

ORDINANCE NO. 66

AN ORDINANCE AMENDING ORDINANCE NUMBER 59, PROVIDING FOR A FINE OF NOT MORE THAN \$2,000.00 UPON CONVICTION OF A VIOLATION UNDER THIS ORDINANCE; PROVIDING AN EFFECTIVE DATE; PROVIDING A REPEALER CLAUSE PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR POSTING AND PUBLISHING.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PATTISON TEXAS:

I.

Paragraph I. A.(40) Street Definitions are amended to read:

“A. Definitions

(40) Street. Means a public right-of-way, however designated, which provides vehicular circulation and access to adjacent property.

(A) A major street, major thoroughfare, or arterial street means a principal traffic artery or traffic way, usually of more or less continuous routing over long distances, whose function is to serve as a principal connecting street with state and federal highways, and shall include each street designated as a major thoroughfare or street on the major street or thoroughfare plan of the city or so designated by the planning commission and city council. Minimum width of right-of-way shall be one hundred (100') feet.

(B) A secondary street or collector street means a street whose function is to collect and distribute traffic between major thoroughfares and minor streets, is not necessarily of continuous routing for long distances, has intersections at grades and provides direct access to abutting property, and shall include each street designated as a secondary street on the major street or thoroughfare plan

or so designated by the planning commission and city council. Minimum width of right-of-way shall be seventy (70') feet.

- (C) A minor street means a street whose function is to provide access to abutting residential property within neighborhoods, with all intersections at grade, and is not of continuous routing for any great distance, so as to discourage heavy, through traffic. Minimum width of right-of-way shall be sixty (60') feet.”

Paragraph I.D.(2)(e)(11) is amended to read:

“(11) Each lot shall be assigned a permanent street address.”

Paragraph I.E.(1)(b) and (1)(c) is amended to read:

“b. Additional requirements for recordation of subdivision plats.

After approval of a preliminary plat or final plat, the applicant shall present the following to the City for recordation of the subdivision plat.

1. The original subdivision plat drawing prepared on any suitable permanent translucent material of positive photographic film with lines, lettering and signatures in black ink or image, and the names of all persons signing the subdivision plat lettered under the respective signature. The original subdivision plat drawing shall evidence compliance with all conditions of final plat approval;
2. A current update of the previously submitted title report that reflects any change in any of the conditions or information required in the title report since the date of the last title report, including that there has been no change, if applicable;

3. An executed recorded map return agreement;
 4. Certification that all current city, county and school district taxes have been paid and that there are no delinquent taxes on the property, which may be provided as part of the title report or in the form of a certificate from the city, if applicable, and from the county and the school district in which the land being subdivided is located;
 5. For a vacating plat, the original vacation instrument
- c. Development plat submittal requirements.

An application for the approval of a development plat shall be filed with the City and shall:

- (1) Be made on an application form provided by the City;
- (2) Provide two copies of a survey sealed and certified by a Texas registered professional land surveyor showing:
 - a. The location of each existing building, structure or improvement”

Paragraph I.F. is amended to read:

“F. Additional Notice and Hearing Requirements for Certain Replats

Where any of the area to be resubdivided or replatted was, within the immediate preceding five (5) years, limited to residential use for not more than two dwelling units per lot, or if any lot in the preceding plat was limited by deed restrictions to residential use for not more than two residential units per lot, then the following additional procedures shall apply:

(1) Notice of the public hearing shall be published at least fifteen (15) days prior to the hearing, in a newspaper of general circulation in Waller County, Texas.

(2) Written notice of the public hearing shall be mailed to the owners (according to the most recently approved ad valorem tax roll) of all lots that are within the original subdivision and that are within 200 feet of the lots to be replatted together with a copy of Section 212.015(c) in the Local Government Code for the State of Texas.

(3) If the proposed replat is protested in accordance with this section, the proposed replat must receive, in order to be approved, the affirmative vote of at least three-fourths of the members present of the planning commission and/or city council, as applicable. For a legal protest, written instruments signed by the owners of at least 20 percent of the area of the lots or land immediately adjoining the area covered by the proposed replat and extending 200 feet from that area, but within the original subdivision, must be filed with the municipal authority responsible for approving the replat, prior to the close of the public hearing. In computing this percentage of land area, the area of streets and alleys shall be included within the adjacent lots.

