straight course with the utility easements of adjoining blocks, then an additional easement shall be provided for the placing of guy wires on lot division lines in order to support poles set on curving or deviating rights-of-way or alleys.

Section 110.47 Utility Lines.

All utility lines that pass under a street or alley shall be installed before the street or alley is

paved. When it is necessary that utility lines pass under the street or alley pavement, they shall be installed to a point at least ten (10) feet beyond the edge of the pavement.

Section 110.48 Water System.

- (a) All subdivisions shall be provided with potable water systems approved by the City Engineer and the Director of Utilities. Water systems shall conform to the water distribution plan, technical specifications of the City Engineer and Director of Utilities in accordance with this Section and all other relevant City ordinances.
- (b) The distribution system shall provide for fire flow with minimum six-inch mains to serve all fire hydrants.
- (c) Fire hydrants shall be located within five hundred (500) feet of all building sites.
- (d) Minimum size water line shall be two (2) inches.
- (e) The maximum number of house connections on a looped two-inch line shall be ten (10), and on a dead-end two-inch line it shall be five (5).
- (f) Minimum pressure in the system under a peak domestic consumption of four hundred fifty (450) gallons per capita per day shall be forty (40) pounds per square inch.
- (g) A flushing device shall be provided at the end of all dead-end lines.
- (h) Water lines shall be interconnected at intervals not to exceed one thousand (1,000) feet, or as prescribed by the City Engineer or the Director of Utilities.
- (i) Valves shall be placed on all branches from feeder mains of six (6) inches or greater and on all leads from feeder mains to fire hydrants.
- (j) There shall be no line greater than eight hundred (800) feet without valve control.
- (k) All water lines shall be looped whenever the extension of three hundred fifty (350) feet of two-inch line would accomplish the looping.
- (l) All water services shall be installed by, and at the expense of, the developer.

Section 110.49 Sanitary Sewer System.

- (a) All subdivisions shall be provided with a sanitary sewer system approved by the City Engineer and the Director of Utilities. Sanitary sewer systems shall conform to the sanitary sewer plan, technical specifications of the City Engineer and Director of Utilities in accordance with this Section and all other relevant City ordinances.

- (b) Connections with the sanitary sewer system shall be required, except where the City Engineer or Director of Utilities determines that the connection will require unreasonable expenditure when compared with other methods of sewage disposal. Where on-site sanitary sewer facilities are installed, the plans for the system shall be approved by the Galveston County Health District in accordance with all State and County laws, rules and regulations, prior to approval of the final plat by the City Commission.
- (c) Minimum size of sewers shall be eight (8) inches.
- (d) Minimum velocities in sewer pipes flowing full shall be 1.7 feet per second, and minimum "n" value shall be 0.013.
- (e) Maximum manhole spacing shall be five hundred (500) feet.
- (f) Manholes shall be placed at points of change of grade, size or direction, and at junctions with other lines.
- (g) All sewer pipe joints shall be die cast joints or factory-made coupling joints approved by the director of utilities.
- (h) Sewer pipe material shall approved by the City.
- (i) Minimum cover shall be three (3) feet.
- (j) Single house services shall be four (4) inches minimum on a slope of one percent. Double house services shall be six-inch pipe.
- (k) All sewer service lines shall be installed extending to the lot lines. These sewer services shall be installed at the expense of the subdivider.

Section 110.50 Minimum First Floor Elevation.

- (a) The minimum first floor elevation of all developments outside the storm tide protection levee (seawall) shall be one (1) foot above the 100-year flood as shown on the Flood Insurance Study Map, Coastal Areas--Gulf of Mexico, prepared for the Federal Emergency Management Agency by the U.S. Army Corps of Engineers, Galveston, Texas, dated May 1970. For general information only, this minimum first floor elevation is 15.6 feet mean sea level at State Highway 146 and Dickinson Bayou and 14.3 feet mean sea level at State Highway 146 and Gulf Freeway (Interstate Highway 45).
- (b) The minimum first floor elevation for all new development inside and protected from hurricane flood tides by the storm tide protection levee (seawall) shall be seven feet mean sea level, but the elevation shall also be not less than one foot six inches above the top of the curb of the street abutting the property upon which the new development is being constructed.

Section 110.51 Drainage.

(a) Easements for open ditches or watercourses.

Where a subdivision is traversed by a watercourse, drainageway, natural channel or stream, there shall be provided an easement or right-of-way conforming substantially to the limit of such a watercourse, plus an additional width to accommodate future needs. Easements for open ditches or watercourses shall have a 15-foot working space provided adjacent to one bank. In no case shall an open ditch or watercourse be located in an easement of less than 30 feet in width.

(b) Off-site drainage.

- (1) Easements and drainage facilities shall be provided by the subdivider. The owner or developer of property to be developed shall be responsible for all storm drainage discharge flowing on such subdivider's property. This responsibility includes the drainage directed to that property by prior development as well as drainage naturally flowing through the property by reason of topography.
- (2) Adequate consideration shall be given by the owner in the development of property to determine how the discharge leaving the proposed development will affect downstream property.

(c) Design standards for drainage facilities.

Drainage facilities shall conform to the technical specifications of the City Engineer and Director of Public Works in accordance with Section 110-16 [caution, this jump cite does not work!] and with the following requirements:

(1) Runoff criteria.

Storm sewers, ditches and other drainage structures shall be designed for one (1) cubic foot per second per acre runoff for residential land use and two (2) cubic feet per second per acre for commercial land use.

(2) Ditch slope.

Minimum ditch slope shall be one-tenth foot fall per one hundred (100) feet. Ditch banks shall have a maximum slope of one (1) vertical on two (2) horizontal.

(3) Ditch depth.

Minimum ditch depth shall be four (4) inches from the flow line of the ditch to the edge of the road shoulder. The maximum in any street right-of-way for ditches adjacent and parallel to any street shall be two (2) feet from the flow line of the ditch to the edge of the road shoulder. Ditches of greater depth than two (2) feet shall be enclosed in those cases.

(4) Curb and gutter streets.

The maximum distance stormwater shall run in gutters before entering an inlet is one thousand (1,000) feet. Minimum slope on gutters for asphaltic surfaced, flexible base streets shall be 0.25 percent (0.25 foot fall per 100 feet). Minimum slope on gutters for concrete streets shall be two-tenths percent. Minimum fall around a curb return shall be one-tenth foot.

(5) Minimum inlet size.

There shall be no less than 1.5 square feet of throat opening in any inlet. No more than eight hundred (800) feet of gutter shall drain into an inlet of this minimum size. Laterals discharging from such minimum size inlets shall be not less than eighteen (18) inches.

(6) Valley gutters.

Valley gutters shall not be permitted without the approval of the City Engineer and the Director of Public Works. When permitted, they shall be of concrete of not less than two-foot width on each side of the flow line (four-foot overall width).

Sections 110.52 - 110.60 Reserved.

ARTICLE IV. PRIVATE STREET DEVELOPMENTS

Section 110.61 Intent and Purpose.

(a) It is the intent and purpose of these private street regulations to:

- (1) Allow private street developments to occur within the City of Texas City on a limited and restrictive basis;
- (2) Provide for private street developments as one type of residential development mechanism to allow Texas City to continue to be competitive in the development market; and
- (3) Provide a broader variety of residential areas to meet the needs of the residents of Texas City.

(b) The location of each private street development will be subject to the approval of the City Commission on a case-by-case basis, based on, among other matters, the criteria described in this Article.

(c) The term private street shall include alleys, if provided.

Section 110.62 Design and Construction Standards.

- (a) Private streets shall be designed in accordance with the City's Comprehensive Plan, these Subdivision regulations, Design Standards, and all other applicable development standards as prescribed and utilized by the City.
- (b) The development plan shall not impede the current or future street circulation needs of the area, especially any needed collector or arterial street route, or adequate access to any adjoining tract.
- (c) All streets, alleys, sidewalks, drainage ways, water and sewer line and improvements shall be designed, placed and constructed in accordance with the General Design Standards of the City.
- (d) Name(s) of new street(s) shall not duplicate or cause confusion within the name(s) of existing street(s) unless the new street(s) are a continuation of or in alignment with existing street(s), in which the case, the name(s) of the existing street(s) shall be used.
- (e) Streets excluded.
 - (1) Streets designated on the Comprehensive Plan and the Thoroughfare Plan as an arterial or collector shall not be used, maintained or constructed as private streets.
 - (2) The Planning Board or the City Commission may deny the creation of a private street development if it makes a finding of fact, based upon the evidence provided, that it would:
 - (a) Negatively affect traffic circulation on public streets; or
 - (b) Impair access to property either on-site or off-site of the subdivision; or
 - (c) Impair access to or from public facilities including schools, parks and libraries, or
 - (d) Delay the response time of emergency vehicles; or
 - (e) Other good cause.

Section 110.63 Homeowners Association.

- (a) Residential subdivisions developed with private streets shall establish a mandatory homeowners association. The association shall own and be responsible for the maintenance of the private streets, and sidewalks. Lot deeds shall convey membership in the association and provide for deed restrictions that shall include provisions for the payment of dues and assessments required by the association, including City assessments against the association.

- (b) Every owner of a lot within the private street development shall be a member of the homeowners association.
- (c) The manager or president of the homeowners association shall be required to maintain and file a fidelity bond. The name of the association's president shall be submitted to the Public Works Department and City Engineer and updated annually.
- (d) The following notice shall appear in bold print on each deed to property in the subdivision, on the plat of the subdivision and on each contract on the sale of land within the subdivision:

Notice: The lots within this subdivision are governed by a homeowners association requiring the payments of fees. Failure to pay such fees subjects you to attachment of a lien on your property by the Association.

- (e) The association documents shall establish a reserve fund for the maintenance of streets and other improvements, and contain provisions for reliable access to provide City services and to other utility service providers with appropriate identification. The association may not be dissolved, and no portion of the association documents pertaining to this section may be amended without the written consent of the City. The deed restrictions shall expressly state this requirement.
- (f) A reserve fund balance report shall be submitted to the City Finance Director annually to ensure that adequate fund reserves are being maintained for future repairs and/or replacement costs of the private streets and sidewalks.
- (g) In the event the association fails to maintain the streets, sidewalks and streetlights in accordance with City standards, the City may repair and maintain and charge the cost to the association. If the association fails to pay for the maintenance cost, after notice to the property owners, the City may assess adjacent property owners in the manner of regular City street assessment costs. The association shall post and maintain a performance bond, in form and amount to the satisfaction of the City, to guarantee this maintenance requirement.
- (h) The homeowners association documents shall indicate that the streets are private, owned and maintained by a homeowners association and the City of Texas City has no obligation to maintain or reconstruct the private streets.
- (i) The homeowners association documents shall indicate that the City of Texas City may, but is not obligated to, inspect private streets, and require repairs necessary to insure that the same are maintained to the City's standards.
- (j) No portion of the homeowners association documents pertaining to the maintenance of the private streets shall be amended without the written consent of the City of Texas City.
- (k) The association documents shall be reviewed and approved by the City Attorney and the City Planner to ensure that they conform to this and other applicable City ordinances, and shall be filed of record prior to the approval of the final plat.

Section 110.64 Private Streets.

- (a) Private streets shall be constructed within a designated separate “private street reserve,” which shall be owned by the homeowners association. Every lot shall have frontage on, and access to, said private street reserve in lieu of a public street.
- (b) An easement encompassing the private street reserve shall be granted to the City providing unrestricted use of the property for utilities and their maintenance. The right shall extend to all utility providers, including telecommunication companies operating within the City. The easement shall also provide the City with the right of access for any purpose related to the exercise of a governmental service or function, including but not limited to fire and police protection, inspection, animal control and code enforcement. The easement shall permit the City to remove any vehicle or obstacle within the private street reserve that impairs emergency access.

Section 110.65 Construction and Maintenance Cost.

- (a) The City shall not pay for any portion of the cost of constructing or maintaining a private street, sidewalk or roadside drainage.
- (b) All City regulations relating to the sharing of improvements costs shall be in accordance with Section 110-81 of this Chapter, with the exception of those applying to street construction.

Section 110.66 Utilities.

- (a) Water, sewer, drainage facilities and water meters shall be placed within the “private street reserve” and shall be dedicated to the City upon final acceptance of the subdivision by the City. Installation of approved water meters shall be required.
- (b) The location of all drainage, water and sewer improvements shall be shown on the subdivision layout prior to final approval by the City.

Section 110.67 Improvements and Inspections.

- (a) Developments proposed with private streets shall comply with Articles III and V of this Chapter.
- (b) The City may periodically inspect and take soil samples of private streets and require repairs necessary to insure emergency access and to insure that the streets are being maintained to the satisfaction of the Director of Public Works and the City Engineer.

Section 110.68 Signs.

All private traffic signs and marking shall conform to the Texas Manual on Uniform Traffic Control Devices, as approved and directed by the **City**. The entrances to all private streets shall be marked with a sign stating that it is a private street and that the street maintenance and liability are the responsibility of the association and not the City. Cost of signage shall be the responsibility of the association.

Section 110.69 Access Provisions.

- (a) Guard houses, access control gates and cross arms may be constructed within a "private street reserve". All restricted access entrances must be manned twenty-four (24) hours every day, or provided with an alternative means of ensuring access to the subdivision by the City, U.S. Postal, government employees in pursuit of the official duties, and other utility service providers with appropriate identification. Alternate access must be approved by fire, building inspection and police departments.
- (b) Residential access gates shall be maintained in accordance with standards approved by the Fire, Building Inspection and Police Departments to ensure continuous and unimpeded ingress and egress by emergency vehicles at all times. If the association fails to maintain reliable access as required to allow City services, the City may enter the subdivision and remove any gate or device that is a barrier to access at the sole expense of the association, as provided for in the association documents.
- (c) The subdivision shall provide a minimum of two (2) points of access, one of which may be used for emergency access only as approved by the Fire Department.

Section 110.70 Entrance Design Standards.

- (a) Any private street with an access control gate shall have a minimum uninterrupted pavement width of thirty (30) feet at the location of the access control device. All restricted access gates shall be approved by the Fire, Public Works and Police Department and meet access requirements for emergency vehicles. Entry codes for gates shall be provided to the police department and updated as necessary. Construction plans for access gates must be submitted for review and approval by the City in accordance herewith.
- (b) There shall be neither exposed gears nor overhead electrical wiring in any gate system. Electric gates shall be equipped with a single key, City-approved emergency access system designed to open and lock open both the entry and exit gates. The key switch shall be installed in a location approved by the fire department. In addition, a system key controlled "fail safe" mechanism shall be installed to allow the gate to be manually opened in the event of a power or mechanical failure. All fittings for system padlocks shall have a minimum one-half inch diameter hole. The City-approved control access system shall be operational and pass inspections of both the Chief Building Official as well as the Chief of the Fire Department before the gate may be placed in operation.
- (c) Secondary emergency access gates shall be equipped with City-approved emergency access system padlocks and shall be unobstructed at all times. These gates shall be equipped with a

positive mechanical latch to lock them in the open position. All fire lane width, turning radius, setback and turnaround requirements of this Chapter shall apply to the portion of the private street where the gate is installed.

- (d) Overhead barriers shall not be allowed.
- (e) Internal storage for three vehicles shall be provided between the right-of-way line and the point of the access control device. An additional setback between the point of the access control device and the access gate shall be required to allow a vehicle that is denied access to safely turn around and exit onto a public street.
- (f) On lots adjacent to access gates, screening walls may exceed thirty (30) inches in height, up to a maximum of eight (8) feet within the front yard setback of the adjacent lot. Such wall shall be constructed of wrought iron with brick columns. Solid fencing panels shall not be allowed.

Section 110.71 Waiver of Services.

The subdivision final plat, property deeds and property owner association documents shall note that certain City services shall not be provided on private streets. Among the services that the City will not provide are: street maintenance, traffic pavement markings and signs, roadside ditch and drainage maintenance and mowing, and driveway culvert maintenance. Depending on the characteristics of the proposed development, other services may not be provided.

Section 110.72 Petition to Convert to Public Streets.

- (a) The association documents shall allow the association to request the City to accept private streets and alleys and the associated property as public streets and right-of-way upon written notice to all association members and upon the favorable vote of 51 percent of the membership.
- (b) Acceptance of the dedication of the private street shall be at the sole discretion of the City. In no event shall the City accept the dedication of a private street as public unless said street has been constructed and maintained to City standards. Should the City elect to accept a private street as public, the City may inspect the private street and assess the lot owners for the expense of needed repairs concurrent with the City's acceptance of the streets and alleys.
- (c) The City shall be the sole judge of whether repairs are needed. The City may also require, at the association's expense, the removal of guardhouses, access control devices, landscaping or other aesthetic amenities located within the street lot at the homeowners association expense.

Section 110.73 Hold Harmless.

- (a) Language shall be placed on the subdivision final plat whereby the homeowners association, as owner of the private streets and appurtenances, agrees to release, indemnify, defend and

- (b) Further, such language shall provide that all lot owners shall release the City, governmental entities and public utilities for such damages and injuries. Such language shall include the statement:

THE INDEMNIFICATION CONTAINED IN THIS PARAGRAPH SHALL APPLY REGARDLESS OF WHETHER OR NOT SUCH DAMAGES AND INJURY (INCLUDING DEATH) ARE CAUSED SOLELY BY THE NEGLIGENT ACT OR OMISSION OF THE CITY, GOVERNMENTAL ENTITY OR PUBLIC UTILITY, OR THEIR REPRESENTATIVE OFFICERS, EMPLOYEES OR AGENTS.

Sections 110.74 - 110.77 Reserved.

ARTICLE V. CONSTRUCTION PLANS AND IMPROVEMENTS

Section 110.78 General

- (a) The developer shall prepare, or have prepared, and submit the appropriate number of copies in accordance with the requirements of the City, of the complete engineering plans of streets, alleys, screening walls, curbs and gutters, storm sewers and drainage structures, and water and sanitary sewer improvements for the area covered by the plat.
- (b) The developer shall have such plans prepared by an engineer registered in the state of Texas, subject to approval of the plans by the City of Texas City. The City Engineer shall review the plans and specifications, and, if approved, shall mark them approved and return one (1) set to the developer. If not approved, the copies shall be marked with the objections noted and returned to the developer for correction.
- (c) After approval of the final construction plans and the final plat, the developer shall install the facilities in accordance with such approved plans, and these regulations. The City Engineer or his or her designee shall inspect the installation of the improvements. Such construction shall be rejected if it fails to comply with the standards and specifications contained or referred to herein and as otherwise established by the City of Texas City.

Section 110.79 Construction Plans.

- (a) No construction shall commence nor building permits issued on a site until the Engineering

Plans have been approved.

- (b) Engineering plans showing details of streets, alleys, culverts, bridges, storm sewers, water mains, sanitary sewers and all engineering details, other than buildings, of the proposed subdivision shall be submitted to the City Engineer along with the final plat application of the subdivision. Such plans shall be prepared by an engineer registered in the state of Texas, and shall conform to the Design Standards of the City of Texas.

- (c) Streets, alleys, sidewalks, and monuments.

Copies of plans and profiles of all required streets, alleys, sidewalks, crosswalk ways and monuments shall be provided. The right-of-way and paved width of all streets and street names shall be shown, including their top of curb grade and distances with the elevations indicated at all intersections and grade breaks. Such plans shall show the location of all proposed curbs and gutters.

- (d) Sanitary sewer lines.

Copies of plans and profiles of proposed sanitary sewer lines, indicating depths and grades of lines, shall be provided. Minimum two (2) foot contour intervals, the location and dimensions of existing sanitary sewer lines, manholes, and the location and size of existing mains to which the system will be connected shall be shown.

- (e) Water lines.

- (1) Copies of plans for all water lines in public property, valves and fire hydrants shall be provided. Minimum two (2) foot contour intervals, the location and size of existing water lines, valves and fire hydrants, and the location and size of existing mains to which the system will be connected shall be shown.
- (2) When a separate water system is planned, or when connection to a water system other than to the City water system is proposed, copies of the plans and specifications, including fire hydrants, of such system shall be provided.

- (f) Drainage.

- (1) Copies of the proposed plan and profiles, indicating minimum two (2) foot contours based on City datum shall be submitted to the City Engineer and utility companies. All street widths and grades shall be indicated on the plans, and runoff figures shall be indicated on the outlet and inlet side of all drainage ditches, storm sewers and at all points in the street at changes of grade or where the water enters another street storm sewer or drainage ditch. Drainage easements shall indicate width.
- (2) A general location map of the subdivision showing the entire watershed.
- (3) Calculations shall show the anticipated storm water flow, including watershed area, runoff co-efficient, time of concentration, and intensity. When a drainage ditch or

storm sewer is proposed, calculations showing the basis for design shall be submitted to the City Engineer;

- (4) When a drainage channel or storm sewer is proposed, complete plans, profiles, cross sections, grades and specifications shall be submitted, showing complete construction details.

Section 110.80 Survey Monuments

- (a) In all subdivisions and additions, except in an Amending Plat or a Vacating Plat, all block and lot corners shall be established and set. All corners, except those comprising the perimeter of the subdivision, shall consist of iron rods of a diameter and set at a depth below the finished grade as prescribed by the City.
- (b) Perimeter markers shall be monuments set in accordance with Design Standards of the City of Texas City

Section 110.81 Payment of Improvement Costs.

- (a) On-site improvements.

The subdivider shall bear the costs of all improvements inside his subdivision as required by this Chapter. If the City requires improvements of greater size, capacity, depth or other requirements beyond the needs of the subdivision in question, the City shall bear the cost of the additional requirements.

- (b) Off-site improvements.

It is the general intent of the City to extend City utilities to subdivisions to the extent that the City Commission feels it is economically justified or otherwise in the best interest of the City.

- (c) Street improvements.

The subdivider shall improve all streets leading to and from his subdivision. Streets forming part of the boundary of the subdivision (adjacent) shall be improved as required in Section 110-41. Where the City requires oversize pavement beyond the needs of the subdivision, it shall bear the additional cost.

- (d) Drainage improvements.

The subdivider shall pay for all off-site improvements required by his subdivision, with the City paying for the additional costs of oversize facilities it requests.

Section 110.82 Inspection.

- (a) The City shall be given opportunity to inspect all phases of the construction of improvements for subdivisions. The subdivider, or his contractor, shall maintain daily contact with the City Engineer and Director of Public Works during construction of improvements.
- (b) No sanitary sewer, water or storm sewer pipe shall be covered without approval of the City Engineer and the Director of Utilities. No concrete shall be poured for streets, structures or curbs and gutters without their approval. No flexible base material shall be placed on the street subgrade, or asphaltic surface applied to the flexible base of a street, without such approval.

Section 110.83 Engineer's Certificate.

Upon the completion of construction of the street or alley, a certificate shall be provided, signed by the subdivision's engineer, who shall be registered in the State of Texas, that any and all improvements constructed in the subdivision have been completed in accordance with the approved construction plans, and that all monuments and lot markers have been properly located and placed in accordance with this Chapter.

