

**ORDINANCE NO. 674**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST COLUMBIA, TEXAS AMENDING CHAPTER 17, "SUBDIVISIONS" OF THE CITY OF WEST COLUMBIA CODE OF ORDINANCES; AMENDING RULES GOVERNING PLATS AND SUBDIVISIONS OF LAND; PROVIDING AN EFFECTIVE DATE; AND MAKING OTHER PROVISIONS RELATED TO THE SUBJECT.**

**WHEREAS**, the City Council desires to adopt and amend rules for plats under Chapter 212 of the Texas Local Government Code; and

**WHEREAS**, after a public hearing, the City Council desires to adopt the following amendments to its rules governing plats and subdivisions of land within the City's corporate limits and extraterritorial jurisdiction;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST COLUMBIA, TEXAS THAT:**

**Section 1.** Chapter 17, "Subdivisions," of the City of West Columbia Code of Ordinances is amended to read as follows.

**"CHAPTER 17 – SUBDIVISIONS**

**Sec. 17-1. – Authority; Applicability.**

This chapter is adopted under the authority of the constitution and laws of the state, including particularly, Local Government Code Ch. 212 and applies to all subdivisions of land within the City or the City's ETJ, except in those areas of the City's ETJ where the City and Brazoria County have agreed that only County subdivision regulations shall apply.

- A. *Subdivision plat, amending plat, or replat required.* A subdivision plat is required for the following purposes:
  - 1) To combine lots or tracts;
  - 2) To subdivide land to divide a lot or tract into two or more parcels;
  - 3) To amend a previously recorded Plat; or
  - 4) To correct errors on an approved and recorded Plat.
- B. *General Plan Required.* Where the proposed subdivision constitutes a unit of a larger tract owned by the subdivider, which is intended to be subsequently subdivided as additional units of the same subdivision, the submission of any plat shall be accompanied by a layout of the entire area, showing the tentative proposed layout of streets, blocks, drainage, parks, community or public amenities and other improvements for such areas.
- C. *Infrastructure Construction Plans.* In addition, development that requires construction of new facilities shall require infrastructure construction plans.
- D. *Drainage Plans.* All plats shall require a drainage plan prepared by a state licensed engineer that complies with applicable regulations, as adopted and amended by the City from time to time or the authority having jurisdiction over such plans.

E. *Previously platted lots.* Where a lot having less area, width or depth than herein required existed, the plats of which have been approved and recorded as of November 8, 1976, the regulations relating to the size of the lot in this Chapter shall not prohibit the erection of a single-family dwelling thereon.

**Sec. 17-2. - Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Any office referred to in this chapter by title means the person employed or appointed by the city in that position, or that person's duly authorized representative. Definitions not expressly prescribed in this chapter are to be construed in accordance with customary usage in municipal planning and engineering practices.

*Alley* means a minor unimproved public right-of-way, not intended to provide the primary means of access to abutting lots.

*Building setback line* means a line on a plat generally parallel to the street right-of-way, indicating the limit beyond which buildings or structures may be erected and the area between a street right-of-way and the building setback line within which no structure may be permitted.

*Development* means the new construction or the enlargement of any exterior dimension of any building, structure or improvement, or the application for any building permit.

*Engineer* means a person duly authorized under Texas State law to practice the profession of engineering.

*Extraterritorial jurisdiction* or *ETJ* means the City's extraterritorial jurisdiction as determined under Chapter 42 of the Texas Local Government Code.

*General Plan* means an application submitted to the City Manager in accordance with this Chapter for approval of the layout of an entire tract owned by one subdivider intended to be divided into lots in phases, showing the proposed layout of streets, blocks, drainage, parks, and community and public amenities for the entire tract. The following may be submitted as supporting documents, but are not themselves a general plan: drainage plans, building construction plans or infrastructure construction plans.

*City manager* means the City manager or the City manager's designee.

*Infrastructure construction plan* means a complete application that does not include a plat submitted to the City Manager in accordance with this Chapter for approval of a detailed construction plan, signed and sealed by an engineer, for one or more types of public infrastructure intended to be dedicated to the City upon completion of construction, including but not limited to: streets, water, wastewater, storm sewer and drainage facilities.

*Lot* means an undivided tract or parcel of land having frontage on a public street and which is or in the future may be offered for sale, conveyance, transfer or improvement; which is designated as a distinct and separate tract; and which is identified by a tract or lot number or symbol in a duly approved subdivision plat which has been properly filed of record.

*Plan* means a complete application submitted to the City Manager in accordance with this Chapter for approval of a general plan.

*Plat* means an application consisting of all of the following submitted to the City Manager in accordance with this Chapter for approval of a subdivision plat, development plat, amending plat or replat: (i) a plat that complies with Chapter 212 of the Texas Local Government Code, in the form required for recording in the county real property records, if applicable; (ii) the applicable filing fee; and (ii) a completed application for plat approval on the form proscribed by the City.

*Street* means a public right-of-way, however designated, that provides vehicular access to adjacent land. Streets shall be categorized as arterial, collector, marginal-access, or minor streets as designated by the city's comprehensive plan or major street plan.

