

VILLAGE OF VOLENTE

AMENDMENT NO. 2017-O-03

AN ORDINANCE AMENDING CHAPTER 9, OF THE VILLAGE OF VOLENTE CODE OF ORDINANCES; MODIFYING THE REGULATIONS FOR SUBDIVISION BY CREATING A SHORT FORM FINAL PLAT PROCESS; AMENDING THE REQUIREMENT FOR PARK LAND AND PUBLIC FACILITY DEDICATION; AMENDING APPENDIX A FEE SCHEDULE TO ESTABLISH A FEE FOR THE SHORT FORM FINAL PLAT PROCESS; PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT; ENACTMENT; REPEALER; SEVERABILITY; CODIFICATION; EFFECTIVE DATE; AND PROPER NOTICE & MEETING

WHEREAS, the City Council of the Village of Volente (“City Council”) seeks to promote an effective, efficient and orderly short form final plat process within the City Limits; and

WHEREAS, the City Council has posted notice in the window of the Village Hall, on the bulletin board in the Village Hall, and on the Village website; and

WHEREAS, the City Council conducted a meeting, at which the City Council received public briefings from City staff, and was provided feedback from interested citizens; and

WHEREAS, upon consideration of all of the information presented, the City Council finds that the process and fees are necessary for effectiveness and efficiency; and

WHEREAS, pursuant To Texas Local Government Code Section 51.001, the City has general authority to adopt an ordinance or police regulation that is for the good government, peace or order of the City and is necessary or proper for carrying out a power granted by law to the City; and

WHEREAS, the City Council finds that the restrictions and amendments imposed by this Ordinance are reasonable, necessary, and proper for the good government of the Village of Volente.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the Village of Volente, Texas:

1. FINDINGS OF FACT

The foregoing recitals are incorporated into this Ordinance by reference as findings of fact as if expressly set forth herein.

2. ENACTMENT

Chapter 9, Section 9.03; Chapter 9, Section 9.05; and Appendix A Fee Schedule of the Village of Volente Code of Ordinances is hereby amended so to read in accordance with *Attachment A*, *Attachment B* and *Attachment C* respectively, which are attached hereto and incorporated into this Ordinance for all intents and purposes. Any underlined text shall be inserted into the Code and any struck-through text shall be deleted from the Code, as stated in *Attachment A*, *Attachment B*, and *Attachment C*.

3. REPEALER

All ordinances, resolutions, or parts thereof, that are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters regulated, herein.

4. SEVERABILITY

Should any of the clauses, sentences, paragraphs, sections or parts of this Ordinance be deemed invalid, unconstitutional, or unenforceable by a court of law or administrative agency with jurisdiction over the matter, such action shall not be construed to affect any other portion of this Ordinance.

5. CODIFICATION

The City Secretary is hereby directed to record and publish the attached rules, regulations and policies in the City's Code of Ordinances as authorized by section 52.001 of the Texas Local Government Code.

6. EFFECTIVE DATE

This Ordinance shall be effective immediately upon passage and publication.

7. PROPER NOTICE & MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551.

PASSED AND APPROVED this, the 16th day of May 2017, by a vote of 4 (ayes) to 0 (nays) to 0 (abstentions) of the City Council of the Village of Volente, Texas.

VILLAGE OF VOLENTE:

by: _____
Ken Beck, Mayor

ATTEST:

Nicole Vicuña, City Secretary

CODE OF ORDINANCES

CHAPTER 9:03 SUBDIVISION REGULATIONS

Sec. 003 ~~Application~~Enforcement of regulations

Sec. 004 ~~Jurisdiction~~Application

(a) The provisions of this article shall apply to the following forms of land subdivision within the village's limits and its extraterritorial jurisdiction:

(1) The division of land into two (2) or more tracts, lots, sites or parcels, any part of which shall contain less than five (5) acres in area when subdivided;

(2) The division of land into two (2) or more tracts, lots, sites or parcels, any part of which when subdivided shall contain five (5) acres or more in area and will require the dedication or conveyance of any access, public right-of-way, easement, or any public improvement;

(3) Land previously subdivided or platted into tracts, lots, sites or parcels, which subdivision was subject to, but not in accordance with, village or county ordinances in effect at the time of such subdividing or platting;

~~(4) The combining of two (2) or more contiguous tracts, lots, sites or parcels for the purpose of creating one (1) or more legal lots in order to achieve a more developable site, except as otherwise provided herein;~~

~~(5) The platting of any existing legal deed divided unplatted lot, parcel, site or tract;~~

~~(6)~~ (4) The voluntary platting and recording of a subdivision plat dividing any land within the jurisdiction of the village into lots, parcels, sites or tracts;

~~(7)~~ (5) Any plat having received approval from the commission or the council for which said approval has expired; or

~~(8)~~ (6) The dedication of any street or alley through any tract of land, regardless of the area involved.