Sections 110.84 - 110.90 Reserved.

ARTICLE VI. LEGAL PROVISIONS

Section 110.91 Penalty for Violation.

Any person or corporation who violates any of the provisions of this Chapter, or fails to comply herewith, or with any of the requirements hereof, or who shall build or alter any building or use in violation of any plan or plat submitted and approved hereunder, shall be guilty of a misdemeanor and shall be liable for a fine of not more than two thousand dollars (\$2,000.00), and each day or portion thereof such violation shall exist shall constitute a separate offense. The owner or owners of any building or premises or part thereof, where anything in violation of this Chapter shall be placed or shall exist, and any architect, builder, contractor, agent, person or corporation employed in connection therewith, and who may have assisted in the commission of any such violation, shall be guilty of a separate offense and upon conviction shall be fined as herein provided.

Section 110.92 Severability.

If any section, clause, paragraph, sentence or phrase of this ordinance shall, for any reason, be held to be invalid or unconstitutional, such invalid section, clause, paragraph, sentence or phrase is hereby declared to be severable; and any such invalid or unconstitutional section, clause, paragraph, sentence or phrase shall in no way affect the remainder of this ordinance; and it is hereby declared to be the intention of the City Commission that the remainder of

this ordinance would have been passed notwithstanding the invalidity or unconstitutionality of any section, clause, paragraph, sentence or phrase thereof.”

SECTION 3: Fees as prescribed in the Fee Schedule attached as Exhibit A shall be paid to the city secretary for the benefit of the city by any applicant requesting approval of any plan of a subdivision or re-subdivision of property within the City, at the time the application is made, to in part compensate the city for its expense in processing the application. The Fee Schedule may be amended from time to time by the City Commission by Resolution or action item.

SECTION 4: That all ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed. In the event any section, clause, sentence, paragraph, or part of this Ordinance shall be for any reason adjudged by any court of competent jurisdiction to be invalid, such invalidity shall not affect, invalidate, or impair the remainder of this Ordinance.

SECTION 5: That this Ordinance shall be read on three (3) separate days and shall become effective upon its final reading, passage, and adoption.

SECTION 6: That this Ordinance shall be finally passed upon the date of its introduction and shall become effective from and after its passage and adoption and publication by caption only in the official newspaper of the City.

PASSED AND ADOPTED this _____th day of _____, 2009.

Matthew T. Doyle, Mayor
City of Texas City, Texas

ATTEST:

Pamela A. Lawrence
City Secretary

PASSED ON SECOND READING this _____th day of _____, 2009.

Matthew T. Doyle, Mayor
City of Texas City, Texas

ATTEST:

Pamela A. Lawrence
City Secretary

PASSED AND FINALLY ADOPTED this ____th day of ____, 2009.

Matthew T. Doyle, Mayor
City of Texas City, Texas

ATTEST:

APPROVED AS TO FORM:

Pamela A. Lawrence
City Secretary

Robert Gervais
City Attorney

Exhibit A

FEE SCHEDULE

[insert date of last amendment by City Commission]

Fees

A filing fee as prescribed in the schedule below shall be paid to the city secretary for the benefit of the city by any applicant requesting approval of any plan of a subdivision or resubdivision of property within the City, at the time the application is made, to in part compensate the city for its expense in processing the application.

Schedule of Fees

- | | |
|------------------------------|---|
| 1. Subdivision Master Plan | \$10.00 per acre or a portion thereof up to a maximum of \$1,000.00 |
| 1. Preliminary Plat: | \$100.00, plus \$5.00 per lot |
| 2. Final Plat and Replat | \$100.00, plus \$5.00 per lot |
| 3. Amending Plat | \$100.00 |
| 4. Minor Plat | \$100.00 |
| 5. Any other Plats | \$100.00 |
| 6. Right-of-Way Abandonment: | \$300.00 |

Amendment to the Zoning Ordinance Section 40-58(e)

CITY COMMISSION AGENDA 2

Date: 09/16/2009

Submitted By: Julie Morreale, Planning

Submitted For: Don Carroll

Department: Planning

Agenda Area: Public Hearing

Information

ACTION REQUEST (Brief Summary)

Public hearing for the Proposed Amendment to the Zoning Ordinance; Proposed Amendment to Section 40 - 58 (e) Any metal shipping containers used as an accessory building in a district that is zoned for commercial use (zoning districts being "F", "F-1", "G", "H" and/or within construction site areas) not to exceed 24 months. The containers allowed within the approved zoning districts shall be located within the rear one-half of the lot or must adhere to the established performance standards for the above referenced zoning districts. (Planning Dept)

BACKGROUND

This proposed request was given approval shown in the Planning Board minutes of April 20, 2009, May 18, 2009 and the Zoning Commission minutes of May 5, 2009, May 19, 2009 and July 7, 2009. It is ready to go before the City Commission for final disposition.

ANALYSIS

ALTERNATIVES CONSIDERED

Fiscal Impact

Attachments

Link: [CC](#)
[Public](#)
[Hearing](#)
[Notice](#)

Link: [CC](#)
[memo](#)

Link:
[photos](#)

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Form Routing/Status

Route Seq	Inbox	Approved By	Date	Status
		Julie Morreale	07/10/2009 09:33 AM	CREATED
1	Planning (Originator)	Don Carroll	07/10/2009 10:20 AM	APRV
2	Paralegal	Linda Jennings	07/14/2009 08:54 AM	APRV
3	Planning (Originator)	Don Carroll	07/14/2009 10:09 AM	APRV
4	Finance	Cheryl Hunter	08/12/2009 09:44 AM	APRV
5	Paralegal	Linda Jennings	08/12/2009 09:53 AM	APRV
6	City Attorney Office	Linda Jennings	08/12/2009 09:55 AM	APRV
7	Mayor	Matthew Doyle	08/14/2009 08:21 AM	APRV
8	City Secretary			NEW
Form Started By: Julie Morreale			Started On: 07/10/2009 09:33 AM	

NOTICE OF PUBLIC HEARING

Notice is hereby given that the City Commission of Texas City will hold a **PUBLIC HEARING** on **Wednesday, September 16, 2009 at 5:00 p.m.** in the Kenneth T. Nunn Room, City Hall, 1801-Ninth Avenue North, Texas City, Texas 77590. The purpose of the Public Hearing is to hear citizens' opinion in favor of or in opposition to the City of Texas City's proposed amendment to the City of Texas City's Zoning Ordinance, by:

AMENDING SECTION 40-58 Accessory Buildings

Proposed Amendment to Section 40 - 58 (e)

e) Any metal shipping containers used as an accessory building in a district that is zoned for commercial use (zoning districts being "F", "F-1", "G", "H" and/or within construction site areas) not to exceed 24 months. The containers allowed within the approved zoning districts shall be located within the rear one-half of the lot or must adhere to the established performance standards for the above referenced zoning districts.

Any citizen wishing to voice his or her opinion in favor of or in opposition to the above change is invited to be present and will be heard. If you are opposed to this rezoning request, you must submit valid reasons for opposition in writing to the City Commission of Texas City, P. O. Drawer 2608, Texas City, TX 77592-2608. Written comments will be accepted and considered on or before the date of the Public Hearing. After hearing the rezoning request, you may withdraw your opposition should your objections be satisfied. Your withdrawal should be in writing to the City Commission.

/s/ Pamela A. Lawrence
Pamela Lawrence, City Secretary
City of Texas City

Date of posting: August 19, 2009

MEMO

TO: City Commission
FROM: Don Carroll, City Planner
DATE: July 9, 2009
RE: Amendment to the Zoning Ordinance Section 40-58(e)

There are no controversial issues associated with the recommended revision. No opposition was raised after Public Hearing Notices were properly provided. The recommendation to amend our Zoning Ordinance Section 40-58(e) has been workshopped and vetted by Staff, Planning Board and Zoning Commission. The workshop Zoning Commission minutes, the Zoning Public Hearing minutes, Planning Board minutes and working file papers are attached with this memorandum. The rationale and nexus for this amendment change is cited in the memorandum dated June 11, 2009. I will reference this memorandum for the City Commission deliberation. Read from June 11th memo, "At the request of Mayor Doyle, this is Staff's recommendation to amend our Zoning Ordinance in order to dis-allow containerized boxes typically used for storage in our commercial zoning districts. More specifically, to prohibit the utilization of these boxes from properties located within our Gateway Corridor, and only allow these boxes in zoning districts designated for industrial land uses". The problems and opportunities associated with this intent to change are also documented in the Planning Board minutes of April 20, 2009, May 18, 2009 and the Zoning Commission minutes of May 5, 2009, May 19, 2009 and July 7, 2009.

After receiving the information presented during the July 7, 2009 Zoning Commission Public Hearing the members present unanimously voted to recommend approval to amend Section 40-58(e) with the specific intent to disallow container boxes in our Gateway Corridors, residential and commercial retail zoned properties.

Staff discovered after the recommendation to approve that the text wording is in need of refinement to avoid confusion as to the amendments intent. We respectfully ask that there be three readings in order for editorial revisions are concise and clear as to the intent for the recommended change.

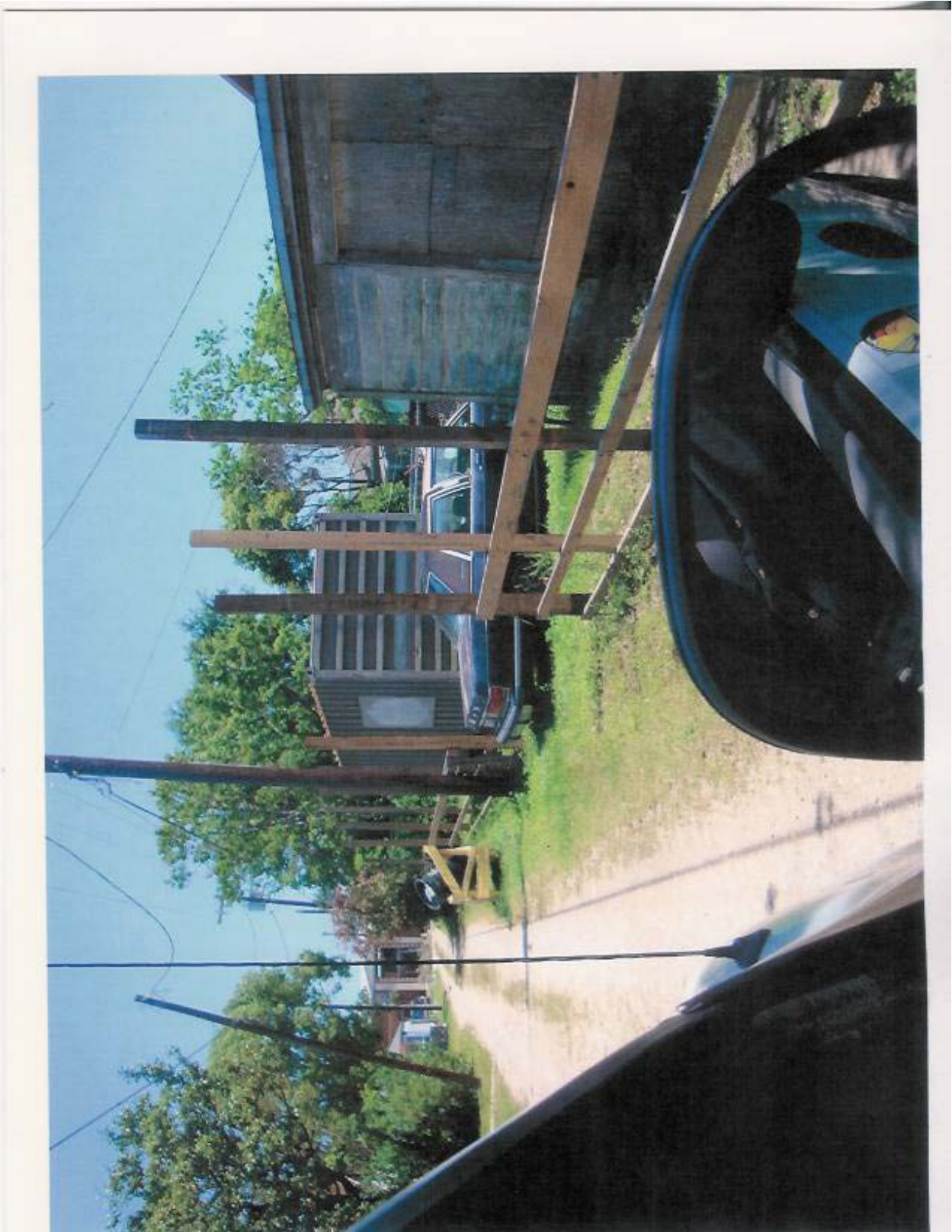
Metal shipping container boxes will only be allowed in Zoning Districts zoned 'F' Light Industry; 'F-1' Outdoor Industrial; 'G' Water Front; 'H' Heavy Industry and within construction site areas not to exceed 24 months. Container boxes allowed within the approved Zoning Districts shall be located within the rear one half of the lot and/or must adhere to the established performance standards already prescribed for the above referenced Zoning Districts (F, F1, G and H).

DC:jm













NOTICE OF PUBLIC HEARING

Notice is hereby given that a Public Hearing will be held before the Texas City Zoning Commission at 5:15 p.m. on Tuesday, July 7, 2009 in the Conference Room at City Hall Annex, 928 - 5th Avenue North. The purpose of the Public Hearing is to hear citizens' opinion in favor of or in opposition to the City of Texas City rezoning requests.

PROPOSED AMENDMENT TO THE ZONING ORDINANCE

AMENDING SECTION 40-58 Accessory Buildings

Proposed Amendment to Section 40 - 58 (e)

e) Any metal shipping containers used as an accessory building in a district that is zoned for commercial use (zoning districts being "F", "F-1", "G", "H" and/or within construction site areas) not to exceed 24 months. The containers allowed within the approved zoning districts shall be located within the rear one-half of the lot or must adhere to the established performance standards for the above referenced zoning districts.

Any citizen wishing to voice his opinion in favor of or in opposition to the above change is invited to be present and will be heard. If you are opposed to the proposed rezoning you must submit valid reasons for opposition in writing to the Zoning Commission of Texas City, P.O. Drawer 2608, Texas City TX 77592-2608. Written comments will be accepted and considered on or before the date of the Public Hearing. After hearing the rezoning request, you may withdraw your opposition should your objections be satisfied. Your withdrawal should be in writing to the Zoning Commission.

Respectfully,

Donald R. Carroll
City Planner

DRC:jm
DATED: June 11, 2009

Memo

To: Zoning Commission

From: Donald Carroll

Date: 6/11/2009

Re: Amendment to Section 40-58 (e)

11 At the request of Mayor Doyle, this is Staff's recommendation to amend our Zoning Ordinance in order to dis-allow containerized boxes typically used for storage in our commercial zoning districts. More specifically, to prohibit the utilization of these boxes from properties located within our Gateway Corridor, and only allow these boxes in zoning districts designated for industrial land uses.¹¹ The recommended text has been offered approved by the Planning Board at the April 20, 2009 meeting and has been workshopped with the Zoning Commission on May 5, 2009 and is ready to move forward with a Public Hearing at the July 7, 2009 Zoning Commission meeting.

PROPOSED TEXT

Proposed Amendment to Section 40 - 58 (e)

shall only be allowed in certain Districts.

- e) Any metal shipping containers used as an accessory building in a district that is zoned for commercial use (zoning districts being "F", "F-1", "G", "H" and/or within construction site areas) not to exceed 24 months. The containers allowed within the approved zoning districts shall be located within the rear 1/3 of the lot and must adhere to the established performance standards for the above referenced zoning districts. *there*

EXISTING TEXT TO BE DELETED

(e) Any metal shipping containers used as an accessory storage building in a district that is zoned for commercial use ("O-P", "D", "D-1", "E", "E-1", "E-2", "E-3", "E-4", "F", "F-1", "G", "G-3", "LGBD) shall be located on the rear one-half of the lot. The minimum distance between detached structures shall comply with the requirements of the zoning district the container will be located within. The building set backs will also comply to that particular zoning district. Metal shipping containers shall not be visible to any public street and screening will be required per section 40-59 and section 40-92.

(Ord. No. 94-05, § 8, 4-20-94; Ord. No. 07-26, § 1, 8-1-2007)

For

DEFINITION OF CARGO CONTAINER BOXES.

REFERENCE

TEXT INFORMATION

REGARDING PODS

ATTACHED...



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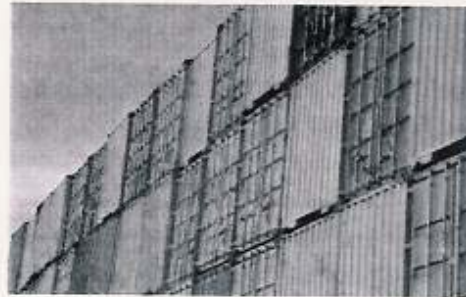
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ZONING COMMISSION MINUTES

May 5, 2009

The Zoning Commission for the City of Texas City met in a regularly scheduled meeting on Tuesday, May 5, 2009 at 5:15 p.m. Board members present were: Chairman Tom Medlin, Perry O'Brien, Gilbert Torres and Yvonne Chatelain. Staff members present were: Brian Falk, Doug Kneupper and Don Carroll. No citizens were present.

Mr. Perry O'Brien presided over the meeting until Chairman Medlin arrived.

APPROVAL OF MINUTES. The minutes from the April 20, 2009 meeting were approved on a motion by Yvonne Chatelain/Gilbert Torres. All members present voted aye.

Mr. Carroll stated Item No. 1 and Item No. 2 have been pulled due to the fact these issues were already approved by the Zoning Commission on July 1, 2008. He continued, these items will move forward to City Commission for final disposition.

ITEM NO. 1 Proposed Amendment to the Land Use Map Amending South side of F.M. 1764, between Hwy. 3 and Hwy. 146, from Business and Light Industrial Growth Area to Activity Corridor (Action) pulled

ITEM NO. 2 Proposed Amendment to the Land Use Map Amending East side of Hwy. 146, between F.M. 1764 and F.M. 1765, from Business and Light Industrial Growth Area to Activity Corridor (Action) pulled

ITEM NO. 3 Recommendations/Workshop to amend section 40-58 (e) of The Zoning Ordinance, metal shipping containers used as accessory buildings. (Action) Mr. Carroll provided an overview of the recommendations to amend section 40-58 (e). Mr. Doug Kneupper provided specifics initially the intent from Mayor Doyle and Staff is to disallow the containers in the Gateway Corridor; Mr. Kneupper continued by stating the intent expanded to only allow in the industrial zoning districts and on temporary construction sites. Mr. Perry O'Brien asked if the screening ordinance could improve the problem and what impacts would this change have on the businesses currently utilizing the containers. He asked would temporary storage be allowed for short time periods like 60 days or exceptions given to retailers during peak seasons that could be administratively approved. He questioned if the definition of the containers could be expanded to include various types of boxes (POD). Mr. Gilbert Torres asked how much of a problem is this. Mr. Carroll stated he did not have data to quantify the extent of the problem at this time. He continued this recommended text provided is a starting point to work on the amendments and a benchmark study would be completed and the information will be brought back at a subsequent meeting.

There was no further business to discuss at this time and a motion was made by Gilbert Torres/Perry O'Brien. All members present voted aye.

Tom Medlin, Chairman


Don Carroll, Secretary

ZONING COMMISSION MINUTES

May 19, 2009

The Zoning Commission for the City of Texas City met in a regularly scheduled meeting on Tuesday, May 19, 2009 at 5:15 p.m. Board members present were: James Horan, Gilbert Torres, and Perry O'Brien. Staff members present were: Donald Carroll, Brian Falk and Julie Morreale. Citizens present were: William Hillman and Paula Stephens.

Acting Chairman James Horan welcomed everyone.

APPROVAL OF MINUTES. The minutes from the May 5, 2009 meeting were approved on a motion by Perry O'Brien/Gilbert Torres. All members present voted aye.

ITEM NO. 1 AT&T Mobility c/o Paula Stephens to rezone from "A" (Single Family Residential) to "SP" (Site Plan) for a new Communication Tower. Being out of lot 4 in the ABST. 10, AMOS EDWARDS, Blk 99, San Leon FM HM TRS. Being approximately .22 Acres. (Action) Mr. Donald Carroll gave an overview of the request to rezone. He then stated that three property owners were notified of the intent to rezone and to date no letters of opposition have been received. Mr. Carroll then read the comments from the various Department Heads. The comments were as follows: Planning Director, "No objections, must build in manner conveyed by Site Plan – must screen and fence and never create any nuisances for adjacent property owners". Tax Assessor, "No taxes due on the property". Building Official, "Ok". Utilities Director, "Clear". Public Works Director, "Requires twin 54" RCP culverts in Bowerman ROW ditch". Fire Marshall, "No objections". The Public Hearing was then opened on a **motion by Perry O'Brien/Gilbert Torres. All members present voted aye.** Ms. Paula Stephens gave an overview of the rezoning request. Mr. Carroll asked how many customers would be provided service and the area of coverage for the tower. Ms. Stephens presented a map of the area of coverage and stated she did not have the number of customers that would be served. Mr. Falk asked if this tower would be used solely by AT&T. Ms. Stephens stated the tower could be utilized by more than one company, but at this time AT&T would be the only provider serviced. Mr. Torres asked if the tower meets the break-a-way regulations. Mr. Carroll stated the tower meets all regulations and this project has been reviewed by the Planning Board. The Public Hearing was then closed on a **motion by Gilbert Torres/Perry O'Brien. All members present voted aye.** Mr. Carroll stated the Building Official would also look over the tower plans before issuing a permit for the project. **A motion to approve the rezoning request for a new Communication Tower with the stipulation the culvert will be completed was made by Perry O'Brien/Yvonne Chatelain. All members present voted aye.**

ITEM NO. 2. Other Business. Mr. Carroll presented the recommended amendment to Section 40-58(e) regarding containers to the Commission. Mr. Carroll stated the concerns vetted by the Commission were brought before the Planning Board regarding giving businesses a grace period for containers but the Board found it unnecessary and could make additional problems. Mr. Falk stated the containers would not be allowed. Mr. Carroll stated that any and all comments would be appreciated. He continued by stating the next step is to schedule a public hearing to adopt the revisions.

A motion was made by Gilbert Torres/Perry O'Brien to adjourn. All members presented voted aye.

James Horan, Acting Chairman

A handwritten signature in dark ink, appearing to read "Donald Carroll", written in a cursive style.

Donald Carroll, Secretary

ZONING COMMISSION MINUTES

July 7, 2009

The Zoning Commission for the City of Texas City met in a regularly scheduled meeting on Tuesday, July 7, 2009 at 5:15 p.m. Board members present were: Perry O'Brien, Tom Medlin and Yvonne Chatelain. Staff members present were: Donald Carroll, Brian Falk, Doug Kneupper and Julie Morreale. No citizens were present.

Chairman Tom Medlin welcomed everyone.