- (1) An arterial street primarily provides vehicular circulation to various sections of the city.
- (2) A collector street primarily provides circulation within neighborhoods, to carry traffic from minor streets to arterial streets, or to carry traffic through or adjacent to commercial or industrial areas.
- (3) A marginal-access street 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.
- (4) A minor street is one used primarily for access to abutting residential property.

*Subdivider* means any person that owns the land sought to be subdivided or any agent of the property owner dividing or proposing to divide land so as to constitute a subdivision.

*Subdivision* means a division of any tract of land, situated within the corporate limits or ETJ of the City, into two or more parts for the purpose of laying out any subdivision of any tract of land or any addition to the City, or for laying out suburban lots, building lots, or any other lots, or to lay out any street, alley, park or other parts of the tract intended for public use or the use of purchasers or owners of lots fronting thereon or adjacent thereto. Subdivision includes resubdivision; but it does not include the division of land for agricultural purposes in parcels or tracts of five acres or more and not involving any new street, alley, easement of access, or public improvement.

*Surveyor* means a licensed state land surveyor or a registered public surveyor, as authorized by state statutes to practice the profession of surveying.

*Utility easement* means an interest in land granted to the city, to the public generally, and/or to a private utility corporation, for installing or maintaining utilities across, over or under private land, together with the right to enter on the land with machinery and vehicles necessary for the maintenance of the utilities.

### **Sec. 17-3. – Submittal requirements and approval criteria.**

Only complete applications may be filed with the City Secretary on behalf of the City Council. All complete plat and general plan applications submitted to the City Secretary during regular city business hours on or before the tenth day prior to the next regularly scheduled City Council meeting shall be denied, approved, or approved with conditions by the City Council at their next regularly scheduled meeting; provided, however, complete plat or general plan applications submitted on or after the ninth day prior to the next regularly scheduled City Council meeting shall be filed for consideration at the next regularly scheduled or special called City Council meeting within 30 days of the date the complete plat or general plan application is submitted.

- A. *Plats*. An application for plat approval must include all of the following applicable to the plat in order to be approved:
- (1) A completed application on the form prescribed by the City;
  - (2) The applicable filing fee;
  - (3) Approved infrastructure construction plans;
  - (4) Permit for floodplain development in accordance with Section 8-6, if required;
  - (5) Groundwater availability certification, if required;
  - (6) Tax certificates indicating that all taxes on the property being platted have been paid;
  - (7) A signed order granting one or more variances, if any are required;
  - (8) A signed ordinance granting one or more zone changes, if any are required;
  - (9) A signed and approved general plan, if one is required;
  - (10) Copy of any federal or state approval required prior to commencement of development (ex. army corps of engineers dredge and fill permit);
  - (11) Performance guarantee, in accordance with Section 17-9, or certificate of acceptance signed by building official/director of public works showing accepted infrastructure; and
  - (12) *For any subdivision plat, amended plat, or replat*: one hardcopy and one electronic copy in pdf format of the plat as prepared and signed by an engineer or surveyor, together with the original, drawn on sheets 24 inches wide and 36 inches long for the hardcopy, with a binding margin of not less than two inches on the left side of the sheet and margins on the other three sides of not less than one inch, to a scale of 100 feet to one inch, including all of the following:
    - a) Names and addresses of the subdivider, all record owners, engineer and/or surveyor;
    - b) Proposed name of the subdivision, which shall not have the same spelling as or be pronounced similar to the name of any other subdivision located within the county;
    - c) Names of contiguous subdivisions and the owners of contiguous parcels of unsubdivided land, and an indication of whether or not contiguous properties are platted;
    - d) Description, by metes and bounds, of the subdivision;
    - e) Primary control points or descriptions, and ties to such control points to which all dimensions, angles, bearings, block numbers and similar data shall be referred.
    - f) Subdivision boundary lines, indicated by heavy lines, and the computed acreage of the subdivision;
    - g) The exact location, dimensions, name and description of all existing or recorded streets, alleys, reservations, easements or other public rights-of-way, within the subdivision, intersecting or contiguous with its boundaries or forming such boundaries;
    - h) The exact location, dimensions, description and name of all existing or recorded residential lots, parks, public areas, permanent structures and other sites within or contiguous with the subdivision;
    - i) The exact location, dimensions, description and name of all proposed streets, alleys, drainage structures, parks, other public areas, reservations, easements or other rights-of-way, blocks, lots and other sites within the subdivision.
    - j) Date of preparation, scale of plat and north arrow;
    - k) Topographical information which shall include contour lines on a basis of five vertical feet in terrain with a slope of two percent or more, and on a basis of two vertical feet in terrain with a slope of less than two percent;
    - l) A number or letter to identify each lot or site and each block;
    - m) Location of city limits line, the outer border of the city's extraterritorial jurisdiction, and