(7) An abbreviated platting process referred to as a Short Form Final Plat process (Sec 9.03.529) is available for certain qualified situations, they are:

(A) The combining of any number of contiguous tracts, lots, sites or parcels for the purpose of creating one (1) legal lot of less than five (5) acres in order to achieve a more developable site, except as otherwise provided herein

(b) The construction or placement, or the proposed construction or placement, of any structure over, or across a property boundary or lot line shall be deemed to be the combining

of two or more contiguous tracts, lots, sites or parcels under section 9.03.004(a)(4). It shall be unlawful for any person to construct or place, or to cause to be constructed or placed, a structure on, over or across a property boundary or lot line.

(c) _____ There may be occasions when the council deems it appropriate to allow a delay in the implementation of certain elements of this article. On those occasions, a development agreement shall be used in accordance with the comprehensive plan.

(Ordinance 2004-O-31, sec. 31.104, adopted 10/19/04)

Sec. 059 Short Form Final Plats

(a) **Purpose.** The provision of adequate data concerning land use, utility requirements, traffic impact, streets, easements and dedications is vital to ensure the continued health, safety and welfare of the city's residents. Recognizing that the significance of this data is reduced for the small scale projects that are most heavily impacted by the burden of producing this data, the city allows alternate procedures for simple resubdivisions, lot splits, and the platting of existing development and of land proposed for site development where public improvements are not required.

(b) **Format.** The format of the short form final plat shall correspond with the format for final plats as required by this ordinance.

(c) **Content.** The content of the short form final plat shall correspond with the content for final plats as required by this ordinance, except that:

- (1) Construction plans may not be required.
- (2) The village may permit omission of any informational requirements that are determined by the village to place an excessive burden on the applicant, including, but not limited to contours, centerlines of existing watercourses, etc.
- (3) The city shall require the following note on the final plat:
 - (A) This subdivision/plat is subject to all general notes and restrictions appearing on the plat of _____, Lot(s) _____, recorded at Cabinet _____, Slide _____ of Plat Records of _____ County, Texas.

(d) **Procedure.** The procedure for review and approval of a short form final plat shall follow the procedure for final plats, except that:

- (1) The short form final plat may be submitted without approval of a preliminary plat or construction plans. The plat, prepared by a surveyor, and engineer if required, and bearing their seals shall be submitted to the city secretary for approval of the city engineer before submission to the planning and zoning commission and city council, and recordation of the plat.
- (2) Legible prints, as indicated on the application form shall be submitted at least thirty (30) days prior to the regular meeting of the commission along with the following:
 - (A) Completed application forms and the payment of all required fees (fee payable with application).
 - (B) Drawing of the current property showing all existing structures and improvements, if required.

- (C) A copy of the owner's current recorded warranty deed and deed restrictions or covenants, if such documents are to be used. These may be filed for record in conjunction with the filing of the plat.
- (D) Tax certificates from all applicable taxing authorities that all taxes due on the property have been paid along with a tax parcel map with the parcels to be reviewed clearly marked.
- (E) Any attendant documents needed to supplement the information provided on the plat including (but not limited to) street deeds, old recorded subdivision plate, or deeds for adjacent parcels.

(e) **Notification.** Notification procedures for the short form final plat shall be the required 72-hour agenda posting if brought before the planning and zoning commission and village council.

(f) **Approval.** The approval process of a short form final plat shall be according to Local Gvt. Code section 212.0065(a)(2).

- (1) Upon meeting the requirements of this previous section, the city secretary shall submit a copy of the proposed short form plat to the city engineer for review. For the combination of three or fewer lots, and upon meeting city engineer's approval, the city secretary shall have the planning and zoning commission chairman and the mayor sign the plat.
- (2) Any short form plat not meeting the requirements of this section shall be referred by the city secretary and the city engineer to the planning and zoning commission for consideration and recommendations. Should the planning and zoning commission find the proposed plat complies with this section, the planning and zoning commission shall recommend approval to the city council. The planning and zoning commission shall deny any plats found to not comply with the requirements of this section.
- (3) The city secretary and the city engineer shall not disapprove the plat and shall be required to refer any plat which the city engineer refuses to approve to the planning and zoning commission and city council within the time period specified in section 212.009, Local Gvt. Code.