APPROVAL OF MINUTES. The minutes from the May 19, 2009 meeting were approved on a motion by Yvonne Chatelain/Perry O'Brien. All members present voted aye.

ITEM NO. 1 Amending section 40-58 (e) of The Zoning Ordinance, metal shipping containers used as accessory buildings. (Action) Mr. Donald Carroll gave an overview of the text amendment and read the Staff memorandum (attached). The Public Hearing was then opened on a motion by Perry O'Brien/Yvonne Chatelain. All members present voted aye. The Public Hearing was then closed on a motion by Perry O'Brien/Yvonne Chatelain. All members present voted aye. After a short discussion a motion to approve the text amendment to section 40-58 (e) of The Zoning Ordinance, metal shipping containers used as accessory buildings was made by Perry O'Brien/Yvonne Chatelain. All members present voted aye.

There being no further items a motion was made by Perry O'Brien/Yvonne Chatelain to adjourn. All members present voted aye.

Tom Medlin, Chairman



Donald Carroll, Secretary

APPROVAL OF MINUTES

On Monday, April 20, 2009 at 5:00 p.m. the Planning Board met in a regularly scheduled meeting. Board members present were Eloise O'Bryant, Commissioner Haney and Dickie Campbell. Staff members present were Don Carroll, Doug Kneupper, Brian Falk and Julie Morreale. Citizens present were Chance Bennett, David Floyd, Paula Stephens, Dale Brittorial and Wilson Hillman.

APPROVAL OF MINUTES. A motion to approve the minutes of March 16, 2009 was made by Dickie Campbell /Commissioner Haney. All members present voted aye. Mrs. Eloise O'Bryant presided over the meeting. The chairperson indicated a quorum was present and called the meeting to order.

Mr. Donald Carroll stated Item 1, Item 2 and Item 3 are renovations with the Texas City Independent School District (TCISD). He requested the items be discussed together. The Planning Board members in attendance agreed

ITEM NO. 1. TCISD request Site Plan approval for renovations of Northside Elementary. (Action)

ITEM NO. 2. TCISD requests Site Plan approval for renovations of Heights Elementary. (Action)

ITEM NO. 3. TCISD requests Site Plan approval for renovations of Roosevelt-Wilson Elementary. (Action) Mr. Carroll provided an overview concerning the request and memorandum (attached) regarding the Staff review. Mr. David Floyd presented the Board with an overview of the projects. After a brief discussion **a motion to approve Item 1, 2 and 3 for Site Plan approvals for TCISD was made by Dickie Campbell/Commissioner Haney. All members presented voted aye.**

ITEM NO. 4. Recommendation to amend section 40-58 (e) of the Zoning Ordinance, metal shipping containers used as accessory buildings. (Action) Mr. Carroll provided the recommended text, a memorandum with Staff recommendations and pictures regarding Section 40-58 (e) to amend the Zoning Ordinance. He stated once this recommendation for amendment is approved by the Planning Board it will be workshopped with the Zoning Commission and then move forward with a public hearing. Commissioner Haney asked if the existing containers would be removed. Mr. Carroll stated that businesses that currently have the containers would be grandfathered, but they would have to meet the required screening/fencing. Commissioner Haney asked if there are containers on residential properties will they be grandfathered. Mr. Brian Falk stated if not permitted the container will have to be removed, but he will grant the property owner time for this removal. Commissioner Haney asked if a POD was considered the same thing as a container. Mr. Falk stated that a POD is normally used by moving companies and if it is there for a short time period it will be allowed but it is not something that will be permitted for a long time span. Mr. Carroll stated the PODs are similar to the services of a U-Haul and are returned to the business once goods are off-loaded. Mr. Dickie Campbell asked how long is a container allowed once on a job site. Mr. Carroll stated for construction sites that one year is the standard time frame. After a brief discussion **a motion to approve recommendations to amend section 40-58 (e) was made by Dickie Campbell/Commissioner Haney. All members presented voted aye.**

ITEM NO. 5. Chance Bennett, representing MicroSuites, request a variance to the Brick Masonry Ordinance. Located North of Palmer Highway, West of Lowes, East of the railroad. Section 40-62, appeals process for Masonry Provisions of Zoning Ordinance. (Action) Mr. Carroll provided an overview of the variance request and overall project. He continued that Mr. Bennett has obtained approval from the Zoning Commission (minutes attached) contingent on the Planning Board approving the variance request. Mr. Chance Bennett presented drawings (attached) to the Board showing the architectural theme for the MicroSuites lodging. He continued by stating the development would be raised using piers with bolts or on a block mechanism and he would like to use the James Hardi masonry siding to follow the theme. He stated MicroSuites would have a cottage on the beach feel. Mr. Bennett stated this type of lodging is located in the Kemah and Baytown areas with positive responses from the community. Commissioner Haney asked if they planned to use a metal roof as seen in the pictures presented. Mr. Bennett stated the roofs would be shingled but he was unable to locate a picture for reference. Commissioner Haney asked for the Staff to express why this project should be allowed to have the variance approved. Mr. Doug Kneupper cited the variance provision under Section 40-62. He also stated in order to follow the architectural theme using the piers and beam; brick would not be possible for this type of project. Commissioner Haney asked for Mr. Falk to elaborate on recent problems with projects and the deterioration of Hardi Plank. Mr. Falk stated he believes this project will be maintained properly and keep a higher standard than some of the other projects that have used this product. He asked Mr. Bennett if the office that fronts the property will be a brick facade that would match the climate controlled storage that will be utilizing the same driveway entrance. Mr. Bennett agreed that would be supportable. Commissioner Haney asked how maintenance would be assured. Mr. Carroll stated a development agreement could be established to ensure the property is properly maintained. Mr. Falk stated that once the building plans are turned in for approval he will verify if prescribed areas will meet the brick masonry request. After a brief discussion **a motion for approval based on a system of check and balances and the information presented today (the variance to the Brick Masonry Ordinance) was made by Commissioner Haney/Dickie Campbell. All members presented voted aye.**

ITEM NO. 6. AT&T request Site Plan zoning review for cellular tower. Located at Bowerman Drive & Avenue U. (Action) Mr. Carroll provided an overview concerning the request and memorandum (attached) regarding the Staff review. Mr. Carroll also presented pictures of the proposed type of cellular tower to the Board. Ms. Paula Stephens, AT&T representative, presented the Site Plan for the AT&T tower. Commissioner Haney asked what type of cellular pole this is and the height measurement. Mr. Carroll stated the tower is a monopole and the height is 170 feet. Commissioner Haney asked if the Staff had addressed any issues regarding the setbacks. Mr. Carroll stated that all requirements have been successfully met. Commissioner Haney asked if there would be any issues with noise. Ms. Stephens stated there is only one residence nearby and the property owner, Mr. Hillman, has endorsed this project. She continued that Mr. Hillman is present if the Board would like to speak with him. Mr. Falk stated the tower would be screened which would aid to subdue noises. Mr. Carroll affirmed that all property owners would be properly notified. **A motion to approve the AT&T Site Plan was made by Commissioner Haney/Dickie Campbell. All members presented voted aye.**

There being no further business, a motion was made to adjourn by Commissioner Haney/Dickie Campbell. All members present voted aye.

Eloise O'Bryant, Chairperson



Donald Carroll, Secretary

APPROVAL OF MINUTES

On Monday, May 18, 2009 at 5:00 p.m. the Planning Board met in a regularly scheduled meeting. Board members present were Eloise O'Bryant, Mayor Doyle, Jose Boix, Commissioner Haney and Dickie Campbell. Staff members present were Don Carroll, Brian Falk, Doug Kneupper, Nick Finan and Julie Morreale. Citizens present were David Floyd, Stan Winter, Bill Baird, Brad Hughes, David Valtiferra, Chad Kreener and Steve Lenart.

APPROVAL OF MINUTES. A motion to approve the minutes of May 4, 2009 was made by Dickie Campbell/Jose Boix. All members present voted aye. Mrs. Eloise O'Bryant presided over the meeting. The chairperson indicated a quorum was present and called the meeting to order.

ITEM NO. 1. Lindsay Reyes request conceptual presentation of Southlake PUD, located south of FM 646, west of FM 3436 and north of FM 517 and is bounded on the west by Gum Bayou. (Action) Mr. Kneupper provided an overview concerning the request and Staff memorandum (attached). Mr. Bill Baird, representing Southlake, presented the Board with an overview of the project. He continued that the PUD was originally with Marlin Atlantis Unlimited but has been updated and taken over by Southlake with a few changes, the first change is the collector street. He continued by stating the changes are minor and went over the variances that are being requested for the project. Mr. Dickie Campbell asked how many lots were approved previously. Mr. Winter stated the lots were comparable to the previous meetings they attended but they are smaller lots. Mayor Doyle stated he would like to know the exact ratio and difference in the lots proposed. Mr. Campbell asked if smaller lots would mean more lots in the development. Commissioner Haney asked if lot sizes were increased would it create a problem with the project. Mr. Winter stated that could be looked into for the development. Mr. Jose Boix asked if all the variances were to be approved at this meeting. Mayor Doyle stated that Texas City does not currently have a development similar to this one. Mr. Doug Kneupper stated other projects similar to this could be reviewed for assistance to the Board. Commission Haney stated this project should be workshopped with Staff and then brought back to the Planning Board. Mr. Carroll stated a workshop of this project would be good. Mayor Doyle stated he would like to have the differences in the plats recognized for the next meeting. After a brief discussion **a motion to table the conceptual presentation of Southlake PUD was made by Jose Boix/Commissioner Haney. All members present voted aye.**

ITEM NO. 2. TCISD requests Site Plan approval for construction of new High School. 1501 – 9th Avenue. (Action) Mr. Carroll provided an overview concerning the request and memorandum (attached) regarding the Staff review. Mr. David Floyd presented the Board with an overview of the project. Mr. Brad Hughes continued by presenting the construction plans for the high school. He stated the entrance would be off of 14th Street with a loop back through with a separation for staff and student parking. He continued stating they would be constructing a new practice field, new soccer field and new tennis courts. Mayor Doyle asked if there was parking on 5th Avenue. He stated he does not believe the community would be pleased with that proposal intent. Mr. Hughes stated that the parking areas listed should be sufficient without any parking in that area. He continued by stating the plans provide bus traffic will be limited on 5th Avenue and the student traffic will move onto Palmer. Commissioner Haney asked if it would be possible to make the exit a right turn only to try to prevent traffic from crossing directly over Palmer. Mayor Doyle stated he believes the traffic would not be any

different than what occurs with traffic after a football game. Mr. Brian Falk asked if the sidewalks would be closed during the construction phases of the high school. Mr. Floyd stated that the sidewalks in the areas during the demolition and construction should be shut down to prevent any accidents. Commissioner Haney asked if they would have the necessary temporary fencing around the project. Mr. Floyd stated they would have the fencing in place. Mayor Doyle agreed the areas should be closed and the information will be given to Mr. Williams, Recreation and Tourism Director, to properly show the sidewalk route change. After a brief discussion a **motion to approve the Site Plan for the TCISD High School was made by Jose Boix/Commissioner Haney. All members present voted aye.**

ITEM NO. 3. Other Business. Mr. Carroll presented the recommended amendment to Section 40-58(e) regarding containers and the Zoning Commission minutes and comments to the Board. Mr. Boix asked if the only change would be to the verbiage. Mr. Carroll confirmed it is a change to the text reading. Commissioner Haney asked if containers would be allowed in residential areas. Mr. Falk stated the containers would not be allowed. Mr. Boix asked if the containers would be allowed at construction areas. Mr. Carroll stated they would be allowed for construction. Commissioner Haney asked if the containers are all properly tied down. Mr. Falk stated the containers are probably not tied down but that will be an issued to be looked into. Mr. Carroll stated that any and all comments would be appreciated.

There being no further business, a motion was made to adjourn by Jose Boix/Commissioner Haney. All members present voted aye.

Eloise O'Bryant, Chairperson


Donald Carroll, Secretary

7.a.

Minutes from the September 2, 2009 City Commission Meeting
CITY COMMISSION AGENDA 2

Date: 09/16/2009

Submitted By: Pam Lawrence, Administration

Department: Administration

Agenda Area: Consent

Information

ACTION REQUEST (Brief Summary)

Consider approval of the minutes from the September 2, 2009 City Commission Meeting.

BACKGROUND

ANALYSIS

ALTERNATIVES CONSIDERED

Fiscal Impact

Attachments

Link: [September 2, 2009 CC Minutes](#)

REGULAR CALLED CITY COMMISSION MEETING

* * M I N U T E S * *

WEDNESDAY, SEPTEMBER 2, 2009 – 5:00 P.M.
KENNETH T. NUNN COUNCIL ROOM – CITY HALL

A **Regular Called Meeting of the City Commission** was held on **Wednesday, September 2, 2009, at 5:00 P.M.** in the Kenneth T. Nunn Council Room in City Hall, Texas City, Texas, with the following in attendance: Mayor Pro Tem Mike Land; Commissioners: Tommy Clark, Dee Ann Haney, Donald Singleton, and John W. Wilson. Mayor Matthew T. Doyle and Commissioner Dedrick Johnson were not able to attend.

The **Mayor** called upon Pastor Robert Gass, Baypoint Church, to offer the **Invocation**. The Mayor thanked Pastor Gass for his attendance and for offering the invocation. **Commissioner Haney** led all present in the **recitation of the Pledge of Allegiance**.

PROCLAMATIONS AND PRESENTATIONS

There were none.

CONSENT AGENDA: All of the following items on the Consent Agenda are considered to be routine by the City Commission and will be enacted by one motion. There will not be separate discussion of these items unless a Commission Member or citizen so requests. For a citizen to request removal of an item, a speaker card must be filled out and submitted to the City Secretary.

Commissioner Singleton requested that item e., Consider approval of Resolution No. 09-085 awarding the contract for the Oak Street Culvert Extension @ Ditch 7 Project, be pulled for further discussion. Mayor Pro Tem Land requested that item f., Consider approval of Resolution No. 09-086 supporting retaining a full-time Federal Judicial Bench in the Galveston Federal Courthouse, be pulled for further discussion.

- a. Consider approval of the **Minutes** from the August 19, 2009 Regular Called City Commission Meeting.
- b. Consider approval of **Resolution No. 09-0083** awarding a six month contract for **Picked Up Hot Mix & Cold Mix Asphalt**. (Purchasing Dept.)

RESOLUTION NO. 09-083

A RESOLUTION AWARDING A BID AND AUTHORIZING THE MAYOR TO ENTER INTO A SIX (6) MONTH CONTRACT WITH CENTURY ASPHALT, LTD. FOR PICKED UP HOT MIX AND COLD MIX ASPHALT; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

- c. Consider approval of **Resolution No. 09-084** awarding a six month contract for **Delivered Hot Mix Asphalt**. (Purchasing Dept.)

RESOLUTION NO. 09-084

A RESOLUTION AWARDING A BID AND AUTHORIZING THE MAYOR TO ENTER INTO A SIX (6) MONTH CONTRACT WITH CENTURY ASPHALT, LTD. FOR DELIVERED HOT MIX ASPHALT; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

- d. Consider approval of **Resolution No. 09-88** accepting offer to purchase tax-foreclosed property struck off to Dickinson ISD as Trustee; authorizing the Mayor to execute Trustee's Deed for said property. (Finance Dept.)

RESOLUTION NO. 09-088

A RESOLUTION CONSENTING TO THE SALE OF TWO PROPERTIES PREVIOUSLY OFFERED AT SHERIFF SALE WITH NO BIDS RECEIVED, WHICH WERE THEN STRUCK OFF TO DICKINSON ISD AS TRUSTEE FOR ITSELF AND OTHER ENTITIES, INCLUDING CITY OF TEXAS CITY, TO RODNEY G. SIMS AND DAWN M. SIMS AND AUTHORIZING THE MAYOR TO EXECUTE THE RESALE DEEDS; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

- g. Consider approval of **Resolution No. 09-087** approving the purchase of 54.413 acres from Donald and Raquel Davis subject to conditions of TCEQ (Texas Commission on Environmental Quality).

RESOLUTION NO. 09-087

A RESOLUTION APPROVING THE PURCHASE OF PROPERTY AND AUTHORIZING THE MAYOR TO EXECUTE CLOSING DOCUMENTS FOR PROPERTY DESCRIBED AS 54.413 ACRES OUT OF THE W. K. WILSON LEAGUE, SUBJECT TO CONDITIONS OF THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ); PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

Commissioner Clark made a MOTION to APPROVE the CONSENT AGENDA items a., b., c., d., and g.; the motion was SECONDED by Commissioner Singleton. All present voted AYE. MOTION CARRIED.

- e. Consider approval of **Resolution No. 09-085** awarding the contract for the **Oak Street Culvert Extension @ Ditch 7 Project**. (Purchasing Dept.)

Commissioner Singleton inquired as to the location of the project. Tommy Maris, Public Works Dept., reported that this project is at the south end of Oak Street, just north of Royal Oak Drive.

RESOLUTION NO. 09-085

A RESOLUTION AWARDING A BID AND AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT FOR THE OAK STREET CULVERT EXTENSION @ DITCH 7 PROJECT; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

Commissioner Singleton made a MOTION to APPROVE Resolution No. 09-085 awarding the contract for the Oak Street Culvert Extension @ Ditch 7 Project; the motion was SECONDED by Commissioner Wilson. All present voted AYE. MOTION CARRIED.

- f. Consider approval of **Resolution No. 09-086** supporting retaining a **full-time Federal Judicial Bench** in the Galveston Federal Courthouse. (Mayor)

Mayor Pro Tem remarked that since Judge Kent has been removed from the bench, there have been rumors that we were going to lose that court that it was going to be moved to south Texas. A number of people would like to see that retained; it is important to this area. This resolution supports retaining a full time Federal Judicial Bench in the Galveston Federal Courthouse.

RESOLUTION NO. 09-086

A RESOLUTION IN SUPPORT OF RETAINING A FULL-TIME FEDERAL JUDICIAL BENCH IN THE GALVESTON FEDERAL COURTHOUSE; PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

Commissioner Clark made a MOTION to APPROVE Resolution No. 09-086 supporting retaining a full-time Federal Judicial Bench in the Galveston Federal Courthouse; the motion was SECONDED by Commissioner Haney. All present voted AYE. MOTION CARRIED.

REGULAR ITEMS

- a. Consider approval of **Ordinance No. 09-29 approving negotiated settlement by Gulf Coast Coalition of Cities regarding CenterPoint Gas' Cost of Service Adjustment ("COSA").**

This is a negotiated settlement of a rate case; it is just a slight increase of \$0.65.

ORDINANCE NO. 09-29

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF TEXAS CITY, TEXAS, ("CITY") APPROVING NEGOTIATED RESOLUTION BETWEEN THE GULF COAST COALITION OF CITIES AND CENTERPOINT ENERGY ENTERPRISES ("CENTERPOINT" OR "COMPANY") REGARDING THE COMPANY'S COST OF SERVICE ADJUSTMENT ("COSA") FILING; DECLARING EXISTING RATES TO BE UNREASONABLE; REQUIRING THE COMPANY TO REIMBURSE CITIES' REASONABLE RATE-MAKING EXPENSES; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED RESOLUTION AND FINDING THE RATES TO BE SET BY THE ATTACHED TARIFFS TO BE JUST AND REASONABLE; ADOPTING A SAVINGS CLAUSE; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; DECLARING AN EFFECTIVE DATE; REPEALING ANY PRIOR ORDINANCES INCONSISTENT WITH THIS ORDINANCE AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND LEGAL COUNSEL.

Commissioner Clark made a MOTION to APPROVE Ordinance No. 09-31 adopting the 2009-2010 fiscal year budget; the motion was SECONDED by Commissioner Johnson. All present voted AYE. MOTION CARRIED.

Nick Finan, Director of Management Services, noted the new addition, Economic Development, to the City's web page and thanked the staff for their efforts in getting that put together and put on the City's web site.

Chief Burby noted that a listing of Sex Offenders has been added to the City's web site as well.

PUBLIC COMMENTS

None.

MAYOR'S COMMENTS

COMMISSIONERS' COMMENTS

Having no further business, **Commissioner Clark made a MOTION to ADJOURN at 5:10 p.m.; the motion was SECONDED by Commissioner Haney. All present voted AYE. MOTION CARRIED.**

MIKE LAND, MAYOR PRO TEM

ATTEST:

Pamela A. Lawrence, City Secretary

pal: 09-04-2009

7.b.

Bid # 2009-939 Surface Treatment Rock, Basalt Rock and Limestone Annual Contract

CITY COMMISSION AGENDA 2

Date: 09/16/2009

Submitted By: Rita Williams, Purchasing

Department: Purchasing

Agenda Area: Consent

Information

ACTION REQUEST (Brief Summary)

Approve and award Bid # 2009-939 Surface Treatment Rock, Basalt Rock and Limestone Annual Contract.

BACKGROUND

Bid packets were mailed/picked up by area vendors on June 24, 2009. One bid was received and has been corrected by the vendor. A bid tabulation is attached for your review.

Bids opened Wednesday, June 24, 2009 at 2:00 p.m.

ANALYSIS

The low responsible bid meeting all specifications and only source of materials was received from Vulcan Construction Materials LP, in San Antonio, for the unit prices bid per ton.

It is my recommendation that the City Commission award the Surface Treat Rock, Basalt Rock and Limestone Annual Contract to Vulcan Construction Materials LP, for the unit prices bid and authorize the Mayor to execute a contract on behalf of the City Commission.

Thank you.

ALTERNATIVES CONSIDERED

Fiscal Impact

Attachments

Link:

[Res](#)

[09-090](#)

Link:

[Bid Tab](#)

Form Routing/Status

Route Seq Inbox

Approved By Date

Status

Rita Williams 09/09/2009 11:13 AM CREATED

RESOLUTION NO. 09-090

A RESOLUTION AWARDDING A BID AND AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT FOR THE ANNUAL PURCHASE OF SURFACE TREATMENT ROCK, BASALT ROCK AND LIMESTONE; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

WHEREAS, on June 24, 2009, bids were opened for the annual purchase of Surface Treatment Rock, Basalt Rock and Limestone, Bid No. 2009-939; and

WHEREAS, the lowest bid meeting specifications and only source of materials was received from Vulcan Construction Materials, L.P., San Antonio, Texas, for the unit prices bid per ton on the attached Bid Tabulation.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF TEXAS CITY, TEXAS:

SECTION 1: That the successful bidder for the annual purchase of Surface Treatment Rock, Basalt Rock and Limestone is Vulcan Construction Materials LP.

SECTION 2: That the Mayor is hereby authorized to enter into a Contract with Vulcan Construction Materials LP for the annual purchase of Surface Treatment Rock, Basalt Rock and Limestone, as described and priced in Exhibit "A" attached hereto and made a part hereof for all intents and purposes.

SECTION 3: That this Resolution shall be in full force and effect from and after its passage and adoption.