- zoning district boundaries, if they traverse the subdivision, form part of the boundary of the subdivision, or are contiguous to such boundary;
- n) Vicinity sketch or map at a scale of not more than 600 feet to an inch, which shall show existing subdivisions, streets, easements, rights-of-way, parks and public facilities in the vicinity, the general drainage plan and ultimate destination of water, and possible storm sewer, water, gas, electric and sanitary sewer connections by arrows;
  - o) A duly executed acknowledgement on the face of the plat of the owners or proprietors of the land or some duly authorized agent of said owners or proprietors in the manner required for the acknowledgment of deeds;
  - p) An engineer's or surveyor's certification which shall be substantially the following form: "This is to certify that I, \_\_\_\_\_, a registered engineer (or licensed surveyor) of the State of Texas, have platted the above subdivision from an actual survey on the ground, and that all block corners, angle points and points of curve are properly marked with three-fourths (3/4) inch galvanized iron rod, three (3) feet long set with the head flush with the ground or sidewalk encased in a six (6) inch square concrete monument at least one foot deep; that this plat correctly represents that survey made by me.";
  - q) A place for approval of the City Council which shall be substantially the following form: "We hereby certify that the above and foregoing Plat of \_\_\_\_\_ Subdivision, was approved by the City Council of the City of West Columbia, Texas, on the \_\_\_\_\_ day of \_\_\_\_\_, A. D., 20\_\_\_\_.";
  - r) If the plat contains any public or utility easements or any public right-of-way, a dedication in substantially the following form:
 

"The State of Texas; County of Brazoria;

I (or We), (name(s) of owner(s) or in the case of corporations, name of "president and secretary" respectively of "name of company") owner (or owners) of the property subdivided in the above and foregoing map of the (name of subdivision), do hereby make subdivision of said property (in case of corporation, use words "for and on behalf of said/name of company"), according to the lines, streets, alleys, parks, and easements therein shown, and designate said subdivision as (name of subdivision) in the \_\_\_\_\_ survey, Brazoria County, Texas; and (in case of corporation, use words "on behalf of said (name of company); and dedicate to public use, as such, the streets, alleys, parks, and easements shown thereon forever; and do hereby waive any claims for damages occasioned by the establishing of grades as approved for the streets and alleys dedicated, or occasioned by the alteration of the surface of any portion of streets or alleys to conform to such grades and do hereby bind myself (or ourselves), my (or our) successors and assigns to warrant and forever defend the title to the land so dedicated. There is also dedicated for utilities and public use an obstructed easement \_\_\_\_\_ feet wide from a plane \_\_\_\_\_ feet above ground upward located as shown hereon.";
  - s) If there is a lien against the property, the following statement shall be included on the plat or a separate instrument may be submitted with the plat in the form required for filing in the County public property records by the County Clerk:
 

"I, (or We), (name of mortgagees), owner(s) and holder(s) of a lien(s) upon said property do hereby ratify and confirm said subdivision and dedication and do hereby in all things subordinate to said subdivision and dedication the lien(s) against said landowner and held by me (us)." Signature(s) of lienholder(s) to appear below that of owner's and to be duly acknowledged.

B. *Plans*. An application for approval of a plan must include all of the following applicable to the plan in order to be approved:

- (1) A completed application on the form prescribed by the City;
- (2) The applicable filing fee;
- (3) A signed order granting one or more variances, if any are required;
- (4) A signed ordinance granting one or more zone changes, if any are required;
- (5) Performance guarantee, in accordance with Section 17-9, or certificate of acceptance signed by building official/director of public works showing accepted infrastructure; and
- (6) one hardcopy and one electronic copy in pdf format of the plan;
- (7) *For any general plan* - A labeled plan illustrating the proposed road layout, parks, drainage easements, detention ponds, green spaces, and any other community or public amenities or facilities for all property under common ownership or intended to be part of a larger development;
- (8) *For any Infrastructure construction plan (streets, water, wastewater, and storm water, facilities)* – a plan or plans complying with Chapters 4, 7, 8, 15, 16, and 19 of the City Code, as applicable and as adopted and amended by the City Council from time to time; and
- (9) Any other documentation required to verify compliance with City Code provisions applicable to the plan submitted.

#### **Sec. 17-4. – Design Criteria.**

Any plan or plat submitted under this Chapter shall comply with the design criteria of this Section and Chapters 4, 7, 8, 15, 16, and 19 of the City Code.

A. *Streets and alleys*. The street pattern of a neighborhood should provide adequate circulation within the subdivision and yet discourage excessive through traffic on minor or local streets. The arrangement, character, extent, width, grade, and locations of all streets shall conform to the comprehensive plan and shall be considered in their relation to existing and planned streets, to topographical conditions, to public safety and convenience, and in their appropriate relation to the proposed uses of the land to be served by such streets. If any portion of a collector or major street, as shown in the major street plan adopted as a part of the comprehensive plan, traverses any part of the land being subdivided, that portion of the major or collector street as planned at the proposed right-of-way width shall be incorporated in the subdivision plan and shall be dedicated to the appropriate government. The street layout shall be devised for the most advantageous development of the entire neighborhood development and shall conform to connecting streets in land adjacent to the new subdivision. Provision shall be made within the subdivision to provide street access to adjacent undeveloped acreage in such a way as to assure adequate circulation for future development. Dead-end streets and those which do not conform to adjacent established streets are to be avoided whenever possible. Where a subdivision abuts or contains an existing or proposed major street (as indicated in the comprehensive plan or separately adopted part thereof), reverse frontage lots may be required. When reverse frontage lots are required, access shall be denied to the major street, and screen planting or a screening device shall be required along the rear property line abutting such existing or proposed major street. Paved alleys shall be provided in commercial and industrial developments, except where other definite and assured provision is made for service access, such as off-street loading, unloading, and parking consistent with and adequate for the uses proposed. The street system layout shall be so designed insofar as practicable to preserve natural features such as trees, brooks, hilltops, scenic views and other features. The street system layout

