

CITY OF COCKRELL HILL, TEXAS

ORDINANCE NO. 2005-F

AN ORDINANCE OF THE CITY OF COCKRELL HILL, TEXAS, AMENDING THE CITY OF COCKRELL HILL CODE OF ORDINANCES, CHAPTER 153, "ZONING CODE," BY ADOPTING SECTION 153.009 RELATIVE TO PLATTING; ESTABLISHING PLATTING REQUIREMENTS; ESTABLISHING PLAT PROCEDURES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 153 of the City of Cockrell Hill Code of Ordinance sets forth the requirements and procedures regarding zoning in the City of Cockrell Hill ("City"), and

WHEREAS, the City desires to adopt rules, regulations and policies under the authority granted pursuant State law regarding the subdivision, platting and replatting of land within the City; and

WHEREAS, the City Council has determined that it is in the best interest of the health, safety and general welfare of the public to amend Chapter 153 of the Code by adopting Section 153.009 establishing platting requirements and procedures.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COCKRELL HILL, TEXAS:

Section 1. That all of the above premises are hereby found to be true and correct and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

Section 2. The Code of Cockrell Hill, Chapter 153, Section 153.009, is hereby adopted and shall read as follows:

"§153.009 PLATTING

A. POLICY

1. It is the policy of the City of Cockrell Hill to subject the subdivision, platting and replatting of land to the control of the city pursuant to state law and all rules, regulations, and policies the city may adopt.
2. To be platted, land must be of such character that it can be used safely for building purposes without danger or health or peril from fire, flood or other menace.
3. Land must not be platted until proper provision has been made for paving, drainage, water, wastewater, public utilities, fire protection, capital improvements, parks, recreational facilities, and right-of-way for streets, transportation facilities, and improvements.

4. These policies supplement and are intended to facilitate the enforcement of the provisions and standards of the Cockrell Hill City Code, state law, and all other rules, regulations, and policies which the city may adopt.

B. PURPOSE

1. Protect and provide for the public health, safety, and general welfare of the city;
2. Guide the future growth and development of the city;
3. Guide public policy and action in order to provide adequate and efficient transportation, streets, storm drainage, water, wastewater, parks, and open space facilities;
4. Provide for the proper location and width of streets and building lines;
5. Establish reasonable standards of design and procedures for platting in order to further the orderly layout and use of land, and to insure proper legal descriptions and monumenting of platted land;
6. Insure that public infrastructure facilities as required by city ordinance are available with sufficient capacity to serve the proposed plat prior to the issuance of any certificate of occupancy or release of utility connections or final inspection within the boundaries of the plat;
7. Provide that the cost of public infrastructure improvements which primarily benefit the tract of land being platted be borne by the owners of the tract to the extent required by city ordinance;
8. Prevent the pollution of air, streams, and ponds by assuring the adequacy of drainage facilities and by safeguarding the escarpment, flood plains, and the water table.

C. WHEN PLATTING IS REQUIRED

1. Creation of a building site. Platting is required to create a building site pursuant to the Cockrell Hill City Code.
2. Subdivision. Platting is required to divide a lot or tract into two or more parcels for purposes of transfer of ownership or development of the parcels. Although a conveyance of property may be accomplished through a metes and bounds description without the necessity of platting, the conveyance will not be recognized as a building site, nor will the lines of ownership be recognized for the purpose of determining development rights on the parcel so conveyed.
3. Combination. Platting is required to combine two or more lots or tracts into one lot.
4. Exception to platting requirements.
 - a. The City of Cockrell Hill recognizes that certain parcels of land were

conveyed by metes and bounds description for the purpose of creating a building site (hereinafter referred to as "Original Property" for purposes of this section). Such conveyances created prior to **April 12, 2005**, will be recognized as a building site, and the boundary of such shall be used to evaluate all zoning requirements in the City Code without the necessity of a plat (hereinafter referred to as the "Exception"). Existing structures may be modified and/or new structures added to the Original Property, in compliance with the City Code.

- b. This Exception, shall not allow a property owner or any other party with an interest in the Original Property to expand the Original Property or "add" adjoining property not described in the conveyance of the Original Property. In such case, platting or replatting, as appropriate, will be required.
- c. This Exception, shall not allow a property owner to divide any portion of the Original Property. In such case, platting or replatting, as appropriate, will be required.
- d. It shall be the responsibility of the property owner(s) building permit applicant, as appropriate, to prove to the City of Cockrell that the Exception applies, by submitting a copy of a recorded deed of the Original Property. In the event such proof is not provided at the time of a building permit application or request, replatting shall be required; however, a property owner or applicant may withdraw an application or request in order to provide proof.
- e. Any building permit granted by virtue of this Exception becomes null and void, if at any time it is found that the Exception does not apply.

D. PRELIMINARY AND FINAL PLAT PROCEDURES

1. **Application Acceptance Date.** The application acceptance date will be set as (30) days prior to the next third Wednesday of the month. For a Preliminary Plat, (10) ten copies of the plat and (4) four copies of preliminary construction plans must be submitted. For a Final Plat, (10) ten copies of the plat and (4) four copies of any revised preliminary construction plans must be submitted. Four copies of the Final Plat must be submitted with original signatures.

2. **Routing.** Plats are routed to other City Departments, Public Utility Companies, and if deemed necessary, to an Engineering Consultant within 2 days of the plat being accepted by the Planning and Development Department.