PASSED AND ADOPTED this 16th day of September, 2009.

Matthew T. Doyle, Mayor
City of Texas City, Texas

ATTEST:

APPROVED AS TO FORM:

Pamela A. Lawrence
City Secretary

Ronald F. Plackemeier
City Attorney

BID TABULATION

BID # 2009-939 SURFACE TREATMENT ROCK, BASALT ROCK AND LIMESTONE ANNUAL CONTRACT

Bid Opening: Wednesday, June 24, 2009 @ 2:00 p.m.

SURFACE TREATMENT ROCK

DESCRIPTION	Appx. QTY	Vulcan Construction San Antonio, Texas	Gulf Coast Limestone	Previous Contract Pricing
Surface Treatment Rock Type PB Grade 3	25 Tons	\$59.85	NO BID	\$48.00
Surface Treatment Rock Type PB Grade 4	25 Tons	\$59.85	NO BID	\$48.00
Surface Treatment Rock Type PB Grade 4	25 Tons	\$59.85	NO BID	\$48.00

BASALT ROCK

DESCRIPTION	Appx. QTY	Vulcan Construction San Antonio, Texas	Gulf Coast Limestone	Previous Contract Pricing
Basalt Rock Type B Grade 3	600 Tons	\$59.35	NO BID	\$51.00
Basalt Rock Type B Grade 4	50 Tons	NO BID	NO BID	\$51.00
Basalt Rock Type B Grade 5	600 Tons	\$59.35	NO BID	\$51.00

BID TABULATION

BID # 2009-939 SURFACE TREATMENT ROCK, BASALT ROCK AND LIMESTONE ANNUAL CONTRACT

Bid Opening: Wednesday, June 24, 2009 @ 2:00 p.m.

LIMESTONE ROCK

DESCRIPTION	Appx. QTY	Vulcan Construction San Antonio, Texas	Gulf Coast Limestone	Previous Contract Pricing
Limestone Rock Type B Grade 3	500 Tons	NO BID	NO BID	NA
Limestone Rock Type B Grade 4	50 Tons	NO BID	NO BID	NA
Limestone Rock Type B Grade 5	50 Tons	NO BID	NO BID	NA

LIMESTONE ROCK – TYPE CC COLD MIX

DESCRIPTION	Appx. QTY	Vulcan Construction San Antonio, Texas	Gulf Coast Limestone	Previous Contract Pricing
Limestone Rock Type CC Cold Mix	1000 Tons	\$73.85	NO BID	\$62.00

Bid # 2009-945 Liquid Asphalt - Transport Load 6 mos. Annual Contract CITY COMMISSION AGENDA 2

Date: 09/16/2009

Submitted By: Rita Williams, Purchasing

Department: Purchasing

Agenda Area: Consent

Information

ACTION REQUEST (Brief Summary)

Consider approval of Resolution No. 09-091 awarding the a 6 month Annual contract for the delivery of Liquid Asphalt - Transport ; Bid No. 2009-945 (Purchasing Dept.)

BACKGROUND

Bid packets were mailed/picked up by area vendors on August 19, 2009. A bid tabulation is attached for your review.

Bids opened Friday, September 4, 2009 at 2:00 p.m.

ANALYSIS

The low responsible bid meeting all specifications was received from Cleveland Asphalt Products, Inc., in Shepherd, for the unit prices bid per gallon.

It is my recommendation that the City Commission award the Liquid Asphalt - Transport Load 6 mos. Annual Contract to Cleveland Asphalt Products, Inc., for the unit prices bid per gallon and authorize the Mayor to execute a contract on behalf of the City Commission.

Thank you.

ALTERNATIVES CONSIDERED

Fiscal Impact

Attachments

Link:

[Res
09-091](#)

Link:

[Bid Tab](#)

Form Routing/Status

Route Seq	Inbox	Approved By	Date	Status
		Rita Williams	09/09/2009 11:28 AM	CREATED
1	Public Works	Tommy Maris	09/09/2009 01:04 PM	APRV
2	Purchasing (Originator)	Rita Williams	09/09/2009 03:22 PM	APRV

3	Finance	Cheryl Hunter	09/10/2009 01:22 PM	APRV
4	Paralegal	Linda Jennings	09/11/2009 12:55 PM	APRV
5	City Attorney Office	Linda Jennings	09/11/2009 12:56 PM	APRV
6	Mayor	Matthew Doyle	09/11/2009 01:20 PM	APRV
7	City Secretary			NEW
Form Started By: Rita Williams			Started On: 09/09/2009 11:28 AM	

RESOLUTION NO. 09-091

A RESOLUTION AWARDING A BID AND AUTHORIZING THE MAYOR TO ENTER INTO A SIX (6) MONTH CONTRACT FOR LIQUID ASPHALT TRANSPORT LOADS; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

WHEREAS, on September 4, 2009, bids were opened for liquid asphalt transport loads, Bid No. 2009-945; and,

WHEREAS, the lowest bid meeting specifications for liquid asphalt transport loads was submitted by Cleveland Asphalt Products, Inc., Shepherd, Texas, for the unit prices bid per gallon on the attached Bid Tabulation.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF TEXAS CITY, TEXAS:

SECTION 1: That the successful bidder for the six (6) month contract for liquid asphalt transport loads is Cleveland Asphalt Products, Inc., Shepherd, Texas.

SECTION 2: That the Mayor is hereby authorized to enter into a contract with Cleveland Asphalt Products, Inc., for liquid asphalt transport loads for the unit prices bid per gallon as shown on the bid tabulation attached hereto as Exhibit "A", and made a part hereof.

SECTION 3: That this Resolution shall be in full force and effect from and after its passage and adoption.

PASSED AND ADOPTED this 16th day of September, 2009.

Matthew T. Doyle, Mayor
City of Texas City, Texas

ATTEST:

APPROVED AS TO FORM:

Pamela A. Lawrence
City Secretary

Ronald F. Plackemeier
City Attorney

BID TABULATION

Bid #2009-945

Liquid Asphalt – Transport Load – 6 mos. Annual Contract

Bid Opening: Friday, September 4, 2009 @ 2:00 p.m.

UNIT PRICE PER GALLON

Description	Estimated Quantity	Cleveland Asphalt Products, Inc. Shepherd, Texas	Martin Asphalt Company Houston, Texas	Previous Contract
CRS-2	5,000 gallons	\$ 2.0998 per gallon \$10,499.00	DISQUALIFIED – bid picked up	\$ 1.46
SS-1	5,000 gallons	\$ 2.0998 per gallon \$10,499.00	-----	\$ 1.52
HFRS-2	20,000 gallons	NO BID	-----	\$ 1.6408
AE-P	5,000 gallons	\$ 2.6498 per gallon \$13,249.00	-----	\$ 1.69
CSS-1	10,000 gallons	\$ 2.0998 per gallon \$20,998.00	-----	\$ 1.52

7.d.

Resolution to award the contract for the City's property, liability, and windstorm insurance for the period October 1, 2009-September 30, 2010.

CITY COMMISSION AGENDA 2

Date: 09/16/2009
Submitted By: Cheryl Hunter, Finance
Submitted For: Cheryl Hunter
Department: Finance
Agenda Area: Consent

Information

ACTION REQUEST (Brief Summary)

Resolution to award the contract for the City's property, liability, and windstorm insurance for the period October 1, 2009-September 30, 2010.

BACKGROUND

ANALYSIS

ALTERNATIVES CONSIDERED

Fiscal Impact

Attachments

Link:
Res
09-089

Form Routing/Status

Route Seq	Inbox	Approved By	Date	Status
		Cheryl Hunter	09/10/2009 01:16 PM	CREATED
1	Finance (Originator)	Cheryl Hunter	09/10/2009 01:23 PM	APRV
2	Finance (Originator)	Cheryl Hunter	09/10/2009 01:23 PM	APRV
3	Paralegal	Linda Jennings	09/11/2009 12:55 PM	APRV
4	City Attorney Office	Linda Jennings	09/11/2009 12:56 PM	APRV
5	Mayor	Matthew Doyle	09/11/2009 01:19 PM	APRV
6	City Secretary			NEW
Form Started By: Cheryl Hunter			Started On: 09/10/2009 01:16 PM	

RESOLUTION NO. 09-089

A RESOLUTION AWARDING CONTRACT FOR THE CITY'S PROPERTY, LIABILITY AND WINDSTORM INSURANCE FOR OCTOBER 1, 2009 THROUGH SEPTEMBER 30, 2010; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

WHEREAS, the City of Texas City needs to award contract for the City's property, liability and windstorm insurance; and

WHEREAS, because the City is located in the first tier of counties that border the Texas Gulf Coast, windstorm coverage is not available through Texas Municipal League Intergovernmental Risk Pool to the extent that it is available through either the Texas Windstorm Insurance Association (TWIA) or other windstorm carriers.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF TEXAS CITY, TEXAS:

SECTION 1: That the City Commission of the City of Texas City, Texas, hereby awards the contract for the City's property, liability and windstorm insurance for the period October 1, 2009 through September 30, 2010, to _____ and the Mayor is authorized to enter into a Contract for the insurance coverage set out on the attached Exhibit "A", and made a part hereof.

SECTION 2: That this Resolution shall be in full force and effect from and after its passage and adoption.

PASSED AND ADOPTED this 16th day of September, 2009.

Matthew T. Doyle, Mayor
City of Texas City, Texas

ATTEST:

APPROVED AS TO FORM:

Pamela A. Lawrence
City Secretary

Ronald F. Plackemeier
City Attorney

CITY COMMISSION AGENDA 2

Date: 09/16/2009

Submitted By: Pam Lawrence, Administration

Department: Administration

Information

ACTION REQUEST (Brief Summary)

Consider approval of Resolution No. 09-096 authorizing the Mayor to enter into an interlocal agreement with the County of Galveston for the reconstruction of the Dike Road damaged by Hurricane Ike. (Mayor)

BACKGROUND

ANALYSIS

ALTERNATIVES CONSIDERED

Fiscal Impact

Attachments

Link:

Res
09-096

RESOLUTION NO. 09-096

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN INTERLOCAL AGREEMENT WITH THE COUNTY OF GALVESTON FOR THE RECONSTRUCTION OF THE DIKE ROAD DAMAGED BY HURRICANE IKE, WITHIN THE CITY LIMITS OF THE CITY OF TEXAS CITY; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

WHEREAS, the City of Texas City, Texas, wishes to enter into an Interlocal Agreement for the reconstruction of the Dike Road damaged by Hurricane Ike, within the City limits of the City of Texas City, Texas; and

WHEREAS, The City Commission of the City of Texas City desires to secure for the City the benefits of an Interlocal Agreement between the City and County of Galveston.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF TEXAS CITY, TEXAS:

SECTION 1: That the City Commission of the City of Texas City, Texas, hereby approves an Interlocal Agreement with the County of Galveston for reconstruction of the Dike Road damaged by Hurricane Ike, within the City limits of the City of Texas City, Texas

SECTION 2: That the City Commission of the City of Texas City, Texas, hereby authorizes the Mayor to negotiate and execute the Interlocal Agreement for the Reconstruction of the Dike Road damaged by Hurricane Ike within the City Limits of the City of Texas City, Texas, in the form attached hereto as Exhibit "A", and made a part hereof.

SECTION 3: That this Resolution shall be in full force and effect from and after its passage and adoption.

PASSED AND ADOPTED this 16th day of September, 2009.

Matthew T. Doyle, Mayor
City of Texas City, Texas

ATTEST:

APPROVED AS TO FORM:

Pamela Lawrence
City Secretary

Ronald F. Plackemeier
City Attorney

Appointment of Municipal Court Judges CITY COMMISSION AGENDA 2

Date: 09/16/2009
Submitted By: Ellen Guerrant, Municipal Court
Submitted For: Ellen Guerrant
Department: Municipal Court
Agenda Area: Regular Items

Information

ACTION REQUEST (Brief Summary)

Appointment of Municipal Court Presiding Judge Tom Cain and Associate Judge George Cooley for a two year term.

BACKGROUND

Judge Tom Cain and Associate Judge George Cooley terms will expire on October 5, 2009.

ANALYSIS

ALTERNATIVES CONSIDERED

Fiscal Impact

Attachments

Link: [Res 09-093](#)

Link: [Oath of
Office - T. Cain](#)

Link: [Oath of
Office - G.
Cooley](#)

Form Routing/Status

Route Seq	Inbox	Approved By	Date	Status
		Ellen Guerrant	08/25/2009 12:41 PM	CREATED
1	Municipal Court (Originator)	Ellen Guerrant	08/25/2009 12:55 PM	APRV
2	Finance	Cheryl Hunter	09/10/2009 01:22 PM	APRV
3	Paralegal	Linda Jennings	09/11/2009 12:55 PM	APRV
4	City Attorney Office	Linda Jennings	09/11/2009 12:56 PM	APRV
5	Mayor	Matthew Doyle	09/11/2009 01:19 PM	APRV
6	City Secretary			NEW
Form Started By: Ellen Guerrant		Started On: 08/25/2009 12:41 PM		

RESOLUTION NO. 09-093

A RESOLUTION APPOINTING MUNICIPAL COURT PRESIDING JUDGE AND ASSOCIATE JUDGE TO PRESIDE OVER MUNICIPAL COURT DURING THE ABSENCE OF THE MUNICIPAL COURT JUDGE; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

WHEREAS, Article X, Section 2, of the City Charter requires that a Municipal Court shall be presided over by a judge who shall be known as the Municipal Judge; and

WHEREAS, the current Presiding Judge's term will expire on October 5, 2009, and the current Associate Municipal Court Judge's terms will also expire on October 5, 2009; and

WHEREAS, the City Commission deems it in the best interest of the City of Texas City to re-appoint the Presiding Judge, Tom Cain, to preside over the Municipal Court, and to re-appoint the Associate Judge, George Cooley, to preside over the Municipal Court to act in the place and stead of the Municipal Court Judge when the Municipal Court Judge is unavailable; and

WHEREAS, the Presiding Judge and the Associate Municipal Court Judge shall be appointed by a majority vote of the City Commission of the City of Texas City, Texas; and

WHEREAS, it is in the best interest of the City of Texas City to appoint Tom Cain as Presiding Judge to preside over the Municipal Court, and to appoint George Cooley as Associate Judge to the Municipal Court to perform the duties of the Municipal Judge during the times that the Municipal Court Judge is unable to preside over said court.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF TEXAS CITY, TEXAS:

SECTION 1: That the City Commission of the City of Texas City, Texas, hereby appoints Tom Cain as Presiding Judge to preside over the Municipal Court, and appoints George Cooley to serve as Associate Municipal Court Judge for the City's Municipal Court.

SECTION 2: That, when acting as Municipal Judge, the Associate Municipal Court Judge shall be vested with all the powers and authority of the Municipal Court Judge under the laws of the State of Texas and the Charter of the City of Texas City.

SECTION 3: That this Resolution shall be in full force and effect from and after its passage and adoption.

PASSED AND ADOPTED this 16th day of September, 2009.

Matthew T. Doyle, Mayor
City of Texas City, Texas

ATTEST:

APPROVED AS TO FORM:

Pamela A. Lawrence
City Secretary

Ronald F. Plackemeier
City Attorney

In the name and by the authority of

The State of Texas

OATH OF OFFICE

I, Tom Cain, do solemnly swear (or affirm), that I will faithfully execute the duties of Municipal Court Judge of Texas City of the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and Laws of the United States and of this State, so help me God.

Affiant

SWORN TO and subscribed before me by affiant on this 16th day of September 2009.

Signature of Person Administering Oath

(Seal)

Printed Name

Title

In the name and by the authority of

The State of Texas

OATH OF OFFICE

I, George Cooley, do solemnly swear (or affirm), that I will faithfully execute the duties of Associate Court Judge of Texas City of the State of Texas, and will to the best of my ability preserve, protect, and defend the Constitution and Laws of the United States and of this State, so help me God.

Affiant

SWORN TO and subscribed before me by affiant on this 16th day of September 2009.

Signature of Person Administering Oath

(Seal)

Printed Name

Title

8.b.

Consider approval of an ordinance levying an ad valorem tax for the year 2009 for the City of Texas City, Texas, at a rate of \$42.50¢ per \$100 valuation

CITY COMMISSION AGENDA 2

Date: 09/16/2009

Submitted By: Cheryl Hunter, Finance

Submitted For: Cheryl Hunter

Department: Finance

Agenda Area: Regular Items

Information

ACTION REQUEST (Brief Summary)

Consider approval of an ordinance levying an ad valorem tax for the year 2009 for the City of Texas City, Texas, at a rate of \$0.4250 per \$100 valuation of said property at the rate of \$0.342294 per \$100 valuation of said property for the current Maintenance and Operations (M&O) expenses of said City and at a rate of \$.082706 per \$100 valuation of said property for Interest and Sinking (I&S) expenses of said City.

BACKGROUND

ANALYSIS

ALTERNATIVES CONSIDERED

Fiscal Impact

Attachments

Link: [Ord
09-32](#)

Link:
[2009 Tax
Rate
Adoption](#)

Form Routing/Status

Route Seq	Inbox	Approved By	Date	Status
		Cheryl Hunter	09/09/2009 04:17 PM	CREATED
1	Finance (Originator)	Cheryl Hunter	09/10/2009 01:22 PM	APRV
2	Finance (Originator)	Cheryl Hunter	09/10/2009 01:22 PM	APRV
3	Paralegal	Linda Jennings	09/11/2009 12:55 PM	APRV
4	City Attorney Office	Linda Jennings	09/11/2009 12:56 PM	APRV
5	Mayor	Matthew Doyle	09/11/2009 01:20 PM	APRV
6	City Secretary			NEW
Form Started By: Cheryl Hunter			Started On: 09/09/2009 04:17 PM	

ORDINANCE NO. 09-32

AN ORDINANCE LEVYING AN AD VALOREM TAX FOR THE YEAR 2009 FOR THE CITY OF TEXAS CITY, TEXAS, AT A RATE OF \$0.4250 PER ONE HUNDRED DOLLAR (\$100.00) VALUATION OF SAID PROPERTY AT THE RATE OF \$0.342294 ON EACH ONE HUNDRED DOLLAR VALUATION OF PROPERTY FOR THE CURRENT GENERAL OPERATING EXPENSES OF SAID CITY AND AT THE RATE OF \$0.082706 ON EACH ONE HUNDRED DOLLAR (\$100.00) VALUATION OF PROPERTY FOR INTEREST AND SINKING FUND; DISPENSING WITH THE CHARTER REQUIREMENT FOR READING THIS ORDINANCE ON THREE (3) SEPARATE DAYS; AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF TEXAS CITY, TEXAS:

SECTION 1: That there be and there is hereby levied for the year 2009 on all property, real, personal, and mixed, situated within the territorial limits of the City of Texas City, Texas, on the 1st day of January, 2009, and not exempt by laws from taxation by said City, an ad valorem tax of and at a rate of \$0.4250 (42.5¢) on each one-hundred-dollar (\$100) valuation of said property, which is comprised of the rate of \$0.342294 (34.2294¢) on each one-hundred-dollar (\$100) valuation of property for the current general operating expenses of said city and the rate of \$0.082706 (8.2706¢) on each one-hundred-dollar (\$100) valuation of property for interest and sinking fund.

The total tax of .4250 (42.5¢) on each one-hundred-dollar (\$100) valuation of said property levied by this Ordinance is levied at the following respective rates for the purposes hereinabove stated and is to be divided and used accordingly, namely:

At the rate of \$0.342294 (34.2294¢) on each one-hundred-dollar (\$100) valuation of property for the current general operating expenses of said City.

At the rate of \$0.082706 (8.2706¢) on each one-hundred-dollar (\$100) valuation of property for payment of General Obligation Bonds and Qualified Lease Purchase Obligations of said City and the interest of said bonds and obligations.

SECTION 2: Taxes for the year 2009 shall become due and payable on the 1st day of October, 2009, and, if not paid on or before the 31st day of January, 2010, shall bear penalty and interest at the following rates:

- If paid during the month of February, 2010, seven percent (7%) penalty and interest will be added;
- If paid during the month of March, 2010, nine percent (9%) penalty and interest will be added;
- If paid during the month of April, 2010, eleven percent (11%) penalty and interest will be added;

- If paid during the month of May, 2010, thirteen percent (13%) penalty and interest will be added;
- If paid during the month of June, 2010, fifteen percent (15%) penalty and interest will be added;
- If paid during the month of July, 2010, eighteen percent (18%) penalty and interest will be added;
- If paid during the month of August, 2010, nineteen percent (19%) penalty and interest will be added;
- If paid during the month of September, 2010, twenty percent (20%) penalty and interest will be added;
- If paid during the month of October, 2010, twenty-one percent (21%) penalty and interest will be added;
- If paid during the month of November, 2010, twenty-two percent (22%) penalty and interest will be added;
- If paid during the month of December, 2010, twenty-three percent (23%) penalty and interest will be added;
- If paid during the month of January, 2011, twenty-four percent (24%) penalty and interest will be added;
- Additional twenty percent (20%) penalty if not paid by July 1, 2010, for attorneys fees.

SECTION 3: That taxes are to be calculated on the basis of one hundred percent (100%) of assessed value for the 2009 tax year.

SECTION 4: That the Charter requirement for reading this Ordinance on three (3) separate days has been dispensed by a majority vote of the City Commission.

SECTION 5: That this Ordinance shall be passed and adopted on the date of its introduction and shall become effective from and after its passage and adoption.

PASSED AND ADOPTED the 16th day of September, 2009.

Matthew T. Doyle, Mayor
City of Texas City, Texas

ATTEST:

APPROVED AS TO FORM:

Pamela A. Lawrence
City Secretary

Ronald F. Plackemeier
City Attorney

CITY OF TEXAS CITY, TEXAS

FINANCE DEPARTMENT • OFFICE (409) 643-5904 • FAX (409) 945-3030



Mayor:
Matthew T. Doyle

Commissioners:
Mike Land
Tommy Clark
Dee Ann Haney
Dedrick D. Johnson, Sr.
Donald B. Singleton
J.W. Wilson, Jr.

Cheryl T. Hunter, CPA
Director of Finance

September 9, 2009

Mayor Matthew T. Doyle,
Members of the City Commission and
Citizens of the City of Texas City

In accordance with State Law and the City Charter, I am pleased to provide you with the following information regarding the City of Texas City's proposed tax rate for the 2009 tax year, fiscal year ending September 30, 2010.

The effective tax rate for 2009-10 is \$.500086 per hundred dollar valuation.

The rollback tax rate for 2009-10 is \$.533397 per hundred dollar valuation.

The City's current and proposed tax rate is \$.4250 per hundred dollar valuation. This rate is \$.075086 or 15.01% under the 2009 effective tax rate and \$.108397 or 20.32% under the 2009 rollback rate.