- shall provide for the acceptable disposal of storm water.
- B. *Right-of-way requirements.* All industrial and commercial streets shall have a minimum right-of-way width of seventy (70) feet. All residential streets shall have a minimum right-of-way width of sixty (60) feet, with fifty-foot width exceptions granted streets with an ultimate length of less than seven hundred (700) feet, where the plat is inside the city limits and where only single-family residential lots abut such streets. Where proposed streets are extensions of existing or planned streets designated in the comprehensive plan, or revisions thereto, having a right-of-way width greater than sixty (60) feet, the proposed streets shall be the same width as the existing or planned streets. Alleys, where provided, shall not be less than twenty (20) feet wide. Intersecting alleys shall have corner cut-offs of at least twenty (20) feet on a side. Alleys with only one (1) point of access shall have a turnaround with a minimum radius of twenty (20) feet at their closed ends.
- C. *Curves.* Secondary streets shall have a minimum centerline radius of six hundred (600) feet or more for reverse curves. Minimum tangent between points of curvature shall be fifty (50) feet.
- D. *Offsets.* Street offsets must be offset a minimum distance of one hundred twenty-five (125) feet on centerline. Offset distance shall be indicated on the final plat.
- E. *Intersections.* All streets and alleys are to intersect at a ninety-degree angle with variations of ten (10) degrees subject to approval upon evidence of good cause. Acute angle intersections approved by the City Council are to have thirty-foot radii at acute corners. Street or alley intersections with or extending to meet an existing street or alley will be tied to the existing street or alley on centerline, with dimensions and bearings to show relationship.
- F. *Cul-de-sac streets.* Cul-de-sacs shall conform to the following:
- (1) Turnarounds are to have a minimum right-of-way radius of fifty (50) feet for single-family use and sixty (60) feet for apartment, commercial or other uses.
  - (2) Maximum length of cul-de-sac streets shall be one thousand (1,000) feet for single-family developments and eight hundred (800) feet for multifamily and commercial developments.
  - (3) Temporary turnarounds, conforming to the minimum radii requirements, are to be used where curb and gutter are not installed at the end of a street more than four hundred (400) feet long which will be extended in the future. (The following note shall be provided on the final plat when a temporary turnaround is used: "Cross-hatched area is temporary easement for turnaround until street is extended (direction) in a recorded plat.")
- G. *Partial or half-streets.* Partial or half-streets shall conform to the following:
- (1) Partial or half-streets should be avoided but may be provided inside the city limits where a street should be located on a property line to permit reasonable development and conform to the City's comprehensive plan.
  - (2) Any such dedication of a partial or half-street shall require that the following note be shown on the final plat: "This \_\_\_-foot strip is dedicated as an easement for all utility purposes including storm and sanitary sewers and shall automatically become dedicated for street purposes when and insofar as a \_\_\_\_\_-foot strip adjacent to it is so dedicated."
  - (3) Whenever a partial or half-street has already been provided adjacent to a tract to be subdivided, the remaining half or width necessary to meet the minimum requirements for full right-of-way shall be platted within such subdivision.
- H. *Provisional reserves.* A provisional one-foot reserve may be used along the side or end of streets and

along the side of partial or half-streets that abut undeveloped acreage tracts; when used, the following note shall be shown on the face of the final plat : "A one-foot strip is reserved as a buffer separation along and between the side or end of all streets in this subdivision plat where such streets abut adjacent tracts. At such time as the adjacent property is subdivided in a recorded plat, the one-foot reserves at such locations that abut land in adjoining tracts that has been dedicated to the public for street right-of-way purposes and is shown for such purpose on a recorded plat shall thereupon become vested in the public for street right-of-way purposes."