(4) Compliance with subsection (3) above is not required for approval of a replat of part of a preceding plat, if the area to be replatted was designated or reserved for other than single- or two-family residential use, by notation on the last legally recorded plat or in the legally recorded restrictions applicable to the plat.

Paragraph I.I.(2)(1) is amended to read:

“(1) Right-of-Way Widths.

Widths of rights-of-way shall be as follows:

(1) Major streets shall have a minimum right-of-way width of at least one hundred

(100') feet. Curves in major streets shall have centerline radius of five hundred (500') feet or more with exceptions to the standard granted by the planning commission. Curves in major streets shall be separated by a minimum tangent of one hundred (100') feet.

- (2) Collector or secondary streets shall have a right-of-way of at least seventy (70') feet. Curves in secondary or collector streets shall have a centerline radius of three hundred (300') feet or more with exceptions to this standard recommended by the planning commission. Curves in secondary streets are to be separated by a minimum tangent of seventy-five (75') feet.
- (3) Where the proposed subdivision abuts upon an existing street or half-street that does not conform to paragraphs (1) and (2) above, the subdivider shall dedicate right-of-way sufficient to make the full right-of-way width conform to such paragraphs.
- (4) Residential streets shall have a right-of-way of at least sixty (60') feet. Curves in minor streets shall be a minimum centerline radius of three hundred (300') feet. Curves in minor streets shall be separated by a minimum tangent of fifty (50') feet.”

Paragraph I.I. (4)(b) is amended to read:

“(b) The location and width of sanitary sewer system, water, storm sewer, electrical, anchor, or other utility easements shall be underground.”

Paragraph I.I.(13) and(16)(a)(2) is amended to read:

“(13) **Minimum Lot Sizes** shall be not less than a minimum of ONE (1) acre, the dimensions of the lot are subject to approval by the City Council upon plat submission.

(16) Regulations for “Townhouses” or “Multiple-Dwelling” Subdivision

“(a) Definitions.

(2) Townhouse Subdivision. This Ordinance shall apply to those developments in which it is proposed to partition land into individual lots and construct townhouses which may be individually owned, but such lots shall be not less than ONE (1) acre, the dimensions of the lot are subject to approval by the City Council upon plat submission.”

Paragraph I.I.(16)(b)(4)(A) and (5) is amended to read:

“(4) Lots.

(A) Lot area shall be a minimum of FORTY THREE THOUSAND FIVE HUNDRED SIXTY (43,560) square feet, ONE (1) acre.

(5) Utilities. Utilities such as sanitary sewer, electrical, telephone, water, and gas shall be placed underground.”

Paragraph I.J.(2)(b) is amended to read:

“(2) **Street Paving**

(b) Pavement Width

(1) Major streets ----- sixty-four (64') feet between back of curbs.

(2) Secondary streets ----- forty-four (44') feet between back of curbs.

(3) Residential streets ----- thirty-two (32') feet between back of curbs.”

II.

Any person violating any of the provisions of this Ordinance shall be guilty of a

misdemeanor and shall be fined not more than \$2,000.00 upon conviction of such violation; provided however if such person convicted of an offense under this Ordinance which offense is also a violation of the penal laws of the State of Texas, such person shall be subject to the penalties set out in the penal laws of the State of Texas for the offense.

III.

This Ordinance shall take effect from and after the date of its passage, and all Ordinance or portion of Ordinances heretofore passed in conflict with the terms hereof are specifically repealed.

IV.

If any provision, section, subsection, sentence, clause, phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or the application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion thereof or provision, or regulation contained herein, shall become inoperative or fail by reason of any unconstitutionality

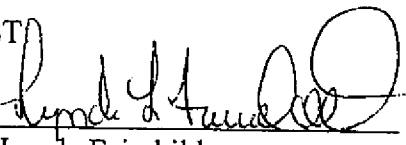
of any other portion hereof and all provisions of this Ordinance are declared to be severable for that purpose.

PASSED AND APPROVED this 14th day of May, 2002.

CITY OF PATTISON, TEXAS

By: 
Bill Matthews, Mayor

ATTEST

By: 
Lynda Fairchild,
City Secretary

ALDERMEN VOTING:

Lynn Bell	YES
Mikel Leff	YES
Ted Krenek	YES
Roy Taylor	YES
Kathryn McAdams Wilson	YES