The proposed tax rate of \$.4250/\$100 will generate a tax levy in the amount of \$21,659,834, based on certified freeze adjusted taxable values of \$5,043,182,442**, freeze ceiling amounts of \$654,979 and a collection rate of 98%. The breakdown of the levy is as follows:

General Fund-M&O	\$.342294	80.54%	\$17,444,779
Debt Service-I&S	\$.082706	19.46%	\$ 4,215,055
Totals	<u>\$.425000</u>		<u>\$21,659,834</u>

Thank you.

Sincerely,

Cheryl T. Hunter
Director of Finance

**Certified freeze adjusted taxable-net of reductions to the certified values as a result of post certified corrections.

Consider approval of Resolution accepting and approving the 2009 Certified Tax Roll.

CITY COMMISSION AGENDA 2

Date: 09/16/2009
Submitted By: Cheryl Hunter, Finance
Submitted For: Cheryl Hunter
Department: Finance
Agenda Area: Regular Items

Information

ACTION REQUEST (Brief Summary)

Consider approval of Resolution accepting and approving the 2009 Certified Tax Roll.

BACKGROUND

ANALYSIS

ALTERNATIVES CONSIDERED

Fiscal Impact

Attachments

Link: [Res](#)
[09-095](#)

Form Routing/Status

Route Seq	Inbox	Approved By	Date	Status
		Cheryl Hunter	09/10/2009 01:18 PM	CREATED
1	Finance (Originator)	Cheryl Hunter	09/10/2009 01:23 PM	APRV
2	Finance (Originator)	Cheryl Hunter	09/10/2009 01:23 PM	APRV
3	Paralegal	Linda Jennings	09/11/2009 12:55 PM	APRV
4	City Attorney Office	Linda Jennings	09/11/2009 12:56 PM	APRV
5	Mayor	Matthew Doyle	09/11/2009 01:20 PM	APRV
6	City Secretary			NEW
Form Started By: Cheryl Hunter			Started On: 09/10/2009 01:18 PM	

RESOLUTION NO. 09-095

A RESOLUTION ACCEPTING THE TAX ASSESSOR/COLLECTOR'S 2009 CERTIFIED TAX ROLL; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

WHEREAS, in accordance with Section 26.09(e) of the Texas Property Tax Code the 2009 certified Appraisal Roll net tax value for the City of Texas City is \$_____; and,

WHEREAS, the estimated net taxable value of the City's Supplemental Roll is \$_____.

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF TEXAS CITY, TEXAS:

SECTION 1: That, pursuant to the Calculation of Tax, Section 26.09(e) of the Property Tax Code, V.T.C.A., the City Commission of the City of Texas City accepts the Tax Assessor/Collector's 2009 Certified Tax Roll, a copy of which shall be available for inspection in the office of the Galveston County Tax Office.

SECTION 2: That this Resolution shall be in full force and effect from and after its passage and adoption.

PASSED AND ADOPTED this 16th day of September, 2009.

Matthew T. Doyle, Mayor
City of Texas City, Texas

ATTEST:

APPROVED AS TO FORM:

Pamela A. Lawrence
City Secretary

Ronald F. Plackemeier
City Attorney

8.d.

Consider approval of resolution approving brokers/dealers for the purchase of City's investments.

CITY COMMISSION AGENDA 2

Date: 09/16/2009
Submitted By: Cheryl Hunter, Finance
Submitted For: Cheryl Hunter
Department: Finance
Agenda Area: Regular Items

Information

ACTION REQUEST (Brief Summary)

Consider approval of resolution approving brokers/dealers for the purchase of City's investments.

BACKGROUND

ANALYSIS

ALTERNATIVES CONSIDERED

Fiscal Impact

Attachments

Link: [Res 09-094](#)

Form Routing/Status

Route Seq	Inbox	Approved By	Date	Status
		Cheryl Hunter	09/10/2009 01:20 PM	CREATED
1	Finance (Originator)	Cheryl Hunter	09/10/2009 01:23 PM	APRV
2	Finance (Originator)	Cheryl Hunter	09/10/2009 01:23 PM	APRV
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4	City Attorney Office	Linda Jennings	09/11/2009 12:56 PM	APRV
5	Mayor	Matthew Doyle	09/11/2009 01:20 PM	APRV
6	City Secretary			NEW
Form Started By: Cheryl Hunter			Started On: 09/10/2009 01:20 PM	

RESOLUTION NO. 09-094

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT FOR BROKERS/DEALERS FOR THE PURCHASE OF CITY'S INVESTMENTS; AND PROVIDING THAT THIS RESOLUTION SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION.

WHEREAS, the City is in need of brokers/dealers services for the purchase of the City's Investments.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF TEXAS CITY, TEXAS:

SECTION 1: That the City Commission of the City of Texas City, Texas, hereby authorizes the Mayor to enter into a contract for broker/dealer services for the City's Investments.

SECTION 2: That the Mayor is authorized to execute an agreement in substantially the same form as attached as Exhibit "A".

SECTION 3: That this Resolution shall be in full force and effect from and after its passage and adoption.

PASSED AND ADOPTED this 16th day of September, 2009.

Matthew T. Doyle, Mayor
City of Texas City, Texas

ATTEST:

APPROVED AS TO FORM:

Pamela A. Lawrence
City Secretary

Ronald F. Plackemeier
City Attorney

Revisions to Subdivision Ordinance, Chapter 110 CITY COMMISSION AGENDA 2

Date: 09/16/2009

Submitted By: Linda Jennings, City Attorney Office

Submitted For: Don Carroll

Department: Planning

Agenda Area: Regular Items

Information

ACTION REQUEST (Brief Summary)

Revision to the Subdivision Ordinance, Chapter 110.

BACKGROUND

This proposed revision to the Subdivision Ordinance was approved by the Planning Board on July 6, 2009. It is ready to go before the City Commission for final disposition.

ANALYSIS

ALTERNATIVES CONSIDERED

Fiscal Impact

Attachments

Link:

Ord

08-29

ORDINANCE NO. 08-29

AN ORDINANCE AMENDING CHAPTER 110 OF THE CODE OF ORDINANCES OF THE CITY OF TEXAS CITY, ALSO KNOWN AS THE SUBDIVISION ORDINANCE, BY REPEALING THE CURRENT CHAPTER 110 AND ADOPTING A NEW CHAPTER 110 "SUBDIVISIONS" PROVIDING FOR THE ADOPTION OF RULES AND REGULATIONS GOVERNING PLATS AND THE SUBDIVISION OF LAND WITHIN THE CITY AND THE AREA OF ITS EXTRATERRITORIAL JURISDICTION; ESTABLISHING PROCEDURES FOR THE SUBMISSION AND APPROVAL OF PLATS; CONTAINING REQUIREMENTS AND MINIMUM DESIGN STANDARDS FOR STREETS, UTILITIES, AND OTHER PUBLIC IMPROVEMENTS; CONTAINING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR THE READING OF THIS ORDINANCE ON THREE (3) SEPARATE DAYS; AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION AND PUBLICATION BY CAPTION ONLY IN THE OFFICIAL NEWSPAPER OF THE CITY.

WHEREAS, the City of Texas City, Texas, is a home-rule city; and,

WHEREAS, the City of Texas City, Texas, seeks to amend **The Code of Ordinances of the City of Texas City** Chapter 110 (Subdivision Ordinance) by repealing the current Chapter 110 and adopting a wholly new Chapter 110 (Subdivision Ordinance); and

WHEREAS, Chapter 212, Texas Local Government Code, authorizes cities of the State of Texas to promulgate rules and regulations governing plats and the subdivision of land in order to protect and promote the health, safety and general welfare of the community; and

WHEREAS, the Planning Board members, after considering this item on May 19, 2008, and again on July 6, 2009, unanimously voted to recommend the adoption of the new Subdivision Ordinance; and

WHEREAS, the City Commission hereby finds and determines that the establishment of rules and regulations governing plats and the subdivision of land is necessary to ensure the safe, orderly and healthful development of the community; and

WHEREAS, a public hearing before the City Commission was held on the 16th day of September, 2009, at which hearing all persons desiring to be heard were heard concerning adoption of the rules and regulations governing plats and the subdivision of land as contained herein;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF TEXAS CITY, TEXAS:

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SECTION 1: That **The Code of Ordinances of the City of Texas City, Texas**, Chapter 110, is repealed in its entirety.

SECTION 2: That a new Chapter 110, “Subdivisions” of **The Code of Ordinances of the City of Texas City, Texas**, is hereby approved and adopted to read and provide as follows:

“ARTICLE I. GENERAL

Section 110.1 Authority.

This ordinance is adopted under the Constitution and laws of the State of Texas, including particularly Chapter 212 of the Local Government Code of the State of Texas. This ordinance is adopted pursuant to the provisions of Article I, Sections 1 and 2 of the Charter of the City of Texas City.

Section 110.2 Purpose.

It is the purpose of this chapter to provide for the safe, efficient, and orderly development of the City, and to make adequate provision for streets, utilities, services, and facilities, all in accordance with the comprehensive plan and ordinances of the City of Texas City.

Section 110.3 Enforcement.

- (a) The City shall withhold the issuance of building permits from any subdivision until such subdivision has been approved by the municipal authority responsible for approval of the final plat of such subdivision and the recording of such plat in the office of the Galveston County Clerk
- (b) Neither the City, its officials or any public utility or any other entity that provides water, sewer, electric, gas or other utility service, shall serve or connect any land that is subject to a platting requirement under this Chapter with such service unless presented with a copy of a recorded final subdivision plat containing a certificate showing approval of such plat by the municipal authority of the City of Texas City responsible for approval of such final subdivision plat, or, if applicable, unless presented with or otherwise holds a certificate pursuant to Section 212.0115 of the Local Government Code indicating that a plat is not required for the land.
- (c) The provisions of this Chapter shall not be construed to prohibit the issuance of permits for construction on any lot upon which a residence building exists and which was in existence prior to December 1, 1971, or to prohibit the repair, maintenance or installation of any public or private infrastructure for, to or abutting any lot, the last recorded conveyance of which prior to passage of such ordinance was by metes and bounds, or by any subdivision, whether recorded or unrecorded, if such subdivision was in existence prior to December 1, 1971.

Section 110.4 Jurisdiction.

These regulations shall govern any and every person, firm, corporation, or organization owning any tract of land within the corporate limits of the City who may hereafter divide the same into

two or more parts for the purpose of laying out any subdivision of any tract of land or any addition to said City, or for laying out suburban lots or building lots, or any lots, and street, alleys or parks or other portions intended for public use, or the use of purchasers or owners of lots fronting thereon or adjacent thereto. These regulations shall also govern any and every person, firm, corporation, or organization constructing any street, right of way improvement or any related roadway improvement, whether or not a subdivision as defined herein is being created.

Section 110.5 Requirement for Subdivision Plat.

- (a) Subdivision Plat. It shall be unlawful for any person owning a tract of land to divide said tract into two (2) or more parts or to create from said tract one (1) or more lots of record, or to dedicate any street, alley, easement, park or other area dedicated for public use, or for the private use of owners of lots fronting thereon, without having first platted same in accordance with this Chapter. It is the specific purpose and intent of this Chapter to extend the application of these subdivision regulations, to the fullest extent permitted by law, to each and every division of land, regardless of the size or purpose of the division.
- (b) Development Plat. A development plat shall be required for the construction or placement of any new building, regardless of square footage, on any tract or parcel not currently occupied by a building or buildings, which is not part of an approved platted subdivision.
- (c) Amending Plat. An amending plat or replat, as applicable under Chapter 212, Texas Local Government Code, shall be required to alter any aspect of a recorded plat.
- (d) Large Tract Exception. A subdivision plat shall not be required for the division of land into parts greater than five (5) acres or more, where each part has access and no public improvement is being dedicated. The term public improvement shall mean any right-of-way, easement, or physical improvement of any kind intended for public use. After administrative review that a division meets the above criteria, and that no oversizing is required to serve adjacent tracts, a certificate shall be administratively issued pursuant to Section 212.0115 of the Texas Local Government Code indicating that a plat is not required for the land.

Section 110.6 Consistency with Comprehensive Plan, Policies and Zoning Ordinance.

It is the intent that this Chapter shall provide for the implementation of the City of Texas City Comprehensive Plan, including the Future Land Use Map, Thoroughfare Plan and other applicable elements, the Zoning Ordinance, and any supplemental land use and/or community development policies that may be hereafter adopted by the City Commission.

Section 110.7 Conflicting Regulations

Whenever the standards and specifications in this Chapter conflict with those contained in any another ordinance or provision of the City Code, the most stringent or restrictive provision shall govern.

Section 110.8 Definitions.

Words and terms used in this Chapter, unless otherwise specified, shall have their normal meaning in commonly accepted usage. The word "shall" or the word "must" shall be deemed as mandatory; the word "may" shall be deemed as permissive. Certain words and terms shall have the meaning for the purpose of this Chapter defined as following:

Alley is a public right-of-way that affords a secondary means of access to abutting property.

Block is a tract or parcel of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, highways, streams, or corporate boundary lines. There may be more than one numbered block as shown on a plat falling within a single block as herein defined. The City Engineer serves as the City's authority as to the determination of questions regarding the limits or extent of a block.

Board is the Planning Board of the City of Texas City.

Building is any structure built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind.

Building line or setback line shall mean the line of a required yard which is generally parallel to the adjacent street line or side or rear lot line, as applicable. Except as otherwise specifically authorized, no building or structure is permitted within a required yard (i.e. the area between the building line and the street line or side or rear lot line).

Building lot shall mean a single tract of land located within a single block which, (at time of filing for a building permit) is designed or created by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. It shall front upon a public street or other approved place. Therefore, a "building lot" may be subsequently subdivided into two or more "building lots", and a number of "building lots" may be cumulated into one "building lot", subject to the provisions of this article and the Zoning Ordinance of the City of Texas City.

Building Official is the building inspections department head and the administrative official charged with responsibility for issuing permits and enforcing the Zoning Ordinance and Building Codes of the City of Texas City.

Certificate of occupancy or compliance shall mean an official certificate issued by the City through the enforcing official which indicates conformance with or approved conditional waiver from zoning regulations and which authorizes legal use of the premises for which it is issued.

City is the City of Texas City, Texas.

City Attorney is the professional attorney representing the City of Texas City, Texas, pursuant to the City Charter Article IX, Section 1.

City Commission is the elected Mayor and Commission members, the governing body with the legislative authority of the City of Texas City, Texas.

City Engineer is the professional civil engineer representing the City of Texas City, Texas.

City Planner is the professional urban planner representing the City of Texas City, Texas.

Commission is the City Commission with the legislative authority of the City of Texas City, Texas.

Common area is real property and/or improvements thereon, including but not limited to: private storm drains, streets, sidewalks, utilities, parks, lakes and/or screening walls; open space; trails and/or floodplain management areas. Common area is either owned in fee, controlled as an easement or is property leased by the property owner's association for the common use, enjoyment and benefit of the members of the property owner's association. All common areas shall be maintained by the members of the property owner's association, not the City.

Concept plan is a plan that establishes the general development intent. It serves as a guide for the approval of future site plans and plats relating to the property.

County is Galveston County.

Cul-de-sac is a local street with only one primary outlet and having a terminal of sufficient width for the reversal of traffic movement.

Dead-end street is a street having right-of-way or pavement which terminates abruptly at one end without intersection with another street, but has no terminal of sufficient width for the reversal of traffic movement.

Dedication is the act transmitting property or an interest in property to the City or other entity.

Developer, development, or to develop includes the construction of a new building or any structure on a building lot, the relocation of an existing building to another building lot, or the use of open land for a new use. "To develop" is to create a development. "Developer" is the person or legal entity undertaking to develop real property in the City.

Development review committee is a committee consisting of City staff, utility company representatives and other public officials who review all plats and site plans submitted for municipal approval.

Easement is a right given by the owner of a parcel of land to another person, public agency or private corporation for specific and limited use of that parcel.

Floodplain is that area subject to inundation by flood, having a given percentage of probability of occurrence in any given year, based on existing conditions of development within the watershed area, as determined by the Federal Emergency Management Agency (FEMA) and as reflected on the Federal Insurance Rate Map (FIRM).

Final acceptance is the acceptance by the City of Texas City of all capital improvements constructed by a developer in connection with the development of land.

Fire Marshal is the official Fire Marshal or designated representative of the City of Texas.

Flag lot is a lot that is designed in a manner such that the main structure on the lot is accessible only by a long, narrow strip leading from a public street.

Floodway is the channel and adjacent areas of water course within which no obstructions to flow are allowed, so that the 100 year flood may pass without cumulatively increasing the 100year floodplain elevation, and as dedicated on the FIRM.

Geometric design standards is the minimum allowable engineering geometric standards adopted by the City of Texas City affecting the functional traffic level operation, service and safety of highways, roads, alleys and streets in Texas City.

Homeowners or property owners association (HOA or POA) shall mean a formal nonprofit organization operating under recorded instruments established, among other things, to maintain or improve a Common Area.

Infrastructure is all streets, alleys, sidewalks, storm drainage facilities, water and wastewater facilities, utilities, lighting, transportation, and such other facilities as required by the City of Texas City.

Lot shall mean a physically undivided tract or parcel of land having frontage on a public street or approved private street and which is, or in the future may be, offered for sale, conveyance, transfer or improvements; which is designated as a distinct and separate tract; and which is identified by a tract or lot number or symbol on a duly approved subdivision plat that has been properly recorded.

Lot of record is an area of land designated as a lot on a plat of a subdivision recorded, pursuant to statutes of the State of Texas, with the County Clerk of Galveston County, Texas, or an area of land held in single ownership described by metes and bounds upon a deed recorded or registered with the county clerk prior to annexation by the City of Texas City.

Monument is a permanent structure set on a line to define the location of property lines, important horizontal subdivision control points, and other important features on a plat.

Mutual access easement is a grant of one or more of the property rights by the property owner or owners to and/or for the use or benefit by the public, for access between and/or across two (2) or more lots or tracts of land.

Person shall mean any individual, partnership, association, firm, corporation, governmental agency, or political subdivision.

Planning Board is the City Planning Board appointed by the City Commission to study and advise the Commission in matters of City planning and zoning and which is authorized to review/approve subdivision plats and site plans.

Plat shall mean a plan of a subdivision of land creating building lots or tracts and showing all essential dimensions and other information essential to comply with the subdivision standards of the City of Texas City subject to review/approval by the Planning Board and City Commission. Reference to a plat in this Chapter means an official plat of record which has been reviewed/approved by the Planning Board and or the City Commission and filed in the plat records of Galveston County. A plat includes a replat.

Plat, amending is a plat making minor corrections to a previously approved plat in accordance with Chapter 212 of the Local Government Code.

Plat, final shall mean a complete and exact subdivision plan prepared in conformity with the provisions of this Chapter and in a form suitable for recording with County Clerk of Galveston County, with necessary affidavits, dedications and acceptances.

Plat, minor is a plat involving four or fewer lots fronting on an existing street and not requiring the creation of any new street or the extension of municipal facilities.

Plat, preliminary is a map of a proposed land subdivision showing the character and proposed layout of the tract in sufficient detail to indicate the suitability of the proposed development. It is intended to provide a review of the overall lot configuration, water and sewer services, street patterns and to illustrate the features of the proposed subdivision for review and preliminary approval by the Commission, but is not intended or suitable for recording with the County Clerk of Galveston County, Texas. The review will determine conformance with the City's subdivision and development regulations. A preliminary plat allows the City and the developer to estimate future participation in infrastructure costs.

Plat, vacating shall mean a plat document that has the effect of voiding a recorded subdivision plat.

Public park is any publicly owned or controlled park, playground, parkway, greenbelt, or roadway within the jurisdiction and control of the City.

Replat is a legal document that describes a tract of land by bearings and distances; locates and defines easements and dedicates the necessary rights-of-way for streets and alleys and which is prepared is to accommodate changes in lots, blocks, utility easements, boundary lines, rights-of-way, or street names of the subdivision of a tract which has been previously platted.

Roadway is that portion of any street or road, between curbs or shoulders, designated for vehicular traffic.

Street is a public right-of-way which affords a primary means of access to abutting property. A driveway or alley which serves only to give secondary vehicular access to a building lot or to an accessory parking or loading facility, or to allow vehicles to take or discharge passengers at the entrance to a building shall not be considered a street.

Street line shall mean the right of way line of a street.

Street, arterial is a street intended as the primary urban traffic-carrying system between major traffic centers

Street, collector is a street intended to provide circulation within neighborhoods, to carry traffic from minor or local streets to arterial streets, or to carry traffic through or adjacent to commercial or industrial areas.

Street, marginal access is a street which is parallel to and adjacent to an arterial street, which primarily provides access to abutting properties and protection from through traffic.

Street, minor or local is a street is used primarily for access to abutting residential property.

Street, private is a street which has no publicly dedicated right-of way.

Subdivider is any person, partnership, firm, association, corporation (or combination thereof), or any officer, agent, employee, servant or trustee thereof, who performs or participates in the performing of any act toward the subdivision of land, within the intent, scope and purview of these regulations.

Subdivision shall mean the division of any lot, tract or parcel of land by plat, map or description into two (2) or more parts, lots or sites for the purpose, whether immediate or future, of sale, rental or lease, or division of ownership. Any dedication and the laying out or realignment of new streets, or other public or private access ways, with or without lotting, shall constitute a subdivision. Subdivision shall also include the resubdivision and replatting of land or lots that are part of a previously recorded subdivision. An "addition" is a subdivision as defined herein. The term "subdivision" shall also include the division of land whether by plat or by metes and bounds description and when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.

Thoroughfare plan as depicted in the City's Comprehensive Plan and Land Use Map is the official plan for the orderly physical development of highways, roads, and streets in the City of Texas City.

Variance is a form of relief that may be granted to a subdivider by the Planning Board or City Commission.

Sections 110.9- 110.21 Reserved.

ARTICLE II. GENERAL PLATTING PROCEDURES

Section 110.22 Pre-submittal Conference.

(a) Prior to submitting an application for any type of a subdivision plan or plat, the subdivider shall consult with the City Planner and the City Engineer or their duly authorized

representatives concerning the ultimate land use of the proposed development, the most advantageous subdivision plan, the suitability of the location of the proposed subdivision, the arrangement of streets, alleys, and lots, the layout of utility lines and drainage facilities and applicable regulations and policies of the City regarding the proposed development.

(b) The subdivider shall also coordinate with all utility companies that have franchise agreements with the City to determine recommended easement and utility locations.

Section 110.23 General Application Process.

(a) The applicant shall submit to the City Planner, or designee, a complete application packet prepared in the manner prescribed by the City. Applications for plat approval shall be available in the office of the City Planner.

(b) A complete application shall include the certification of payment of all taxes and fees as prescribed by the City of Texas City.

(c) The date of filing for plat approval shall be the date a fully completed application is actually received by the City. No incomplete application shall be deemed as submitted until any and all deficiencies are corrected.

Section 110.24 Subdivision Master Plan.

(a) The purpose of a subdivision master plan is to review and approve a general plan for the development of large tracts of property, including the layout of streets, lots, and open spaces, and sites for public facilities and utilities.