- I. *Street names.* The names of proposed streets shall conform to the names of existing streets of which they may be or become extensions, or shall not duplicate or conflict with the recognized name of any other street located in the area subject to these regulations.
- J. *Drainage Easements.* Where conditions require, there shall be provided a storm water drainage easement adequate for the purpose, as determined by the city engineer in accordance with the comprehensive plan or separately adopted part thereof. Where such easement is adjacent to lots, tracts, or reserves, the easement shall be noted on the face of the final plat as follows: "This easement shall be kept clear of fences, buildings, planting, and other obstructions to the operation and maintenance of the drainage facility, and abutting property shall not be permitted to drain into this easement except by approved means."
- K. *Utility Easements.* Easements for utilities shall meet the following requirements:
  - (1) When not located in alleys having a width of not less than twenty (20) feet, the location and width of other necessary utility easements shall be determined by the public and private utility companies and shall connect with easements established in adjoining properties. Each easement shall be shown on the plat and appropriately dedicated and in no event shall be less than twenty (20) feet in width.
  - (2) There also shall be shown on the plat and dedicated for utilities unobstructed aerial easements and guy wire easements as shall be required by any utility provider.
  - (3) Easements as set forth in any applicable city, county or regional plan for the location of future infrastructure facilities shall be provided and indicated upon the plat.
- L. *Block length.* Maximum block length for single-family residential development shall be one thousand (1,000) feet, measured along the center of the block, unless the lots are larger than the minimum required lot size or part of a cluster development in accordance with Section 17-4M.(5), in which case the maximum block length shall not exceed two thousand (2,300) feet.
- M. *Lots.*
  - (1) Rear and side driveway access to major thoroughfares or freeways shall be prohibited.
  - (2) Double frontage lots are prohibited except when they back on major thoroughfares or freeways.
  - (3) Residential (one and two-family dwelling) lots shall meet the following minimum requirements unless provided otherwise by City zoning regulations or Section 17-4M.(5) applicable to cluster developments:
    - (i) Minimum width at building setback lines, fifty-five (55) feet.
    - (ii) Minimum width at front lot line, forty (40) feet.
    - (iii) Minimum area of lots within city limits, five thousand (5,000) square feet.
    - (iv) Minimum length of lots shall be one hundred (100) feet except lots facing or backing on a major thoroughfare or freeway shall be not less than one hundred twenty (120) feet deep.
    - (v) Building setback line shall not be less than twenty-five (25) feet from a front lot line and ten (10) feet from a side lot line that is also a street right-of-way line on a corner

lot. Building setback lines in single-family and two-family dwelling subdivisions shall be not less than seven and one-half (7 1/2) feet from a side lot line, and in the case of subdivisions shall be so noted on the plat. Building setback lines for apartment or multifamily developments shall be not less than ten (10) feet from any side or rear lot lines. Such shall be noted on all plats as a condition to the use of any portion of the property for multifamily or apartment purposes. Building setback lines for lots in cluster developments shall not be less than ten (10) feet from any street. If proposed subdivision is a townhouse development where community sidewalls are to connect adjoining structures on separate lots, no side yard is required. The minimum setback line for a townhouse lot shall be ten (10) feet.

- (vi) *Septic tanks.* If a residential subdivision outside the city limits proposed to contain only single-family dwelling units is not to be served by a public sanitary sewer system and septic tanks are to be used, lot sizes shall be adequate to accommodate the size of drain field as necessary because of soil type to effectively absorb the effluent without creating a health hazard or a nuisance. The minimum reasonable lot sizes shall be for each proposed development, as set forth by the city engineer, but in no event shall the minimum lot size be less than seven thousand (7,000) square feet. Septic tanks may not be used for any development or structure other than for detached single-family dwellings.
- (4) *Multifamily, condominiums and apartments:* No lot to be used for multifamily, condominium or apartment purposes shall contain an area of less than six thousand (6,000) square feet plus an additional one thousand five hundred (1,500) square feet for each dwelling unit in excess of two (2) dwelling units within structures to be constructed or occupied upon such a lot. Each plat shall contain a restriction in accordance with the above. Setbacks shall be the same as those required for residential lots unless otherwise provided by City zoning regulations.
- (5) *Cluster developments.* A development consisting of at least 15 lots subdivided from the same tract or adjacent tracts may be subdivided in accordance with this Section in order to facilitate cohesive community development for the surrounding area. Each lot:
- (i) Must be served by an approved sanitary sewer;
  - (ii) Minimum width at front lot line, thirty (30) feet;
  - (iii) Minimum width at building setback line, fifty (50) feet;
  - (iv) Building setback line shall not be less than twenty (20) feet from a front lot line, ten (10) feet from a rear lot line, and five (5) feet from a side lot line;
  - (v) Lots may be of various sizes and widths, but in no event may the minimum area of an individual lot be less than four thousand five hundred (4,500) square feet;
  - (vi) Minimum number of lots in cluster development, fifteen (15), and the lots must be part of a cohesive subdivision (i.e. they cannot be spread out in different locations within the City);
  - (vii) Minimum length of lots shall be eighty (80) feet except lots facing or backing on a major thoroughfare or freeway shall be not less than one hundred (100) feet deep;
  - (viii) Provided: (1) sufficient utility easements are provided to allow installation of water, wastewater, electric, drainage, storm water, and other utilities to be installed by the utility providers as determined by each utility provider, and (2) sufficient roadways are provided to handle the anticipated traffic of the area and in compliance with the City's comprehensive plan, then the Council may approve rights-of-way in all or a

portion of a cluster development that are less than sixty feet (60') in width, but in no event shall any platted or required right-of-way be less than fifty feet (50') in width; and

- (ix) Within all cluster developments platted within a forest or adjacent to a lake, stream, bayou, or beach, the area that shall be dedicated for public open space purposes shall be an area within the forest or adjacent to the lake, stream, bayou, bay or beach.