(g) **Revision.** The revision process of a short form final plat shall be the same as the revision process described for a final plat.

(h) **Recordation.** The recordation procedures of a short form final plat shall be the same procedures for a final plat.

(i) **Responsibility.** Notwithstanding the approval of any short form final plat by the commission, council or city engineer, the developer/owner and the engineer that prepares and submits such plats shall be and remain responsible for the adequacy of the design and nothing in this ordinance shall be deemed or construed to relieve or waive the responsibility of the developer/owner or his/her engineer for or with respect to any plat submitted.

Secs. 9.03.059060–9.03.100 Reserved

CODE OF ORDINANCES

CHAPTER 9:05 SITE DEVELOPMENT REGULATIONS

Sec. 304 Park land and public facility dedication

(b) Park land dedication.

(1) Any person offering a preliminary or final plat for development of four (4) or more lots of any area zoned and to be used for single-family or multifamily residential purposes within the village shall include, on such preliminary and final plat, dedication for public park purposes, calculated at the rate of not less than five percent (5%) of the developable acreage in the development. The location and size of public parks within the village shall be in all instances recommended by the commission and approved by the council. That determination shall be based upon existing circumstances at the time, and shall be in accordance with the comprehensive plan.

CODE OF ORDINANCES

APPENDIX A FEE SCHEDULE

ARTICLE A2.000 BUILDING AND DEVELOPMENT RELATED FEES

Sec. A2.002 Subdivisions

	Administrative Fee	Professional Services and Legal Services	Property Owners Notifications	Professional Cost Deposits and Other Fees	Fire and Safety Inspections and Review
Public notice (ad in newspaper)	\$125.00			\$125.00	
Subdivision ordinance (copy)	\$15.00				
Pre-application conference	\$150.00	Cost plus 12.5%		Deposit is administrative fee, fire fee, plus \$500.00	\$50.00 per hour
Concept plan	\$100.00 per lot	Cost plus 12.5%	\$6.20 p/property owner	\$10.00 per lot/com acre. Deposit is administrative fee, fire fee, plus \$500.00	\$50.00 per hour; 2-hour minimum
Preliminary plat	\$250.00 per lot	Cost plus 12.5%	\$6.20 p/property owner	\$50.00 per lot/com acre. Deposit is administrative fee, fire fee, plus \$500.00	\$50.00 per hour; 2-hour minimum
Minor plat	\$250.00 per lot	Cost plus 12.5%	\$6.20 p/property owner	Deposit is administrative fee, fire fee, plus \$500.00	\$50.00 per hour; 2-hour minimum
<u>Short Form Final plat</u>	<u>\$300</u>	<u>Cost plus 12.5%</u>		<u>Deposit is administrative fee + \$300</u>	
Final plat	\$250.00 per lot	Cost plus 12.5%	\$6.20 p/property owner	\$25.00 per lot/com acre. Deposit is administrative fee, fire fee, plus \$500.0	\$50.00 per hour; 2-hour minimum
Amended plat	\$150.00 per lot	Cost plus 12.5%	\$6.20 p/property owner	Deposit is administrative fee, fire fee, plus \$500.00	\$50.00 per hour; 2-hour minimum

Minor plat re-subdivision	\$150.00 per lot	Cost plus 12.5%	\$6.20 p/property owner	Deposit is administrative fee, fire fee, plus \$500.00	\$50.00 per hour; 2-hour minimum
Vacation of final plat	\$100.00	Cost plus 12.5%	\$6.20 p/property owner	Deposit is administrative fee, fire fee, plus \$300.00	\$50.00 per hour; 2-hour minimum
Variance application from subdivision ordinance	\$500.00	Cost plus 12.5%	\$6.20 p/property owner	Deposit is administrative fee, fire fee, plus \$500.0	\$50.00 per hour; 2-hour minimum
PDD final plat, final development plan	\$1,500.00	Cost plus 12.5%	\$6.20 p/property owner	Deposit is administrative fee, fire fee, plus \$3,000.00	\$100.00 per section/phase