(b) Unless a subdivider chooses to file a preliminary plat application, a subdivision master plan shall be prepared by the subdivider as a condition precedent to approval of any application for a plat, when any of the following conditions exist:

(1) The tract of land to be subdivided contains 20 or more acres,

(2) The tract of land to be subdivided has the potential by the existing or proposed zoning to accommodate 60 or more single family dwellings, or

(3) In the opinion of the City Engineer or the City Planner the tract of land to be subdivided is complicated by unusual physical, utility, land use, ownership, or other conditions.

(c) Formal application and the required information for a subdivision master plan shall be made to the City Planner by the applicant on forms prescribed by the City.

(d) Review and decision-making process.

- (1) Within thirty (30) days following the date of filing of a completed application for a subdivision master plan, it shall be submitted to the Planning Board for review and a recommendation to the City Commission. The Planning Board shall make a recommendation for approval, disapproval or approval with modifications.
 - (2) The City Commission shall make the final determination regarding subdivision master plans, which determination may include approval, disapproval, or approval with modifications.
- (e) Approval of a subdivision master plan shall not constitute automatic approval of a preliminary or final plat. The subdivider shall be required to submit a preliminary and final plat, including construction plans where applicable, for each section or phase of development.
- (f) Approval of a subdivision master plan shall be valid for twelve (12) months from the date of City Commission approval. Any application for a preliminary plat or final plat approval subject to a subdivision master plan must be formally filed with the City Planner before the twelve-month period expires in order for the subdivision master plan to remain valid.
- (g) Reapproval of a subdivision master plan may be applied for at any time after the approved plan becomes invalid. The Planning Board or the City Commission may require changes in the reapproval of a subdivision master plan in light of new or significant information or requirements, or changed conditions.
- (h) Applications for preliminary and final plats within an area for which a subdivision master plan has been adopted shall be in substantial conformity with such adopted plan; unless otherwise approved by the City Commission.

Section 110.25 Preliminary Plat.

- (a) A preliminary plat shall be prepared by the subdivider as a condition precedent to approval of any final plat, when any of the following conditions exist:
- (1) The tract of land to be subdivided contains twenty (20) or more lots, or
 - (2) The tract contains forty (40) or more acres, regardless of the number of lots, or
 - (3) The Planning Board or City Commission, upon recommendation by the City Planner, City Engineer, or designee, determines that planning considerations necessitate employment of the preliminary plat review process to adequately safeguard public health and safety issues relating to development of the tract.
- (b) Unless the preliminary plat application is a part of an approved subdivision master plan, the preliminary plat shall depict the owner's or subdivider's entire property holding.
- (c) Formal application and the required information for a preliminary plat shall be made to the City Planner by the applicant on forms prescribed by the City.

(d) Additional plans required.

The City Engineer may require the following additional plans, studies and analyses in conjunction with a preliminary plat application. The documents shall include all information deemed necessary by the City Engineer to adequately protect and preserve the public health, safety and welfare of the applicant and any property impacted by the proposal, and to assure compliance with the provisions of this Chapter. Additional plans, studies and analyses:

- (1) Preliminary drainage study
- (2) Preliminary water, sanitary sewer, storm sewer and drainage capacity calculations; and
- (3) Traffic impact analysis (TIA)

(e) Review and decision-making process.

- (1) Within thirty (30) days following the date of filing of a completed application for a preliminary plat approval, it shall be submitted to the Planning Board for review and final decision. The Planning Board shall approve, disapprove or approve with modifications.
- (2) If approved by the Planning Board, the following special notes and signature block shall be placed on the preliminary plat:

“Approval of this Preliminary Plat by the Planning Board and City Commission shall be deemed an expression of approval of the layout submitted on the preliminary plat as a guide to the final engineering of streets, water, sewer and other required improvements and utilities and to the preparation of the final plat. Approval of this preliminary plat shall not constitute automatic approval of the final plat, nor be considered authorization to begin construction or sell lots. Approval of the preliminary plat shall not constitute a guarantee or warranty, either implied or otherwise that all other applicable codes and ordinances of the City of Texas City have been complied with. It shall be the responsibility of the subdivider to ensure that all applicable requirements of the City of Texas City relative to the subdividing and development of property have been met.”

On the _____ day of _____, 20____, this preliminary plat was duly approved by the Planning Board of the City of Texas City.

Signed: _____
Secretary of the City of Texas City Planning Board

Signed: _____
Chairman of the City of Texas City Planning Board

- (f) Approval of a preliminary plat shall be valid for twelve (12) months from the date of City Commission approval. A final plat application must be formally filed with the City Planner before the twelve-month period expires in order for the preliminary plat to remain valid.
- (g) Reapproval of a preliminary plat may be applied for at any time after the previously approved preliminary plat becomes invalid. The Planning Board or the City Commission may require changes in the reapproval of a preliminary plat in light of new or significant information or requirements, or changed conditions.

Section 110.26 Final Plat.

- (a) After obtaining approval or conditional approval of a preliminary plat and fulfilling all requirements of the preliminary plat approval, the applicant may, if wishing to proceed with the subdivision, submit an application for a final plat. The application for final plat approval shall be in accordance with all ordinance requirements.
- (b) Applications for approval of final plats shall be made to the City Planner on forms prescribed by the City.
- (c) At the time of final plat application, all required engineering plans must be approved by the City Engineer and shall be subject to compliance review and approval by the City Engineer.
- (d) Additional plans required.

The City Engineer may require the following additional plans, studies and analyses in conjunction with a final plat application. The documents shall include all information deemed necessary by the City Engineer to adequately protect and preserve the public health, safety and welfare of the applicant and any property impacted by the proposal. Additional plans, studies and analyses:

1. Drainage study
2. Water, sanitary sewer, storm sewer and drainage capacity calculations
3. Traffic impact analysis (TIA)

- (e) The final plat instrument becomes the official, accurate, permanent record of the division of land. It shall substantially conform in all aspects to the preliminary plat, shall be clearly reproducible on a material acceptable to the County Clerk's office and shall be certified as hereinafter provided. It may include all or only a portion of the area of the approved preliminary plat.
- (f) The final plat shall be in accordance with the approved preliminary plat. Provided, however that the Planning Board or City Commission may authorize minor adjustments to street and alley alignments, length, and lot lines where the Board or Commission determines such adjustments are consistent with the intent and general layout of the approved preliminary

plat. Where the final plat deviates from the approved preliminary plat to the extent that the Board or Commission finds such deviation to be significant and not consistent with the intent and general layout of the approved preliminary plat, such final plat shall not be approved until it reflects the originally approved preliminary plat, or a new preliminary plat has been approved in accordance with this Chapter.

(g) Common Areas and Homeowners Associations.

(1) When a subdivision contains common areas, drainage ways, screening walls, landscaping, subdivision entryway features or other facilities not located within the public right-of-way nor subject to City maintenance, the common areas and improvements shall be shown on the final plat along with an adequate form for dedication thereof. This dedication form shall accomplish the following purposes:

(a) Save the title to common area properties for the responsibility and benefit of the homeowners association.

(b) Express a definite undertaking by the developer to convey the common properties and responsibilities to the homeowners association.

(c) Tie the covenants and homeowners use provisions to the plat so that collection of fees and denying use is legally supportable.

(2) Prior to recording the plat, the developer shall:

(a) Create an incorporated nonprofit homeowners association, and

(b) Record covenants which automatically make every lot owner a mandatory member of the association, give the property owner the right to use the common property, and establish their voting rights and their obligations to pay assessments.

(3) The homeowners association's restrictive covenants shall provide for continuous maintenance and control of the common areas by a responsible body, in perpetuity, for the benefit of the homeowners without using public funds. Membership in the homeowners association shall run with the title to each lot. Membership in the homeowners association is not voluntary and its primary source of operating funds is a periodic assessment levied against each parcel of land within the development under recorded covenants which shall be incorporated into each deed and which shall run with the land to bind each and every owner of it and which are enforceable as a lien against the land.

(4) Maintenance.

A homeowners association (HOA) shall be responsible for maintenance of all landscaping, buffering, screening, irrigation and associated improvements adjacent to residential subdivisions along public thoroughfares and shall have an HOA fee to be levied against each property owner within the subdivision. The HOA covenants shall include a provision that if the HOA defaults, the City shall have the rights of the

association to either file a lien on property within the subdivision or assess property owners within the subdivision. This shall include the open space common area designated for screening and buffering. The developer shall establish the HOA, which meets the approval of the City attorney, prior to the acceptance of all public improvements.

- (5) The articles of incorporation of the homeowners association, its bylaws, and the restrictive covenants shall be submitted to the City Attorney for approval along with the final plat and shall be recorded as a part thereof.
- (6) In the approval of the above documents, the City shall determine that the proper legal position is ensured and that the proposed homeowners' association will function properly both during and after the time in which the developer is active in the subdivision. The City may require the association to provide ongoing reporting of budgetary actions, financial reports, and collection activity on homeowners' assessments. Should the funding of the common areas maintenance not support the level of maintenance required by applicable ordinance, the City may require additional security for the provision of such maintenance.
- (7) In lieu of creating a homeowners association, the developer may retain responsibility for the common areas, provided the developer guarantees adequate security, to the satisfaction of the City Engineer, to provide for continuous maintenance and control of the common areas by a responsible body, in perpetuity, for the benefit of the homeowners without using public funds.

(h) Review and decision-making process.

- (1) A completed application for final plat approval shall be acted on by the Planning Board within thirty (30) days following its submittal. The Planning Board shall approve, deny, or approve with modifications or conditions. The final plat shall not be filed with the County Clerk until all the following steps are completed:
 - (a) Required improvements have been made by the subdivider;
 - (b) The improvements have been inspected and approved by the City;
 - (c) All utility impact fees have been paid; and
 - (d) The plat has been signed by the Mayor on behalf of the City Commission.

(i) Certificates and Statements.

- (1) A surveyor's certificate in the following form shall be placed on the subdivision plat:

KNOW ALL MEN BY THESE PRESENTS: I, the undersigned _____, a Registered Professional Land Surveyor in the State of Texas, hereby certify that this plat is true and correctly made under my supervision and in compliance with City and

State survey regulations and laws and made on the ground and that the corner monuments were properly placed under my supervision.

(Seal) _____

Registered Professional Land Surveyor No. _____

- (2) An engineer's certificate in the following form shall be placed on the subdivision construction plans:

KNOW ALL MEN BY THESE PRESENTS: I, the undersigned, _____, a Professional Engineer Registered in the State of Texas, hereby certify that proper engineering consideration has been given to these plans and all engineering aspects are in compliance with City and State engineering regulations and laws.

(Engineer Seal) _____ Registered Professional Engineer

P.E. Registration No. _____

- (3) An owner's acknowledgement and certificate of dedication in the following form shall be placed on the subdivision plat:

That (OWNER'S NAME) action herein by and through its duly authorized officers, does hereby adopt this plat designating the herein above described property as (SUBDIVISION NAME), an addition to the City of Texas City, Texas and does hereby dedicate, in fee simple to the public use forever, the streets, alley, and public use areas, shown hereon, and does hereby dedicate the easements shown on the plat for the purposes indicated to the public use forever, said dedications being free and clear of all liens and encumbrances except as shown herein. No buildings, fences, trees, shrubs or other improvements shall be constructed or placed upon, over, or across the easements on said plat. Utility easements may also be used for the mutual use and accommodation of all public utilities desiring to use or using the same unless the easement limits the use to a particular utility or utilities, said use by public utilities being subordinate to the public's and City of Texas City's use thereof. The City of Texas City and any public utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs, or other improvements or growths which in any way endanger or interfere with the construction, maintenance or efficiency of its respective system on any of these easements. The City of Texas City and any public utility shall at all times have the right of ingress and egress to and from and upon any said easement for the purpose of using, constructing, reconstructing, inspecting, patrolling, maintaining and adding to or removing all of part of its respective system without the necessity at any time of procuring the permission of anyone.

(OWNER'S NAME) does hereby bind itself, its successors and assigns to forever warrant and defend all and singular the above described streets, alleys, easements and rights unto the public against every person whomsoever lawfully claiming or to claim the same or any part thereof. This plat approved subject to all ordinances, rules, regulations, and resolutions of the City of Texas City.

WITNESS MY HAND THIS _____ DAY OF _____, 20__.

Signature of Owner

Position in Corporation (if applicable)

Name of Corporation (if applicable)

Lien Holder (if applicable)

If there is no lien holder, add the following statement:

To the best of my knowledge, there are no liens against this property.

Signature of Owner

(4) Notary Certificate

STATE OF _____

COUNTY OF _____

Before me, the undersigned authority, a Notary Public in and for the said County and State on this day personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same in the capacity therein stated.

Given under my hand and seal of office, this _____ day of _____, 20__.

Notary Public in and for the State of _____

My commission expires: _____

(5) Homeowners association form, if applicable, shall be prescribed by the City.

(6) Planning Board Signature Block.

On the _____ day of _____, 20__, this plat was duly approved by the Planning Board of the City of Texas City.

Signed: _____
Secretary of the City of Texas City Planning Board

Signed: _____
Chairman of the City of Texas City Planning Board

(7) Construction compliance.

It is understood that if the final plans for (Subdivision Name) are approved by the City Engineer and Planning Board of the City of Texas City, the undersigned will in all things comply with all provisions of such plat and construction plans and will duly perform all construction called for therein, fully and completely. No changes shall be made in construction plans without the consent in writing of the City Engineer being first had and obtained.

Owner Developer

Witnesses:

On the _____ of _____, 20____.

(8) Certification of approval of City Commission and authority for City Secretary to file plat.

This is to certify that all improvements to (name of subdivision) Subdivision have been completed and accepted by the City of Texas City, Texas, and this subdivision plat is ready for the City Secretary to file said plat in the County Clerk's office.

Mayor, City of Texas City Texas

(j) Expiration and Request for Reapproval.

- (1) Approval of the final plat shall expire unless the plat is recorded in the office of the County Clerk within a period of 30 months after the date of approval by the Planning Board. Any final plat not filed within such time shall be considered invalid. An extension may be requested upon evidence of substantial completion of public improvements.

- (2) Reapproval of a final plat by the Planning Board may be applied for at any time after the approved plat becomes invalid. If the Planning Board, during consideration of the reapproval of any such plat, should deem changes necessary in the reapproval of a final plat in light of new or significant information or requirements, or changes in conditions, it shall so inform the subdivider. A final plat submitted for reapproval shall be prepared in accordance with, and comply with, the requirements of this Chapter, the Zoning Ordinance, and all other applicable requirements in effect at the time such application for reapproval is formally filed with the City.

Section 110.27 Replat.

(a) Replat Required:

- (1) A replat is required to alter or create new lot lines, add or remove easements, or alter any other aspects of a recorded plat, and shall meet the requirements of Chapter 212 of the Texas Local Government Code. An amending plat may be submitted in lieu of a replat if the amending plat meets the requirements of Section 212.016 of the Texas Local Government Code.

(b) Content, review and decision making process.

- (1) An application for approval of a replat shall contain the same information as is required for an application for final plat approval, with the following additional requirements:
- a. Exact name of previous plat, which shall be retained in the title of the replat identified.
 - b. Blocks, lots and portions thereof which are being replatted, shall be identified.
 - c. Recording information applicable to the previous plat, including volume and page number.
 - d. Original plat information being deleted, abandoned, or changed by the replat, (lots and blocks, rights-of-way, etc.), shall be shown lightly sketched or dotted on the drawing with a note of explanation.
 - e. The word "replat" shall be shown in the title block.
- (2) At the time of application for a replat, all required engineering plans must be approved by the City Engineer.
- (3) The replat shall be reviewed by the Planning Board in accordance with the final plat requirements of Section 110.26 of this Chapter, except that any required public hearings and notification shall be in accordance with Chapter 212 of the Texas Local Government Code.

Section 110.28 Amending Plat.

(a) Authority for Amending Plats.

An application for an amending plat may be submitted to the City in accordance with Chapter 212.016 of the Texas Local Government Code.

(b) Content, review and decision making process.

- (1) An application for approval of an amending plat shall contain the same information as required for an application for final plat approval pursuant to Section 110.26 of this Chapter with the following additional requirements:

- (a) A note identifying what element(s) of the plat is (are) being amended;

- (b) A graphic representation encircling the area of the plat being amended; and

- (c) The words "Amending Plat" shall be shown in the title block.

- (2) In accordance with the Texas Local Government Code, Section 212.0065, the City of Texas City delegates to the City Planner and City Engineer the authority to approve amending plats, if such amending plat conforms to the requirements of this Chapter and applicable provisions of Chapter 212, Texas Local Government Code.

- (3) The City Planner and City Engineer may, for any reason, elect to present the amending plat to the Planning Board for approval.

- (4) The City Planner and City Engineer shall not disapprove an amending plat application. Any application for approval of an amending plat that the City Planner and City Engineer determine should be disapproved shall be referred to the Planning Board for consideration, prior to the expiration of thirty (30) days from the date of filing of the application.

- (5) If an amending plat is approved by the City Planner and City Engineer, the signature block and signature of the chairman of the Planning Board shall not be required. The following signature shall, however, appear on the amending plat

On the _____ day of _____, 20____, this amending plat was approved by the City Planner and City Engineer of the City of Texas City.

Signed: _____
City Planner of Texas City

Section 110.29 Administrative Minor Plat.

(a) Authority for Administrative Minor Plats.

An application for an administrative minor plat may be submitted to the City in accordance with Chapter 212.0065 of the Texas Local Government Code.

(b) Content, review and decision making process.

- (1) The administrative minor plat shall contain the same information in accordance with the final plat requirements of Section 110.26 of this Chapter.
- (2) In accordance with the Texas Local Government Code, Section 212.0065, the City of Texas City delegates to the City Planner and City Engineer the authority to approve administrative minor plats which:
 - (a) involve four (4) or fewer lots; and
 - (b) front onto an existing street; and
 - (c) do not require the creation of any new street or the extension of municipal facilities.
- (3) The City Planner and City Engineer may, for any reason, elect to present the administrative minor plat to the Planning Board for approval.
- (4) The City Planner and City Engineer shall not disapprove the administrative minor plat and shall be required to refer any administrative minor plat application which he/she refuses to approve to the Planning Board for consideration.
- (5) If the administrative minor plat is approved by the City Planner and City Engineer, the signature block and signature of the chairman of the Planning Board shall not be required. The following signature shall, however, appear on the administrative minor plat.

On the _____ day of _____, 20____, this administrative minor plat was approved by the City Planner and City Engineer of the City of Texas City.

Signed: _____
City Planner of the City of Texas City

Section 110.30 Vacating Plat.

(a) Authority for Vacating Plats.

An application to vacate a previously recorded plat may be submitted to the City in accordance with Chapter 212.013 of the Texas Local Government Code.

(b) Content, review and decision making process.

- (1) The vacating plat shall contain the same information required for final plats as set forth in Section 110.26 of this Chapter with the following additional requirements:.

- (a) A note identifying the original plat being vacated shall be indicated; and
- (b) The words "Vacating Plat" shall be shown in the title block.
- (2) An application for approval of a vacating plat shall be submitted to the Planning Board for review and final decision. The Planning Board shall approve, disapprove or approve with modifications.

Section 110.31 Abandonment of Public Right-of-Way; Plat.

- (a) Abandonment procedure. Any person desiring to seek abandonment of a public right-of-way by the City shall follow the procedures set forth in the Section.
- (b) Application content.
 - (1) An application for the abandonment of a public street or public alley right-of-way may be initiated only by the property owners abutting such right-of-way. The application shall contain the signatures of the owners all properties that abut the subject right-of-way, and shall include proof of such ownership.
 - (2) All public utilities must consent in writing to the abandonment.
 - (3) The application shall include a plat depicting the location and physical configuration of the right-of-way to be abandoned drawn to a scale that clearly defines the limits of the abandonment. The plat shall also contain a proper metes and bounds legal description, prepared by a registered surveyor, of the proposed abandonment. If the abandonment is approved, a copy of such plat shall be attached as an exhibit to the ordinance approving such abandonment.
- (c) Process.
 - (1) Upon receipt of a complete application including all support documentation as required by Section 110.31(a), a Public Hearing shall be scheduled with the Planning Board.
 - (2) Notice of the Public Hearing shall be provided to the owners of all property abutting the subject right-of-way.
 - (3) The Planning Board shall also consider the impact upon properties that do not physically abut the right-of-way sought to be abandoned, with special consideration being given to the ease and availability of access to such properties in the event the requested abandonment is approved.
 - (4) To be considered, written correspondence in favor of or in opposition to the request must be submitted on or before the date of the Planning Board's Public Hearing.

- (5) Upon recommendation by the Planning Board, the request shall be submitted to the City Commission for final action.
- (6) Abandonment of right-of-way, if approved by the City Commission, shall be by ordinance, which shall be filed following adoption with the County Clerk of Galveston County.
- (7) The Mayor is authorized to execute and deliver an quitclaim deed to any abutting property owner, for that portion of the abandonment, if requested by the property owner.

Section 110.32 Extraterritorial Jurisdiction Regulations.

The regulation of subdivisions within the City's extraterritorial jurisdiction shall be in accordance with an agreement with Galveston County as approved by the City on October 23, 2002 and as amended.

Section 110.33 Park/Open Space Requirements.

(a) Dedication of Park/open space dedicated.

- (1) Any subdivider who seeks approval of a plat for the development of a residential subdivision which has a master plan potential greater than 100 residential lots shall dedicate by warranty deed a minimum of one-half acre of land to the Homeowners Association for public neighborhood park use for each 100 lots or fraction thereof. The subdivider shall be responsible for development of said park(s) and maintenance of said park(s) until such time that a Homeowners Association is established which shall assume maintenance responsibilities. The location of the open space shall be approved with the final plat.
- (2) Any subdivider who seeks approval of a plat for the development of a residential subdivision which has a master plan potential for 100 or fewer residential lots shall make a payment in lieu dedication in accordance with subsection (e) below.

(b) Recreation sites.

Land reserved for recreation purposes shall be of a character and location suitable for use as a playground, playfield, or for other recreation purposes, and shall be relatively level and dry. The Recreation and Tourism Department of the City and/or the Recreation and Tourism Board shall be involved in the process for determining what land will be dedicated under the provisions of this section. All land to be reserved for dedication to the City for park purposes shall be clearly depicted on the plat, "Reserved for park and/or recreation purposes".

(c) Applicability of land utilizing average density.

Any subdivision plat in which the principle of average density of flexible zoning has been

utilized shall not be exempt from the provisions of its section, except as to such portion of land which is actually dedicated to the City for park and recreation purposes.

(d) Other recreation reservations.

The provisions of this section are minimum standards. None of the paragraphs above shall be construed as prohibiting a developer from reserving other land for recreation purposes in addition to the requirements of this section.

(e) Alternative payment in lieu of land dedication.