(6) *Lots adjacent to or on floodplains.* Lots adjacent to the floodplain shall be so arranged so as to place rear or side yards adjacent to the floodplain except on lots over an acre. Lots for residential uses shall not be platted within an existing or natural floodplain, tidal marsh or swamp of an area less than one-half acre each and unless restricted in the private restrictions to be recorded with the plat to prohibit residential use of any structure unless that structure is constructed so that the lower floor thereof is not less than one (1) foot in elevation above the elevation of the floodplain as such elevation may have been established by the United States Corps of Engineers, United States Geological Survey or the United States Department of Agriculture. Lots for recreational, commercial or industrial purposes in tracts of twenty-five (25) acres or more may be platted in the floodplain if the city planning commission finds that such subdivision would not increase the flood potential of this area or adjacent areas to these tracts.

#### **Sec. 17-5. – Consideration of certain plats and plans delegated to city manager.**

A. The city manager or city manager's designee may approve the following:

- (1) Amending plats described by Local Government Code, § 212.016;
- (2) Minor plats 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;
- (3) Replats under Local Government Code § 212.0175 that do not require the creation of a new street or the extension of municipal facilities;
- (4) Drainage plans;
- (5) Infrastructure construction plans; and
- (6) Resubmissions under Section 17-10.

B. The city manager shall submit any plat which they disapprove to the City Council to approve, approve with conditions or disapprove.

#### **Sec. 17-6. – Consideration of plats and general plans by City Council.**

Within 30 days after the completed application for a plat or general plan is filed with the City Manager, the City Council shall approve, approve with conditions, or disapprove the plat or general plan and provide the applicant a written statement of the conditions for any conditional approval or reasons for any disapproval that clearly articulates each specific condition for the conditional approval or reason for disapproval and a citation to the law or regulation on which the condition or reason is based.

#### **Sec. 17-7. – Preliminary plats.**

An applicant intending to develop a large commercial or residential subdivision may, but is not required to, submit a plat under this Chapter to obtain preliminary approval of the proposed lot layout. Submission of such a "preliminary plat" shall not excuse an applicant from submitting a general plan if

one is required. A “preliminary plat” will be reviewed in the same manner and subject to the same requirements as any other plat submitted under this Chapter. A “preliminary plat” shall include proposed infrastructure layout, either on the plat or in the form of preliminary infrastructure construction plans. Council’s approval with conditions of a “preliminary plat” shall constitute only approval of the preliminary layout of infrastructure plans and shall not excuse the applicant from submitting complete infrastructure construction plans for approval prior to beginning construction of such infrastructure or requesting a building permit for any lot included in the “preliminary plat”.

**Sec. 17-8. – Approval criteria for plats and plans.**

No plat, plan or resubmission of a plat or plan shall be approved unless the plat or plan:

- A. Is complete (including all required supporting documentation), in accordance with Section 17-3;
- B. Includes all required and necessary information in order to determine compliance with applicable city and state law;
- C. Includes all information required, and in the form required, to be filed in the county real property records, if applicable;
- D. Includes either (i) detail on water and wastewater infrastructure facilities or (ii) approved construction plans with performance guarantee, maintenance bond and cost estimates, that are:
  - (1) included in the application submitted by the applicant;
  - (2) signed and sealed by a licensed engineer;
  - (3) compliant with this Chapter and Chapters 4, 7, 8, 15, 16, and 19 of the City Code;
  - (4) adequate to provide sufficient use and capacity for the proposed subdivision, including volume, water pressure, wastewater flow, fire flow, prevention of infiltration and inflow, protection of the city’s water supply, and connection to existing lines; and
  - (5) comply with all city and state laws and regulations, including but not limited to TCEQ regulations, the International Private Sewage Disposal Code, and the International Plumbing Code, as adopted and amended by the City;
- E. Includes either (i) detail on existing streets and access ways or (ii) approved construction plans with performance guarantee, maintenance bond and cost estimates, that are:
  - (1) included in the application submitted by the applicant;
  - (2) signed and sealed by a licensed engineer;
  - (3) compliant with this Chapter and Chapters 4, 7, 8, and 16 of the City Code;
  - (4) not detrimental to existing streets, crosswalks, driveways and sidewalks;
  - (5) sufficient to provide safe and necessary traffic flow, including emergency vehicle access, crosswalks, sidewalks, waste collection, access to each individual lot and driveway in the proposed subdivision (including reserves, parks and amenities), clear and unambiguous street names and signs, and connection to adjacent streets and sidewalks; and
  - (6) are consistent with the City, State and County streets plan and comprehensive plan; and
  - (7) comply with all city and state laws and regulations, including but not limited to TxDOT regulations and the International Fire Code, as adopted and amended by the City;
- F. Includes either (i) detail on existing drainage facilities, (ii) an approved drainage plan by the local authority having jurisdiction, or (iii) approved construction plans with performance guarantee, maintenance bond and cost estimates, that are:
  - (1) included in the application submitted by the applicant;
  - (2) signed and sealed by a licensed engineer;
  - (3) compliant with Chapters 4, 7, 8, 15, 16, and 19 of the City Code, as adopted and amended by the City from time to time;