3. **Comments.** All City Departments, Public Utility Companies, and the Engineering Consultant are required to return their comments to the Planning and Development Department within (21) twenty-one calendar days of the date of acceptance of the application.

4. **Staff Review.** A meeting with the city staff to review the proposed plat is generally conducted on Friday morning two weeks prior to the Planning & Zoning (P&Z) hearing. At the staff meeting, the recommendation to the P&Z Commission is formulated.

5. Planning & Zoning Commission. The Commission meets on the third Wednesday of each month on an as needed basis, except for holidays. This is a posted public meeting, and is open to the applicant and/or its representatives. The Commission members are comprised of Council members. A resident of the City of Cockrell Hill may be appointed to serve on the Commission by an individual Council member, in place of that Council member. One function of the Commission is to review and take action on all plats. Their action on plats is final. The meetings are open to the general public and held in the Council Chambers of City Hall.

6. Commission Action. Within (30) thirty days of the application acceptance date, the Commission will approve, approve with conditions, or deny the plat. Following the P&Z Commission action, the owner/applicant and surveyor/engineer will be advised of the action by letter.

7. Effective Period. An approved preliminary plat is effective for one year from the date of the commission action.

8. Final Plat. Upon completion of the preliminary plat process, the developer/owner may proceed with submittal of a final plat. Any comments and/or conditions stated in the approved preliminary plat must be addressed to the satisfaction of the P&Z Commission.

9. Staff Review. Within 2 weeks of a final plat submission, a meeting with the city staff will be conducted to insure all comments and/or conditions stated in the approved preliminary plat have been addressed with the outcome of this meeting forwarded to the Planning & Zoning Commission.

10. Planning & Zoning Commission. The Commission will meet to review the final plat and will then be considered for approval by the City Council.

11. City Council. The City Council meets on the second and fourth Tuesday of each month and will take action for final approval. If final approval is attained, the chairman and secretary of the P&Z Commission will sign the final plat.

12. Recording. Upon Final Plat approval, it is the responsibility of the applicant or its representative to pickup the plat from the Planning and Development Department, take it to the appropriate county, file them with the county clerk, and return eight (8) stamped copies the City. A Final Plat approved by the P&Z Commission must be filed in the office of the appropriate county clerk within (30) thirty days of the date of the Commission's approval. Failure to record the final plat within the required (30) thirty days will result in the P&Z Commission's approval being VOID and the plans will be returned to the surveyor/engineer.

13. Plat Denial. If the plat is denied or unacceptable as submitted, the Planning and Development Department will advise the applicant in writing stating the reasons for denial or rejection of the submittal.

E. REQUIREMENTS ON ALL PLATS

1. Adjacent Property lines, streets, easements.

2. Names of owners of property within 100 feet.
3. Names of adjoining subdivisions.
4. Front, rear, and side building setback lines.
5. City boundaries where applicable.
6. Date the drawing was prepared.
7. Location, width, purpose of all existing easements.
8. Location, width, purpose of all proposed easements.
9. Consecutively numbered or lettered lots and blocks.
10. Sheet size of 24"x36".
11. North arrow.
12. Name, address, telephone of property owner.
13. Name, address, telephone of developer
14. Name, address, telephone of surveyor/engineer.
15. Seal of Texas registered land surveyor.
16. Consecutively numbered plat notes and conditions.
17. Location and dimensions of public use areas.
18. Graphic scale of no greater than 1"=100'.
19. All existing and proposed street names.
20. Dimensions of all existing and proposed right-of-way as specified on Master Thoroughfare Plan.
21. Zoning of the platted property and of the adjacent property within 100 feet.
22. Subdivision boundary in bold lines.
23. Title Block identifying plat type.
24. Vicinity location map.
25. Written metes and bounds description.
26. Surveyor's Certification of Compliance.
27. Owner's Certificate with signature of all owners, owners' notary, surveyor's stamp or seal and signature of surveyor and surveyor notary. (Signatures and seal for Final Plat only).
28. Any other information required by law or determined by the City to be necessary for the health, safety and welfare of the citizens.

F. REQUIREMENTS ON PRELIMINARY PLATS

1. Total acreage of proposed plat.
2. Total acreage of each proposed lot.
3. Location and dimensions of existing structures or objects within the boundaries of the property to be platted, including but not limited to buildings, parking lots, parking stalls, and driveways.
4. 5 foot or less contour intervals indicating terrain and drainage pattern of area.
5. Layout and identification of proposed development.
6. If various zoning exists on land subject to proposed plat, indicate the existing zoning and the proposed zoning for all property."

Section 3. If any section, article, paragraph, sentence clause, phrase or word in this ordinance or application thereto any person or circumstances is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance; and the City Council hereby declares it would have passed such remaining portions of this ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

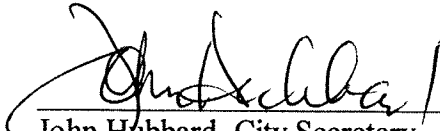
Section 4. This ordinance shall become effective, and be in full force and effect, from and after the date of its passage, and it is accordingly so ordained.

PASSED AND APPROVED the 26th day of April, 2005.



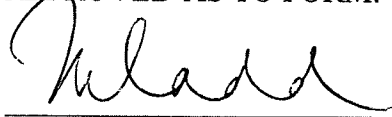
C. P. Slayton, Mayor

ATTEST:



John Hubbard, City Secretary

APPROVED AS TO FORM:



Meredith Ladd, City Attorney