(1) Subject to approval of the City Commission, a landowner or developer responsible for park/open space dedication under subsection (a) may elect to apply to the City to meet the park/open space requirement, in whole or in part, by a cash payment in lieu of land. Such cash payment shall be based upon \$10,000.00 per acre of park/open space required, or fraction thereof.

(2) Such payment in lieu of land dedication shall be deposited in a park and recreation improvement fund to be established by the City. The cash in lieu of land shall be used by the city for improvement of a neighborhood park, playground, or recreation area, located in the general neighborhood of the development. The City may use the funds for the acquisition of property for this purpose. The neighborhood park, playground or recreation area shall be available to, and directly benefit, the persons in the subdivision for which payment was made.

Section 110.34 Variances.

(a) The City Commission may authorize a variance from any provision in this Chapter, when, in its opinion, undue hardship would result from requiring strict compliance. In granting a variance, the City Commission shall prescribe only conditions that it deems necessary or in the public interest. In making the findings required in this Section, the Commission shall take into account the nature of the proposed use of the land involved, existing uses of land in the vicinity, the number of persons who will reside or work in the proposed subdivision, and the probable effect of the variance upon traffic conditions and upon the public health, safety, convenience and welfare in the vicinity. The staff and Planning Board shall first review the request for a variance, conduct land use studies and make a written recommendation to the City Commission.

(b) No variance shall be granted unless the Planning Board finds and recommends, and the City Commission concurs:

- (1) that there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this Chapter would deprive the applicant of the reasonable use of his land; and
- (2) that the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant; and

- (3) that the granting of the variance will not be detrimental to the public health, safety or welfare, or injuries to other property in the area; and
- (4) that the granting of the variance will not have the effect of preventing the orderly subdivision of other land in the areas in accordance with the provisions of this Chapter.
- (c) The findings of the Planning Board and City Commission, together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the meetings at which such variance is recommended and granted. Variances may be granted only when in harmony with the general purpose and intent of this Ordinance, so that the public health, safety and welfare may be secured and substantial justice served. Pecuniary hardship to the subdivider, standing alone, shall not be deemed to constitute undue hardship.
- (d) Notwithstanding subsection (b) above, the City Commission may grant a variance or variances to the provisions of this Chapter in conjunction with the approval of a Planned Unit Development zoning ordinance (rezoning). If a PUD is approved, the City Commission need not consider and approve each variance contained within.

Sections 110.35 - 110.39 Reserved.

ARTICLE III. DESIGN STANDARDS

Section 110.40 General.

- (a) Conformity to design requirements.

No plat shall be approved by the Planning Board or City Commission, and no completed improvements shall be accepted by the City Engineer, unless they conform to the following design requirements and applicable standards, or unless waived by the City Commission in accordance with Section 110.33. Although the intention of this Section is to establish uniform design standards, it neither replaces the need for engineering judgment nor precludes the use of information not presented. Improvements shall also be designed in accordance with all applicable City Design Standards and Details. Other accepted engineering procedures may be used if approved by the City Engineer, and such procedures are not inconsistent with the minimum requirements contained herein.

- (b) Adequate public facilities policy.

The land to be divided or developed must be served adequately by essential public facilities and services. No subdivision shall be approved unless and until adequate public facilities exist or provision has been made for water, sanitary sewer, storm sewer, drainage, electric and road facilities which are necessary to serve the development proposed, whether or not such facilities are to be located within the property being platted or off-site. This policy may

be defined further and supplemented by other ordinances adopted by the City. Wherever the subject property adjoins undeveloped land, or wherever required by the City to serve the public good, utilities and drainage systems shall be extended to adjacent property lines to allow connection of these utilities and drainage systems by adjacent property owners when such adjacent property is platted and/or developed.

(c) Provision for future subdivisions.

If a tract is subdivided into parcels larger than ordinary building lots, these parcels shall be arranged to allow for the extension of future streets and utilities.

(d) Reserve strips.

There shall be no reserve strips controlling access to land dedicated or intended to be dedicated to public use.

(e) Subdivision names.

Subdivision names shall not duplicate or cause confusion with the names of existing subdivisions. All subdivision names shall be approved by the Planning Board or City Commission upon recommendation of the City Planner.

Section 110.41 Streets.

(a) Layout.

Adequate streets shall be provided by the subdivider, and the arrangement, character, extent, width, grade and location of each shall conform to the Comprehensive Plan and Transportation Plan of the City and shall be considered in their relation to existing and planned streets, to topographical conditions, and to public safety and convenience, and in their appropriate relationship to the proposed uses of land to be served by the streets. The street layout shall be devised for the most advantageous development of the entire neighborhood. The subdivider shall apply sound access management and traffic principles to street and intersection layouts.

(b) Relation to adjoining street system.

Where necessary to the neighborhood pattern, existing streets in adjoining areas shall be continued, and shall be at least as wide as the existing streets and in alignment therewith.

(c) Projection.

Where adjoining areas are not subdivided, the arrangement of streets in the subdivision shall make provision for the proper projection of streets into the unsubdivided areas.

(d) Jogs.

Whenever possible, street jogs with centerline offsets of less than one hundred twenty-five (125) feet shall be avoided.

(e) Half streets or adjacent streets.

In the case of collector, minor or marginal access streets, no new half streets shall be platted.

(f) Intersections.

Street intersections shall be as nearly at right angles as practicable, giving due regard to terrain and topography.

(g) Dead-end streets.

Dead-end streets shall be prohibited except as short stubs to permit future expansion. In no case shall the length of such street exceed two hundred fifty (250) feet. If such street exceeds one hundred fifty (150) feet, then a temporary turnaround which meets Fire Department standards shall be provided.

(h) Cul-de-sac.

(1) In general, a cul-de-sac shall not exceed six hundred (600) feet in length. Cul-de-sac length shall be measured as the distance from the center of the cul-de-sac to the nearest intersecting street right-of-way line.

(2) In residential areas, the cul-de-sac shall have a minimum right-of-way radius of fifty (50) feet and a minimum driving surface radius of forty (40) feet.

(i) Location and width of streets shown on the Comprehensive Plan and Transportation Plan.

Where a subdivision embraces a street as shown on the Comprehensive Plan and Transportation Plan of the City, this street shall be platted in the location and of the width indicated by these Plans.

(j) Minor streets.

Minor streets shall be laid out so as to discourage their use by through traffic.

(k) Pavement widths and rights-of-way shall be as follows.

(1) Arterial streets shall have a right-of-way width of at least eighty (80) feet, with a pavement width of at least forty-five (45) feet back to back of curbs.

(2) Collector streets shall have a right-of-way of at least sixty (60) feet and a pavement width of at least thirty-seven (37) feet back to back of curbs.

(3) Minor streets shall have a right-of-way of at least sixty (60) feet and a pavement width of at least thirty (30) feet back to back of curb.

(l) Streets forming part of the boundary of the adjacent subdivision boundary shall have the following pavement widths and rights-of-way widths:

(1) The subdivider shall dedicate a right-of-way of forty (40) feet in width for new adjacent arterial streets, and two (2) thoroughfare lanes shall be paved.

(2) New adjacent collector and minor streets shall be full width and conform to subsection (k) of this Section.

(3) Where the proposed subdivision abuts upon an existing street or half street that does not conform to subsection (k) of this Section, the subdivider shall dedicate right-of-way sufficient to make the full right-of-way width conform to subsection (k), and there shall be paved so much of such right-of-way as to make the full pavement width comply with subsection (k). Before any pavement is laid to widen existing flexible base pavement, the existing pavement shall be cut back two feet to ensure an adequate subbase and pavement joint.

(m) Construction requirements.

The minimum standard residential street shall be a 30-foot curb-and-guttered street constructed in accordance with the City's standards. The City Commission may grant permission to the subdivider to build open ditch, road section streets, conforming to minimum specifications. However, the subdivider must show good and sufficient cause to the City Commission before it will grant permission to build open ditch, road section streets. Additional construction requirements will be promulgated by the City Engineer in accordance with section 110-116 and the City's Design Standards and Details.

(n) Curbs.

Curbs shall be installed by the subdivider on both sides of all interior streets, and on the subdivision side of all streets forming part of the boundary of the subdivision, unless the subdivider has permission from the City Commission not to install curbs.

(o) Names.

Names of new streets shall not duplicate or cause confusion within the names of existing streets, unless the new streets are a continuation of or in alignment with existing streets, in which case names of existing streets shall be used.

(p) Streetlights.

Streetlights shall be installed by the subdivider at all street intersections within the subdivision and at adjacent intersections on the north and east boundaries of the subdivision.

- (q) Street name and traffic control signs.

Street name and required traffic control signs shall be installed by the subdivider within or abutting the subdivision.

- (r) Minimum elevation.

The minimum elevation of streets (top of curb or centerline) shall be 5.5 feet above mean sea level in locations behind and protected by the storm tide protection levee (seawall).

Section 110.42 Sidewalks.

Sidewalks having a minimum width of four feet shall be required along any street upon which a lot abuts and shall be designed and installed in accordance with all applicable City Design Standards.

Section 110.43 Pedestrian Access.

A pedestrian access easement having a minimum of six (6) feet, shall be dedicated where deemed necessary by the Planning Board or City Commission to provide circulation or access to schools, parks, shopping centers, transportation and other community facilities, or to provide pedestrian circulation within the subdivision. The pedestrian access easement shall be paved with a concrete sidewalk, minimum of six (6) feet in width.

Section 110.44 Blocks.

- (a) Block lengths shall be not less than three hundred (300) feet or more than twelve hundred (1,200) feet. However, block lengths may exceed twelve hundred (1,200) feet along arterial thoroughfares, as designated on the Comprehensive Plan and the Transportation Plan.
- (b) The length, width and shape of blocks shall be determined with due regard to:
- (1) Provision of adequate building sites suitable to the special needs of the type of use contemplated;
 - (2) Zoning requirements as to lot size and dimensions; and
 - (3) Need for convenient and safe access, circulation, and control of street traffic.

Section 110.45 Lots.

- (a) Lots shall be designed in a manner to provide adequate width, depth and shape to provide open area, to eliminate overcrowding, and to be appropriate for the type of development and use contemplated, and in accordance with the Zoning Ordinance.

(b) Every lot shall meet the minimum area and dimension standards as set forth in the Zoning Ordinance for the district in which the lot is located. The Planning Board shall have the authority to recommend and the City Commission shall have the authority to approve, a subdivision plat where lots have area, dimensions or setbacks greater than the minimum standards set forth in the Zoning Ordinance.

(c) Extra depth and width in certain cases.

Where a lot in a residential area backs up to a railroad right-of-way, a drainage easement, high voltage electric transmission line, high-pressure gasoline, oil or gas line, an arterial street, an industrial area, or other land use which has a depreciating effect on the residential use of the property, and where no marginal access street other street, or substantial buffer is provided at the rear of the lot, additional depth shall be required in the amount determined by the Planning Board. Where a lot sides to any of the uses mentioned in this subsection, additional width shall be required by the Planning Board.

(d) Street frontage.

(1) Every lot shall have frontage on, and access to, a public street. However, where existing conditions make it impractical for one or more lots to have frontage on a public street or where in-fill development can be accommodated, the City Commission may authorize a flag lot configuration.

(2) The minimum width of the flag lot shall be sixty (60) feet. The main structure of the flag lot shall be served by a paved drive of sufficient width and appropriate design so as not to deter access by emergency vehicles or any other public services.

(3) The main structure served by a flag lot shall contain a sprinkler system or other fire suppression system as approved by the Fire Marshal.

(e) Non-conforming single family lots.

Where a lot, served by sanitary sewer service has less area than provided for in this Chapter or required by the Zoning Ordinance and was in separate ownership at the time of the passage of the original Zoning Ordinance, dated January 26, 1946, this Section shall not prohibit the erection of a single-family dwelling.

(f) Lots without Access to Sanitary Sewer Service.

(1) Where off-lot sanitary sewer service is not required, and is not provided, residential lots shall have an area of at least two (2) acres, and shall be at least two hundred (200) feet wide. The minimum width shall be measured at the front building line.

(2) All on-site sanitary sewer facilities shall be approved by the Galveston County Health District.

(3) Variances.

The following is the sole variance procedure specific to Lots without Access to Sanitary Sewer Service:

- (a) The City Commission may authorize a variance from the two (2) acre or two hundred (200) foot width requirements for on-site sanitary sewer facilities when, in its opinion, undue hardship will result from requiring strict compliance. In granting a variance, the Commission shall prescribe only conditions that it deems necessary or desirable to protect the public interest.
- (b) In making the findings required in this Section, the Commission shall take into account the nature of the proposed use of the land involved, existing uses of land in the vicinity, the number of persons who will reside at the proposed location, and the probable effect of the variance upon the public health, safety, convenience and welfare in the vicinity.
- (c) The Planning Board shall first review the request for a variance and make a written recommendation to the City Commission.
- (d) No variance shall be granted unless the Commission finds:
 - (1) There are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this article would deprive the applicant of the reasonable use of his land;
 - (2) The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant;
 - (3) The granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property in the area; and
 - (4) The granting of the variance will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of this article.
- (e) In consideration of a variance, the Commission shall also be provided the following evidence and information:
 - 1. The Galveston County Health District has approved the on-site sanitary sewer facilities;
 - 2. The applicant agrees that if platting is required by State law or City ordinance, any granting of a variance is conditional on the property being platted, approved by the City, and recorded in the Galveston County Deed Records;
 - 3. The applicant has paid all property taxes; and if

4. The property is in excess of one (1) acre of undeveloped land area, excluding water bodies (ponds, lakes, streams, etc.); and, one of the following guidelines applies:
 - a. The subject property perimeter is bounded by undevelopable property which if it were combined with the subject property would cause it to exceed the minimum size requirement above. Undevelopable property includes natural bodies of water, highway, railway, or other right-of-way, or other characteristics of the land that substantially prevent the property from being developed by any property owner; or
 - b. Other factors (other than economic hardship) exist that would prohibit the applicant from purchasing enough additional property to meet the requirements of this Section.
- (f) The findings of the City Commission, together with the specific facts upon which the findings are based, shall be incorporated into the official minutes of the Commission meeting at which the variance is granted.
- (g) Variances may be granted only when in harmony with the general purpose and intent of the City Code, so that the public health, safety and welfare may be secured and substantial justice done. Pecuniary hardship to the sub-divider, standing alone, shall not be deemed to constitute undue hardship.

Section 110.46 Utility Easements.

- (a) Each block that does not contain an alley as provided for in Section 110.42 of this Section shall have a utility easement at the rear of all lots reserved for the use of all public utility companies and the City.
- (b) Utility easements shall be a minimum of sixteen (16) feet in width, taking eight (8) feet from each lot where the rear of two lots abut each other, and shall be continuous for the entire length of the block. Easements shall parallel as closely as possible the street line frontage of the block. Additional easement areas may be required to accommodate utility equipment pads and boxes.
- (c) Where utility easements are not straight within a block, or if an easement does not connect on a straight course with the utility easements of adjoining blocks, then an additional easement shall be provided for the placing of guy wires on lot division lines in order to support poles set on curving or deviating rights-of-way or alleys.

Section 110.47 Utility Lines.

All utility lines that pass under a street or alley shall be installed before the street or alley is paved. When it is necessary that utility lines pass under the street or alley pavement, they shall be installed to a point at least ten (10) feet beyond the edge of the pavement.

Section 110.48 Water System.

- (a) All subdivisions shall be provided with potable water systems approved by the City Engineer and the Director of Utilities. Water systems shall conform to the water distribution plan, technical specifications of the City Engineer and Director of Utilities in accordance with this Section and all other relevant City ordinances.
- (b) The distribution system shall provide for fire flow with minimum six-inch mains to serve all fire hydrants.
- (c) Fire hydrants shall be located within five hundred (500) feet of all building sites.
- (d) Minimum size water line shall be two (2) inches.
- (e) The maximum number of house connections on a looped two-inch line shall be ten (10), and on a dead-end two-inch line it shall be five (5).
- (f) Minimum pressure in the system under a peak domestic consumption of four hundred fifty (450) gallons per capita per day shall be forty (40) pounds per square inch.
- (g) A flushing device shall be provided at the end of all dead-end lines.
- (h) Water lines shall be interconnected at intervals not to exceed one thousand (1,000) feet, or as prescribed by the City Engineer or the Director of Utilities.
- (i) Valves shall be placed on all branches from feeder mains of six (6) inches or greater and on all leads from feeder mains to fire hydrants.
- (j) There shall be no line greater than eight hundred (800) feet without valve control.
- (k) All water lines shall be looped whenever the extension of three hundred fifty (350) feet of two-inch line would accomplish the looping.
- (l) All water services shall be installed by, and at the expense of, the developer.

Section 110.49 Sanitary Sewer System.

- (a) All subdivisions shall be provided with a sanitary sewer system approved by the City Engineer and the Director of Utilities. Sanitary sewer systems shall conform to the sanitary sewer plan, technical specifications of the City Engineer and Director of Utilities in accordance with this Section and all other relevant City ordinances.
- (b) Connections with the sanitary sewer system shall be required, except where the City Engineer or Director of Utilities determines that the connection will require unreasonable expenditure when compared with other methods of sewage disposal. Where on-site sanitary

sewer facilities are installed, the plans for the system shall be approved by the Galveston County Health District in accordance with all State and County laws, rules and regulations, prior to approval of the final plat by the City Commission.

- (c) Minimum size of sewers shall be eight (8) inches.
- (d) Minimum velocities in sewer pipes flowing full shall be 1.7 feet per second, and minimum "n" value shall be 0.013.
- (e) Maximum manhole spacing shall be five hundred (500) feet.
- (f) Manholes shall be placed at points of change of grade, size or direction, and at junctions with other lines.
- (g) All sewer pipe joints shall be die cast joints or factory-made coupling joints approved by the director of utilities.
- (h) Sewer pipe material shall approved by the City.
- (i) Minimum cover shall be three (3) feet.
- (j) Single house services shall be four (4) inches minimum on a slope of one percent. Double house services shall be six-inch pipe.
- (k) All sewer service lines shall be installed extending to the lot lines. These sewer services shall be installed at the expense of the subdivider.

Section 110.50 Minimum First Floor Elevation.

- (a) The minimum first floor elevation of all developments outside the storm tide protection levee (seawall) shall be one (1) foot above the 100-year flood as shown on the Flood Insurance Study Map, Coastal Areas--Gulf of Mexico, prepared for the Federal Emergency Management Agency by the U.S. Army Corps of Engineers, Galveston, Texas, dated May 1970. For general information only, this minimum first floor elevation is 15.6 feet mean sea level at State Highway 146 and Dickinson Bayou and 14.3 feet mean sea level at State Highway 146 and Gulf Freeway (Interstate Highway 45).
- (b) The minimum first floor elevation for all new development inside and protected from hurricane flood tides by the storm tide protection levee (seawall) shall be seven feet mean sea level, but the elevation shall also be not less than one foot six inches above the top of the curb of the street abutting the property upon which the new development is being constructed.

Section 110.51 Drainage.

(a) Easements for open ditches or watercourses.

Where a subdivision is traversed by a watercourse, drainageway, natural channel or stream, there shall be provided an easement or right-of-way conforming substantially to the limit of such a watercourse, plus an additional width to accommodate future needs. Easements for open ditches or watercourses shall have a 15-foot working space provided adjacent to one bank. In no case shall an open ditch or watercourse be located in an easement of less than 30 feet in width.

(b) Off-site drainage.

- (1) Easements and drainage facilities shall be provided by the subdivider. The owner or developer of property to be developed shall be responsible for all storm drainage discharge flowing on such subdivider's property. This responsibility includes the drainage directed to that property by prior development as well as drainage naturally flowing through the property by reason of topography.
- (2) Adequate consideration shall be given by the owner in the development of property to determine how the discharge leaving the proposed development will affect downstream property.

(c) Design standards for drainage facilities.

Drainage facilities shall conform to the technical specifications of the City Engineer and Director of Public Works in accordance with Section 110-16 and with the following requirements:

(1) Runoff criteria.

Storm sewers, ditches and other drainage structures shall be designed for one (1) cubic foot per second per acre runoff for residential land use and two (2) cubic feet per second per acre for commercial land use.

(2) Ditch slope.

Minimum ditch slope shall be one-tenth foot fall per one hundred (100) feet. Ditch banks shall have a maximum slope of one (1) vertical on two (2) horizontal.

(3) Ditch depth.

Minimum ditch depth shall be four (4) inches from the flow line of the ditch to the edge of the road shoulder. The maximum in any street right-of-way for ditches adjacent and parallel to any street shall be two (2) feet from the flow line of the ditch to the edge of the road shoulder. Ditches of greater depth than two (2) feet shall be enclosed in those cases.

(4) Curb and gutter streets.

The maximum distance stormwater shall run in gutters before entering an inlet is one thousand (1,000) feet. Minimum slope on gutters for asphaltic surfaced, flexible base streets shall be 0.25 percent (0.25 foot fall per 100 feet). Minimum slope on gutters for concrete streets shall be two-tenths percent. Minimum fall around a curb return shall be one-tenth foot.

(5) Minimum inlet size.

There shall be no less than 1.5 square feet of throat opening in any inlet. No more than eight hundred (800) feet of gutter shall drain into an inlet of this minimum size. Laterals discharging from such minimum size inlets shall be not less than eighteen (18) inches.

(6) Valley gutters.

Valley gutters shall not be permitted without the approval of the City Engineer and the Director of Public Works. When permitted, they shall be of concrete of not less than two-foot width on each side of the flow line (four-foot overall width).

Sections 110.52 - 110.60 Reserved.

ARTICLE IV. PRIVATE STREET DEVELOPMENTS

Section 110.61 Intent and Purpose.

(a) It is the intent and purpose of these private street regulations to:

- (1) Allow private street developments to occur within the City of Texas City on a limited and restrictive basis;
- (2) Provide for private street developments as one type of residential development mechanism to allow Texas City to continue to be competitive in the development market; and
- (3) Provide a broader variety of residential areas to meet the needs of the residents of Texas City.

(b) The location of each private street development will be subject to the approval of the City Commission on a case-by-case basis, based on, among other matters, the criteria described in this Article.

(c) The term private street shall include alleys, if provided.

Section 110.62 Design and Construction Standards.

- (a) Private streets shall be designed in accordance with the City's Comprehensive Plan, these Subdivision regulations, Design Standards, and all other applicable development standards as prescribed and utilized by the City.
- (b) The development plan shall not impede the current or future street circulation needs of the area, especially any needed collector or arterial street route, or adequate access to any adjoining tract.
- (c) All streets, alleys, sidewalks, drainage ways, water and sewer line and improvements shall be designed, placed and constructed in accordance with the General Design Standards of the City.
- (d) Name(s) of new street(s) shall not duplicate or cause confusion within the name(s) of existing street(s) unless the new street(s) are a continuation of or in alignment with existing street(s), in which the case, the name(s) of the existing street(s) shall be used.
- (e) Streets excluded.
 - (1) Streets designated on the Comprehensive Plan and the Thoroughfare Plan as an arterial or collector shall not be used, maintained or constructed as private streets.
 - (2) The Planning Board or the City Commission may deny the creation of a private street development if it makes a finding of fact, based upon the evidence provided, that it would:
 - (a) Negatively affect traffic circulation on public streets; or
 - (b) Impair access to property either on-site or off-site of the subdivision; or
 - (c) Impair access to or from public facilities including schools, parks and libraries, or
 - (d) Delay the response time of emergency vehicles; or
 - (e) Other good cause.