- (4) sufficient to provide drainage after construction of all the proposed improvements and structures, including any fill; and
- (5) comply with all city and state laws and regulations, including but not limited to the Texas Water Code;
- G. Shows lot lines, building setback lines, lot sizes (including depth and width), reserves, proposed uses, open/green space, and proposed building sites that each comply with the applicable zoning district, as it exists at the time the plat is filed for approval with the city, or applicant has provided an order from the city's zoning board of adjustment providing for any and all variances required for the plat, as submitted, to comply with the applicable zoning district;
- H. Conforms to the comprehensive plan, parks plan, streets plan, county road log, and capital improvements plan of the city, including the City's ETJ, and its current and future streets, alleys, parks, playgrounds, and public utility facilities, taking into account access to and extension of sewer and water mains and the instrumentalities of public utilities;
- I. For resubmissions, adequately conforms or address the criteria previously provided to the applicant as a condition for approval or reason for disapproval; provided, however, modifications that are not a direct result of the written response to conditions of approval or reasons for disapproval shall (i) comply with all the requirements of this Section 17-8, and (ii) be submitted separately as a new plat or plan; and
- J. Does not otherwise violate state, federal or local laws or endanger the public health, safety and welfare.

**Sec. 17-9. – Completion of infrastructure; Guarantee of performance.**

- A. All construction of public improvements and infrastructure shall be inspected while in progress by the appropriate city department and must be approved upon completion by the director of public works. After final inspection, the director shall notify the subdivider and the city manager in writing as to acceptance or rejection of the construction. The director shall reject such construction only if it fails to comply with the standards and specifications contained or referred to in this chapter. If the director rejects such construction, the city attorney shall, on direction of the council, proceed to enforce the guarantees provided in this chapter.
- B. *Maintenance Bond.* Prior to approval of any plat, the subdivider shall file with the council a maintenance bond, executed by a surety company holding a license to do business in the state, in an amount equal to 10 percent of the construction cost of the improvements, as estimated by the director of public works, conditioned that the subdivider will maintain such improvements in good condition for a period of one year after approval of the final plat. Such maintenance bond shall be approved as to form and legality by the city attorney.
- C. *Security in lieu of improvements.* If the subdivider chooses to post security in lieu of completing construction prior to final plat approval, the subdivider may utilize either of the following methods of posting security:
  - (1) Has filed with the council a performance bond executed by a surety company holding a license to do business in the state and acceptable to the council, in an amount equal to the cost of the improvements required by this chapter as estimated by the director of public works, conditioned that the subdivider will complete such improvements within one year after approval of such plat, such bond to be approved as to form and legality by the city attorney; or
  - (2) Has placed on deposit in a bank or trust company selected by the subdivider and approved by the council, in a trust account a sum of money equal to the estimated cost of all site improvements required by this chapter.

- i. The estimated cost of such improvements shall be the cost as estimated by the director of public works.
- ii. Selection of the trustee shall be subject to approval by the council and the trust agreement shall be approved as to form and legality by the city attorney.

**Sec. 17-10. - Resubmission by applicant.**

After the conditional approval or disapproval of a plan or plat by council, the applicant may submit a complete application for resubmittal that satisfies each condition for the conditional approval or remedies each reason for disapproval to the City Secretary for consideration by Council; provided, however, only that portion of a plat or plan that contains the written response to the conditions or reasons for disapproval may be submitted as a resubmittal under this Section. Any modification to any portion of a plat or plan that is not in direct response to a condition or reason for disapproval (ex. rearranging of lots in Phase I to accommodate a change in the layout for Phase II of a general plan) must be submitted as a new plat or plan in accordance with this Chapter. A complete application for resubmittal of a plat previously approved with conditions or disapproved by council shall include all of the following:

- A. A copy of the original plat or plan application;
- B. A copy of the decision provided to the applicant under Section 17-6;
- C. An application for resubmittal on the form prescribed by the city;
- D. The applicable filing fee;
- E. A list of those required to be notified either prior to or following plat or plan approval, if applicable, which must be no more than 90 days old; and
- F. A written response to each of the conditions for approval with conditions or the reasons for disapproval, which must be in the form of a plat or plan that complies with Section 17-3 if the plan or plat previously submitted does not show any modifications that would result from the written response.

A plat that is approved with conditions must be corrected prior to being recorded. No building permit may be issued and no connection to the City water or sewer system shall be made until and unless a plat that complies with all the City's required conditions has been approved by Council or recorded in the County Clerk's public property records.

**Sec. 17-11. – Consideration of resubmissions.**

Council, or the City Manager if designated by Council in this Chapter, shall determine whether to approve or disapprove the applicant's previously conditionally approved or disapproved plan or plat not later than the 15th day after the date a complete application for resubmission is submitted pursuant to Section 17-10. Further, the applicant shall be provided with written notice of the decision rendered on the resubmission in accordance with Section 17-6.

**Sec. 17-12. – Variances.**

- A. The council may authorize a variance from this chapter when, in its opinion, undue hardship will result from requiring strict compliance.
- B. In granting a variance, the council shall prescribe only conditions that it deems necessary to or desirable in the public interest. In making required findings, the council 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 such variance upon traffic conditions and upon the public health, safety, convenience and welfare in the vicinity. No variance shall be granted unless the council finds that:

- (1) There are special circumstances or conditions affecting the land involved such that the strict compliance of the provisions of this chapter would deprive the applicant of the reasonable use of the 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 chapter.