Section 110.63 Homeowners Association.

- (a) Residential subdivisions developed with private streets shall establish a mandatory homeowners association. The association shall own and be responsible for the maintenance of the private streets, and sidewalks. Lot deeds shall convey membership in the association and provide for deed restrictions that shall include provisions for the payment of dues and assessments required by the association, including City assessments against the association.

- (b) Every owner of a lot within the private street development shall be a member of the homeowners association.
- (c) The manager or president of the homeowners association shall be required to maintain and file a fidelity bond. The name of the association's president shall be submitted to the Public Works Department and City Engineer and updated annually.
- (d) The following notice shall appear in bold print on each deed to property in the subdivision, on the plat of the subdivision and on each contract on the sale of land within the subdivision:

Notice: The lots within this subdivision are governed by a homeowners association requiring the payments of fees. Failure to pay such fees subjects you to attachment of a lien on your property by the Association.

- (e) The association documents shall establish a reserve fund for the maintenance of streets and other improvements, and contain provisions for reliable access to provide City services and to other utility service providers with appropriate identification. The association may not be dissolved, and no portion of the association documents pertaining to this section may be amended without the written consent of the City. The deed restrictions shall expressly state this requirement.
- (f) A reserve fund balance report shall be submitted to the City Finance Director annually to ensure that adequate fund reserves are being maintained for future repairs and/or replacement costs of the private streets and sidewalks.
- (g) In the event the association fails to maintain the streets, sidewalks and streetlights in accordance with City standards, the City may repair and maintain and charge the cost to the association. If the association fails to pay for the maintenance cost, after notice to the property owners, the City may assess adjacent property owners in the manner of regular City street assessment costs. The association shall post and maintain a performance bond, in form and amount to the satisfaction of the City, to guarantee this maintenance requirement.
- (h) The homeowners association documents shall indicate that the streets are private, owned and maintained by a homeowners association and the City of Texas City has no obligation to maintain or reconstruct the private streets.
- (i) The homeowners association documents shall indicate that the City of Texas City may, but is not obligated to, inspect private streets, and require repairs necessary to insure that the same are maintained to the City's standards.
- (j) No portion of the homeowners association documents pertaining to the maintenance of the private streets shall be amended without the written consent of the City of Texas City.
- (k) The association documents shall be reviewed and approved by the City Attorney and the City Planner to ensure that they conform to this and other applicable City ordinances, and shall be filed of record prior to the approval of the final plat.

Section 110.64 Private Streets.

- (a) Private streets shall be constructed within a designated separate "private street reserve," which shall be owned by the homeowners association. Every lot shall have frontage on, and access to, said private street reserve in lieu of a public street.
- (b) An easement encompassing the private street reserve shall be granted to the City providing unrestricted use of the property for utilities and their maintenance. The right shall extend to all utility providers, including telecommunication companies operating within the City. The easement shall also provide the City with the right of access for any purpose related to the exercise of a governmental service or function, including but not limited to fire and police protection, inspection, animal control and code enforcement. The easement shall permit the City to remove any vehicle or obstacle within the private street reserve that impairs emergency access.

Section 110.65 Construction and Maintenance Cost.

- (a) The City shall not pay for any portion of the cost of constructing or maintaining a private street, sidewalk or roadside drainage.
- (b) All City regulations relating to the sharing of improvements costs shall be in accordance with Section 110-81 of this Chapter, with the exception of those applying to street construction.

Section 110.66 Utilities.

- (a) Water, sewer, drainage facilities and water meters shall be placed within the "private street reserve" and shall be dedicated to the City upon final acceptance of the subdivision by the City. Installation of approved water meters shall be required.
- (b) The location of all drainage, water and sewer improvements shall be shown on the subdivision layout prior to final approval by the City.

Section 110.67 Improvements and Inspections.

- (a) Developments proposed with private streets shall comply with Articles III and V of this Chapter.
- (b) The City may periodically inspect and take soil samples of private streets and require repairs necessary to insure emergency access and to insure that the streets are being maintained to the satisfaction of the Director of Public Works and the City Engineer.

Section 110.68 Signs.

All private traffic signs and marking shall conform to the Texas Manual on Uniform Traffic Control Devices, as approved and directed by the City. The entrances to all private streets shall be marked with a sign stating that it is a private street and that the street maintenance and liability are the responsibility of the association and not the City. Cost of signage shall be the responsibility of the association.

Section 110.69 Access Provisions.

- (a) Guard houses, access control gates and cross arms may be constructed within a "private street reserve". All restricted access entrances must be manned twenty-four (24) hours every day, or provided with an alternative means of ensuring access to the subdivision by the City, U.S. Postal, government employees in pursuit of the official duties, and other utility service providers with appropriate identification. Alternate access must be approved by fire, building inspection and police departments.
- (b) Residential access gates shall be maintained in accordance with standards approved by the Fire, Building Inspection and Police Departments to ensure continuous and unimpeded ingress and egress by emergency vehicles at all times. If the association fails to maintain reliable access as required to allow City services, the City may enter the subdivision and remove any gate or device that is a barrier to access at the sole expense of the association, as provided for in the association documents.
- (c) The subdivision shall provide a minimum of two (2) points of access, one of which may be used for emergency access only as approved by the Fire Department.

Section 110.70 Entrance Design Standards.

- (a) Any private street with an access control gate shall have a minimum uninterrupted pavement width of thirty (30) feet at the location of the access control device. All restricted access gates shall be approved by the Fire, Public Works and Police Department and meet access requirements for emergency vehicles. Entry codes for gates shall be provided to the police department and updated as necessary. Construction plans for access gates must be submitted for review and approval by the City in accordance herewith.
- (b) There shall be neither exposed gears nor overhead electrical wiring in any gate system. Electric gates shall be equipped with a single key, City-approved emergency access system designed to open and lock open both the entry and exit gates. The key switch shall be installed in a location approved by the fire department. In addition, a system key controlled "fail safe" mechanism shall be installed to allow the gate to be manually opened in the event of a power or mechanical failure. All fittings for system padlocks shall have a minimum one-half inch diameter hole. The City-approved control access system shall be operational and pass inspections of both the Chief Building Official as well as the Chief of the Fire Department before the gate may be placed in operation.

- (c) Secondary emergency access gates shall be equipped with City-approved emergency access system padlocks and shall be unobstructed at all times. These gates shall be equipped with a positive mechanical latch to lock them in the open position. All fire lane width, turning radius, setback and turnaround requirements of this Chapter shall apply to the portion of the private street where the gate is installed.
- (d) Overhead barriers shall not be allowed.
- (e) Internal storage for three vehicles shall be provided between the right-of-way line and the point of the access control device. An additional setback between the point of the access control device and the access gate shall be required to allow a vehicle that is denied access to safely turn around and exit onto a public street.
- (f) On lots adjacent to access gates, screening walls may exceed thirty (30) inches in height, up to a maximum of eight (8) feet within the front yard setback of the adjacent lot. Such wall shall be constructed of wrought iron with brick columns. Solid fencing panels shall not be allowed.

Section 110.71 Waiver of Services.

The subdivision final plat, property deeds and property owner association documents shall note that certain City services shall not be provided on private streets. Among the services that the City will not provide are: street maintenance, traffic pavement markings and signs, roadside ditch and drainage maintenance and mowing, and driveway culvert maintenance. Depending on the characteristics of the proposed development, other services may not be provided.

Section 110.72 Petition to Convert to Public Streets.

- (a) The association documents shall allow the association to request the City to accept private streets and alleys and the associated property as public streets and right-of-way upon written notice to all association members and upon the favorable vote of 51 percent of the membership.
- (b) Acceptance of the dedication of the private street shall be at the sole discretion of the City. In no event shall the City accept the dedication of a private street as public unless said street has been constructed and maintained to City standards. Should the City elect to accept a private street as public, the City may inspect the private street and assess the lot owners for the expense of needed repairs concurrent with the City's acceptance of the streets and alleys.
- (c) The City shall be the sole judge of whether repairs are needed. The City may also require, at the association's expense, the removal of guardhouses, access control devices, landscaping or other aesthetic amenities located within the street lot at the homeowners association expense.

Section 110.73 Hold Harmless.

- (a) Language shall be placed on the subdivision final plat whereby the homeowners association, as owner of the private streets and appurtenances, agrees to release, indemnify, defend and hold harmless the City, any governmental entity and public utility for damages to the private street occasioned by the reasonable use of the private street by the City, governmental entity or public utility; for damages and injury (including death) arising from the condition of said private street; for damages and injury (including death) arising out of the use by the City, governmental entity or public utility of any restricted access gate or entrance; and for damages and injury (including death) arising out of any use of the subdivision by the City, government entity or public utility.
- (b) Further, such language shall provide that all lot owners shall release the City, governmental entities and public utilities for such damages and injuries. Such language shall include the statement:

THE INDEMNIFICATION CONTAINED IN THIS PARAGRAPH SHALL APPLY REGARDLESS OF WHETHER OR NOT SUCH DAMAGES AND INJURY (INCLUDING DEATH) ARE CAUSED SOLELY BY THE NEGLIGENT ACT OR OMISSION OF THE CITY, GOVERNMENTAL ENTITY OR PUBLIC UTILITY, OR THEIR REPRESENTATIVE OFFICERS, EMPLOYEES OR AGENTS.

Sections 110.74 - 110.77 Reserved.

ARTICLE V. CONSTRUCTION PLANS AND IMPROVEMENTS

Section 110.78 General

- (a) The developer shall prepare, or have prepared, and submit the appropriate number of copies in accordance with the requirements of the City, of the complete engineering plans of streets, alleys, screening walls, curbs and gutters, storm sewers and drainage structures, and water and sanitary sewer improvements for the area covered by the plat.
- (b) The developer shall have such plans prepared by an engineer registered in the state of Texas, subject to approval of the plans by the City of Texas City. The City Engineer shall review the plans and specifications, and, if approved, shall mark them approved and return one (1) set to the developer. If not approved, the copies shall be marked with the objections noted and returned to the developer for correction.
- (c) After approval of the final construction plans and the final plat, the developer shall install the facilities in accordance with such approved plans, and these regulations. The City Engineer or his or her designee shall inspect the installation of the improvements. Such construction shall be rejected if it fails to comply with the standards and specifications contained or referred to herein and as otherwise established by the City of Texas City.

Section 110.79 Construction Plans.

- (a) No construction shall commence nor building permits issued on a site until the Engineering Plans have been approved.
- (b) Engineering plans showing details of streets, alleys, culverts, bridges, storm sewers, water mains, sanitary sewers and all engineering details, other than buildings, of the proposed subdivision shall be submitted to the City Engineer along with the final plat application of the subdivision. Such plans shall be prepared by an engineer registered in the state of Texas, and shall conform to the Design Standards of the City of Texas.
- (c) Streets, alleys, sidewalks, and monuments.

Copies of plans and profiles of all required streets, alleys, sidewalks, crosswalk ways and monuments shall be provided. The right-of-way and paved width of all streets and street names shall be shown, including their top of curb grade and distances with the elevations indicated at all intersections and grade breaks. Such plans shall show the location of all proposed curbs and gutters.

- (d) Sanitary sewer lines.

Copies of plans and profiles of proposed sanitary sewer lines, indicating depths and grades of lines, shall be provided. Minimum two (2) foot contour intervals, the location and dimensions of existing sanitary sewer lines, manholes, and the location and size of existing mains to which the system will be connected shall be shown.

- (e) Water lines.

- (1) Copies of plans for all water lines in public property, valves and fire hydrants shall be provided. Minimum two (2) foot contour intervals, the location and size of existing water lines, valves and fire hydrants, and the location and size of existing mains to which the system will be connected shall be shown.
- (2) When a separate water system is planned, or when connection to a water system other than to the City water system is proposed, copies of the plans and specifications, including fire hydrants, of such system shall be provided.

- (f) Drainage.

- (1) Copies of the proposed plan and profiles, indicating minimum two (2) foot contours based on City datum shall be submitted to the City Engineer and utility companies. All street widths and grades shall be indicated on the plans, and runoff figures shall be indicated on the outlet and inlet side of all drainage ditches, storm sewers and at all points in the street at changes of grade or where the water enters another street storm sewer or drainage ditch. Drainage easements shall indicate width.
- (2) A general location map of the subdivision showing the entire watershed.

- (3) Calculations shall show the anticipated storm water flow, including watershed area, runoff co-efficient, time of concentration, and intensity. When a drainage ditch or storm sewer is proposed, calculations showing the basis for design shall be submitted to the City Engineer;
- (4) When a drainage channel or storm sewer is proposed, complete plans, profiles, cross sections, grades and specifications shall be submitted, showing complete construction details.

Section 110.80 Survey Monuments

- (a) In all subdivisions and additions, except in an Amending Plat or a Vacating Plat, all block and lot corners shall be established and set. All corners, except those comprising the perimeter of the subdivision, shall consist of iron rods of a diameter and set at a depth below the finished grade as prescribed by the City.
- (b) Perimeter markers shall be monuments set in accordance with Design Standards of the City of Texas City

Section 110.81 Payment of Improvement Costs.

- (a) On-site improvements.

The subdivider shall bear the costs of all improvements inside his subdivision as required by this Chapter. If the City requires improvements of greater size, capacity, depth or other requirements beyond the needs of the subdivision in question, the City shall bear the cost of the additional requirements.

- (b) Off-site improvements.

It is the general intent of the City to extend City utilities to subdivisions to the extent that the City Commission feels it is economically justified or otherwise in the best interest of the City.

- (c) Street improvements.

The subdivider shall improve all streets leading to and from his subdivision. Streets forming part of the boundary of the subdivision (adjacent) shall be improved as required in Section 110-41. Where the City requires oversize pavement beyond the needs of the subdivision, it shall bear the additional cost.

- (d) Drainage improvements.

The subdivider shall pay for all off-site improvements required by his subdivision, with the City paying for the additional costs of oversize facilities it requests.

Section 110.82 Inspection.

- (a) The City shall be given opportunity to inspect all phases of the construction of improvements for subdivisions. The subdivider, or his contractor, shall maintain daily contact with the City Engineer and Director of Public Works during construction of improvements.
- (b) No sanitary sewer, water or storm sewer pipe shall be covered without approval of the City Engineer and the Director of Utilities. No concrete shall be poured for streets, structures or curbs and gutters without their approval. No flexible base material shall be placed on the street subgrade, or asphaltic surface applied to the flexible base of a street, without such approval.

Section 110.83 Engineer's Certificate.

Upon the completion of construction of the street or alley, a certificate shall be provided, signed by the subdivision's engineer, who shall be registered in the State of Texas, that any and all improvements constructed in the subdivision have been completed in accordance with the approved construction plans, and that all monuments and lot markers have been properly located and placed in accordance with this Chapter.

Sections 110.84 - 110.90 Reserved.

ARTICLE VI. LEGAL PROVISIONS

Section 110.91 Penalty for Violation.

Any person or corporation who violates any of the provisions of this Chapter, or fails to comply herewith, or with any of the requirements hereof, or who shall build or alter any building or use in violation of any plan or plat submitted and approved hereunder, shall be guilty of a misdemeanor and shall be liable for a fine of not more than two thousand dollars (\$2,000.00), and each day or portion thereof such violation shall exist shall constitute a separate offense. The owner or owners of any building or premises or part thereof, where anything in violation of this Chapter shall be placed or shall exist, and any architect, builder, contractor, agent, person or corporation employed in connection therewith, and who may have assisted in the commission of any such violation, shall be guilty of a separate offense and upon conviction shall be fined as herein provided.

Section 110.92 Severability.

If any section, clause, paragraph, sentence or phrase of this ordinance shall, for any reason, be held to be invalid or unconstitutional, such invalid section, clause, paragraph, sentence or

phrase is hereby declared to be severable; and any such invalid or unconstitutional section, clause, paragraph, sentence or phrase shall in no way affect the remainder of this ordinance; and it is hereby declared to be the intention of the City Commission that the remainder of this ordinance would have been passed notwithstanding the invalidity or unconstitutionality of any section, clause, paragraph, sentence or phrase thereof.”

SECTION 3: Fees as prescribed in the Fee Schedule attached as Exhibit A shall be paid to the City for the benefit of the City by any applicant requesting approval of any plan of a subdivision or re-subdivision of property within the City, at the time the application is made, to in part compensate the city for its expense in processing the application. The Fee Schedule may be amended from time to time by the City Commission by Resolution or action item.

SECTION 4: That all ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed. In the event any section, clause, sentence, paragraph, or part of this Ordinance shall be for any reason adjudged by any court of competent jurisdiction to be invalid, such invalidity shall not affect, invalidate, or impair the remainder of this Ordinance.

SECTION 5: That this Ordinance shall be read on three (3) separate days and shall become effective upon its final reading, passage, and adoption.

SECTION 6: That this Ordinance shall be finally passed upon the date of its introduction and shall become effective from and after its passage and adoption and publication by caption only in the official newspaper of the City.

PASSED ON FIRST READING this 16th day of September, 2009.

Matthew T. Doyle, Mayor
City of Texas City, Texas

ATTEST:

Pamela A. Lawrence
City Secretary

PASSED ON SECOND READING this 7th day of October, 2009.

Matthew T. Doyle, Mayor
City of Texas City, Texas

ATTEST:

Pamela A. Lawrence
City Secretary

PASSED AND FINALLY ADOPTED this 21st day of October, 2009.

Matthew T. Doyle, Mayor
City of Texas City, Texas

ATTEST:

Pamela A. Lawrence
City Secretary

APPROVED AS TO FORM:

Ronald F. Plackemeier
City Attorney

Exhibit A

FEE SCHEDULE

EFFECTIVE 10/21/09

Fees

A filing fee as prescribed in the schedule below shall be paid to the City for the benefit of the City by any applicant requesting approval of any plan of a subdivision or resubdivision of property within the City, at the time the application is made, to in part compensate the city for its expense in processing the application.

Schedule of Fees

- | | |
|------------------------------|---|
| 1. Subdivision Master Plan | \$10.00 per acre or a portion thereof up to a maximum of \$1,000.00 |
| 1. Preliminary Plat: | \$100.00, plus \$5.00 per lot |
| 2. Final Plat and Replat | \$100.00, plus \$5.00 per lot |
| 3. Amending Plat | \$100.00 |
| 4. Minor Plat | \$100.00 |
| 5. Any other Plats | \$100.00 |
| 6. Right-of-Way Abandonment: | \$300.00 |

Amendment to Zoning Ordinance Section 40-58(e)

CITY COMMISSION AGENDA 2

Date: 09/16/2009

Submitted By: Linda Jennings, City Attorney Office

Submitted For: Don Carroll

Department: Planning

Agenda Area: Regular Items

Information

ACTION REQUEST (Brief Summary)

Consider proposed amendment to the Zoning Ordinance, Amending Section 40-58(e).

BACKGROUND

This proposed request was given approval shown in the Planning Board minutes of April 20, 2009, May 18, 2009 and the Zoning Commission minutes of May 5, 2009, May 19, 2009 and July 7, 2009. It is ready to go before the City Commission for final disposition. Section 40-58 Accessory Buildings, 40-58(e) Any metal shipping containers used as an accessory building in a district that is zoned for commercial use not to exceed 24 months, containers allowed within the approved zoning districts shall be located within the rear one-half of the lot or must adhere to the established performance standards for the zoning district.

ANALYSIS

ALTERNATIVES CONSIDERED

Fiscal Impact

Attachments

Link:

Ord
09-30

ORDINANCE NO. 09-30

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF TEXAS CITY, APPENDIX A (ZONING), BY AMENDING SECTION 40-58(e); PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT THEREWITH; PROVIDING A SEVERABILITY CLAUSE; DISPENSING WITH THE REQUIREMENT FOR READING THIS ORDINANCE ON THREE (3) SEPARATE DAYS; AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE FROM AND AFTER ITS PASSAGE AND ADOPTION AND PUBLICATION BY CAPTION ONLY IN THE OFFICIAL NEWSPAPER OF THE CITY.

WHEREAS, the City of Texas City, Texas, is a home-rule city; and,

WHEREAS, the City of Texas City, Texas, seeks to amend The Code of Ordinances of the City of Texas City, Appendix A (Zoning), by amending Section 40-58(e);

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF TEXAS CITY, TEXAS:

SECTION 1: That **The Code of Ordinances of the City of Texas City, Texas**, Appendix A (Zoning), is amended by deleting the previous Section 40-58(e) and replacing as follows:

~~(e) — Any metal shipping containers used as an accessory storage building in a district that is zoned for commercial use ("O P", "D", "D 1" "E", "E 1", "E 2", "E 3", "E 4", "F", "F 1", "G", "G 3", "LGBD) shall be located on the rear one half of the lot. The minimum distance between detached structures shall comply with the requirements of the zoning district the container will be located within. The building set backs will also comply to that particular zoning district. Metal shipping containers shall not be visible to any public street and screening will be required per section 40-59 and section 40-92.~~

(e) — Any metal shipping containers used as an accessory building in a district that is zoned for commercial use (zoning districts being "F", "F-1", "G", "H" and/or within construction site areas) not to exceed 24 months. The containers allowed within the approved zoning districts shall be located within the rear one-half of the lot or must adhere to the established performance standards for the above referenced zoning districts.

SECTION 2: It is hereby declared to be the intention of the City Commission that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable.

SECTION 3: That it is further provided that, in the event any section, clause, sentence, paragraph or part of this Ordinance shall be for any reason adjudged by any court of competent jurisdiction to be invalid, such invalidity shall not affect, invalidate, or impair the remainder of this Ordinance.

SECTION 4: That all ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 5: That the Charter requirement for reading this Ordinance on three (3) separate days has been dispensed by a majority vote of all members of the City Commission.

SECTION 6: That the City Secretary is hereby directed, in accordance with Article III of the City Charter, to publish this ordinance, by caption only, in one issue of the official paper, and obtain proof of such publication made by the printer or publisher of such paper. An affidavit made by said printer or publisher before some officer authorized by law to administer oaths, and filed with the person performing the duties of city secretary shall be prima facie evidence of such publication and promulgation of such ordinance in courts of the state. The ordinance so published shall take effect, and be in force, from and after ten days after publication thereof, unless otherwise expressly provided.

PASSED AND ADOPTED this 16th day of September, 2009.

Matthew T. Doyle, Mayor
City of Texas City, Texas

ATTEST:

APPROVED AS TO FORM:

Pamela A. Lawrence
City Secretary

Ronald F. Plackemeier
City Attorney