Such findings of the council, together with the specific facts upon which such finds are based, shall be included or incorporated into the official minutes of the council meeting at which such variance is granted. Variances may be granted only when in harmony with the general purpose and intent of this chapter so that the public health, safety and welfare may be secured, and substantial justice done. Pecuniary hardship to the subdivider, standing alone, shall not be deemed to constitute undue hardship.

#### **Sec. 17-13. – Optional predevelopment meeting.**

Predevelopment meetings with staff are available on request in order to provide preliminary review, advisory opinions, discussion and opportunities for infrastructure participation or other development incentives to developers, subdividers, and other persons. No plat or general plan shall be submitted at any predevelopment meeting. No city employee, officer, agent, consultant, or contractor is delegated authority to approve, disapprove or approve with conditions, including through inaction, any plat or general plan except as expressly provided by Section 17-5.

#### **Sec. 17-14. - Conflict with other ordinances.**

This chapter shall be deemed to be solely a chapter governing the submission and approval of plats and subdivision of land, and nothing herein contained shall be deemed to modify, change, enlarge or repeal the provisions of any other ordinance of the city concerning buildings, building setback lines, zoning or any other matter. This chapter is cumulative of other requirements imposed by ordinances and regulations of the city. To the extent of any inconsistency, the more restrictive provision shall govern.

#### **Sec. 17-15. - Conflict with county regulations.**

This chapter shall not be applied to subdivisions of land located in the City's extraterritorial jurisdiction in those areas where the County has exclusive jurisdiction to regulate subdivisions, as agreed to by the City and the County in an interlocal agreement pursuant to Section 242.001 of the Texas Local Government Code that apportions the City's ETJ between Brazoria County and the City. In the event of a conflict or ambiguity as to the regulating entity, this Chapter shall be presumed to apply to a subdivision of land in the City's ETJ. In no event is a landowner required under this Chapter to obtain approval of a plat from both Brazoria County and the City.

#### **Sec. 17-16. - Responsibility for payment of installation costs.**

The subdivider is responsible for 100 percent of the installation cost of all subdivision improvements,

including but not limited to infrastructure construction, parks, roads, and other improvements. This Section shall not preclude City Council or the City's Economic Development Corporation from approving development agreements for participation in subdivision improvements.

**Sec. 17-17. - Offenses.**

- A. It shall be unlawful for any person to lay out, subdivide or plat any land into lots, blocks, tracts or streets within the corporate limits of the city, or sell property therein and thereby, if the land has not been laid out, subdivided and platted in accordance with the requirements of this chapter.
- B. It shall be unlawful for a person to commence development within the corporate limits of the City until a plat has been approved in accordance with this chapter.

**Sec. 17-18. - Judicial provisions applicable.**

The city, acting through the city attorney or any other attorney representing the city, may file an action in a court of competent jurisdiction to:

- A. Enjoin the violation or threatened violation by the owner of land of a requirement of this chapter applicable to the land; or
- B. Recover damages from the owner of a tract of land in an amount adequate for the city to undertake any construction or other activity necessary to bring about compliance with this chapter.

**Sec. 17-19. - Denial of utility connections and permits.**

- A. The building official shall not issue any building permit or other permits required for the installation of any utility, either public or private, to serve:
  - (1) Lots or tracts within the city for which a subdivision plat has not been properly recorded as required by this chapter; or
  - (2) A development within the city that is subject to the provisions of this chapter, for which a development plat has not been properly approved as required by this chapter.
- B. No tract of land may receive any service from or connect to the city water or wastewater collection systems unless, at the time of the application for service, the applicant provides evidence that the tract of land was subdivided or developed in compliance with this chapter.
- C. In those areas located within the city's extraterritorial jurisdiction, the building official shall not approve any plans for the construction of any wastewater collection system or domestic water distribution system and the city engineer shall not approve any plans for the construction of storm drainage system within any utility district for which the city has granted its consent for creation or enlargement, unless and until the provisions of this chapter have been complied with for any tract of land served by utilities provided by the utility district.”

**Section 2. Repeal.** This ordinance is intended to be cumulative and shall not repeal any provision of a previous ordinance or City Code except to the extent that a provision is inconsistent and cannot be reconciled with this ordinance.

**Section 3. Severability.** In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it is the intention of the City Council that the invalidity or unconstitutionality of the one or more parts shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision other than the part declared to be invalid or

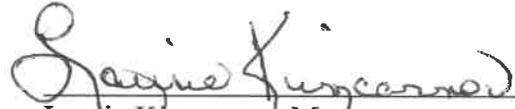
unconstitutional; and the City Council of the City of West Columbia, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

**Section 4. Publication and Effective Date.** This ordinance shall be effective upon adoption and publication of this ordinance or a caption that summarizes the purpose of this ordinance and the penalty for violating this ordinance in every issue of the official newspaper for two days, or one issue of the newspaper if the official newspaper is a weekly paper, in accordance with Chapter 52 of the Texas Local Government Code.

**Section 5. Public Hearing.** This ordinance was adopted following a public hearing as required by Section 212.002 of the Texas Local Government Code.

**PASSED, APPROVED, AND ADOPTED** this 10<sup>th</sup> day of February 2020.

**APPROVED:**

  
Laurie Kincannon, Mayor

**ATTEST:**

  
Kelli R. Kuban, City Secretary