

Official Minute Record
April 17, 2018

Volume 2018
Page 176

ORDINANCE #2018-055

AN ORDINANCE OF THE CITY OF SAN ANGELO, TEXAS, AMENDING CHAPTER 12 "PLANNING AND DEVELOPMENT," EXHIBIT "C" "LAND DEVELOPMENT AND SUBDIVISION ORDINANCE," BY AMENDING: CHAPTER 1, "GENERAL PROVISIONS," SECTION II "AUTHORITY" AND SECTION IV "VARIANCES;" CHAPTER 5 "PROCEDURAL REQUIREMENTS FOR PROCESSING SUBDIVISIONS," SECTION III "STAGES OF DEVELOPMENT REVIEW," PART "A" "MAJOR SUBDIVISIONS," SUBPARTS (2) "PRELIMINARY PLAT," (3) "FINAL PLAT" AND (4) [UNTITLED]; AND PART C "ADMINISTRATIVE SUBDIVISIONS," SUBPART (2) "REVIEW PROCESS;" AND CHAPTER 7 "SPECIFICATIONS FOR PRELIMINARY PLATS, FINAL PLATS AND REPLATS," SECTION I "PRELIMINARY PLAT," AND SECTION II "FINAL PLAT;" RELATING TO AUTHORITY OF THE PLANNING DIRECTOR, APPEALS AND THE PLATTING PROCESS; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of San Angelo has adopted a Land Development and Subdivision Ordinance establishing a process for the development, subdivision and platting of land within the corporate limits of the City and within its extra territorial jurisdiction; and,

WHEREAS, the ordinance provides a process for the subdivision of land that includes the authority and functions of the Planning Director, Planning Commission and City Council in the subdivision and platting process;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANGELO, TEXAS:

Section 1: Chapter 12 "Planning and Development," Exhibit C "Land Development and Subdivision Ordinance" of the City Code of Ordinances, Chapter 1 "General Provisions" Section II "Authority" is amended and restated in its entirety to read as follows:

"SECTION II AUTHORITY

This Ordinance is intended for the use of property owners and developers as a guide to City requirements for the development and subdivision of real property. These requirements must be complied with, unless exceptions or variances are explicitly granted by the Planning Commission or City Council. Any ordinance provisions requiring interpretation or not addressed in these regulations will be interpreted or applied as determined by the Planning Director. Any unfavorable decision may be appealed to the City Council. These requirements may be amended from time to time based on changing conditions in the City."

Section 2: Chapter 12 "Planning and Development," Exhibit C "Land Development and Subdivision Ordinance" of the City of San Angelo Code of Ordinances, Chapter 1 "General Provisions" Section IV "Variances" is amended by re-captioning Section IV and restating Subpart "C" "Appeal to City Council" in its entirety to read as follows:

"SECTION IV VARIANCES AND APPEALS

C. Appeal to City Council. Action taken by the Planning Commission on a requested variance from the terms of this Ordinance shall be considered the final decision on said request, unless that decision is

appealed to City Council by the developer or city, in which case the City Council is authorized to reverse, modify or affirm any such decision of the Planning Commission. A majority vote of City Council members present shall be necessary to reverse or modify such decision of the Planning Commission.

1. An appeal of action taken by the Planning Commission on an application for subdivision or requested variance must be made in writing, signed by the developer, or by the Director of Planning or Director of Public Works if the appeal is by the City, and received in the office of the Director of Planning within thirty (30) days following the Planning Commission's action.

2. The City Council shall consider an appeal within thirty (30) days following the timely receipt by the office of the Director of Planning of a written appeal."

Section 3: Chapter 12 "Planning and Development," Exhibit C "Land Development and Subdivision Ordinance" of the City Code of Ordinances, Chapter 5 "Procedural Requirements for Processing Subdivisions," Section III "Stages of Development Review," Subpart "A" "Major Subdivisions," Part 2 "Preliminary Plat," Subparts a. and b. are amended and restated in their entirety to read as follows:

"A Major Subdivisions

2. Preliminary Plat. The preliminary plat shall be submitted to the City Planning Commission for approval before consideration of a final plat intended for future recording with the Tom Green County Clerk. Preliminary plats will not be reviewed by the City Planning Commission, until such plats are officially accepted by the Planning Department. Plats not accompanied by an official application and not containing all proper information will not be accepted for review. Either the preliminary plat itself or an accompanying map shall illustrate the total contiguous tract(s) of land owned by or under the control of the subdivider, even if only a portion of the tract is intended for subdivision by a final plat. A boundary survey will not be required, but the boundaries of land intended to be submitted as a final plat shall be dimensioned and accurately drawn to scale, and so shall the boundaries of all land owned by, or under the control of, the subdivider (if more extensive than the area intended for final subdivision). Boundary data from recorded deeds shall be used, whenever appropriate. The preliminary plat shall be prepared by a qualified professional, trained and experienced in subdivision design.

a. Deadline for submission. Copies of the preliminary plat must be submitted to the Planning Department in accordance with submittal deadlines posted on the Planning Department's website.

b. Plat Review Committee. Members of this committee include representatives from both the Department of Planning and the Department of Public Works, as well as other affected municipal departments or public agencies. The purpose of the committee's meeting is to develop a unified

Official Minute Record

Volume 2018

April 17, 2018

Page 178

recommendation from the City staff, and to resolve technical considerations prior to the City Planning Commission's meeting, in response to particular proposals for subdivision. The applicant or his representative is strongly encouraged to attend this meeting.

Section 4: Chapter 12 "Planning and Development," Exhibit C "Land Development and Subdivision Ordinance" of the City Code of Ordinances, Chapter 5 "Procedural Requirements for Processing Subdivisions," Section III "Stages of Development Review," Subpart "A" "Major Subdivisions," Part 2 "Preliminary Plat," Subpart c. "Planning Commission action," subpart (5) thereof is amended and restated in their entirety to read as follows:

"A Major Subdivisions

c. Planning Commission action

(5) The Planning Commission's action shall be considered final, not requiring subsequent consideration by the City Council, unless that decision is appealed to City Council which is hereby authorized to reverse, modify or affirm any decision made by the Planning Commission, on a preliminary plat. Notwithstanding procedural requirements of the City Charter, a majority vote of the City Council members present shall be necessary to reverse or modify such decision made by the Planning Commission.

(i) An appeal of the Planning Commission's decision on a preliminary plat must be made in writing and provided to the Director of Planning within thirty (30) days following the Planning Commission's decision.

(ii) This appeal must be presented to the City Council within thirty (30) days following the Planning Director's receipt of such appeal."

Section 5: Chapter 12 "Planning and Development," Exhibit C "Land Development and Subdivision Ordinance" of the City Code of Ordinances, Chapter 5 "Procedural Requirements for Processing Subdivisions," Section III "Stages of Development Review," Subpart "A" "Major Subdivisions," Part 3 "Final Plat," Subpart a. "Deadline for submission," is amended and restated in its entirety to read as follows:

"Subpart A Major Subdivisions

3. Final Plat

a. Deadline for submission. Copies of the preliminary plat must be submitted to the Planning Department in accordance with submittal deadlines posted on the Planning Department's website."

Section 6: Chapter 12 "Planning and Development," Exhibit C "Land Development and Subdivision Ordinance" of the City Code of Ordinances, Chapter 5 "Procedural Requirements for Processing Subdivisions," Section III "Stages of Development Review," Subpart "A" "Major Subdivisions,"

Official Minute Record

Volume 2018

April 17, 2018

Page 179

Part 3 "Final Plat," Subpart c. "Planning Commission Action," subpart (4) is amended and restated in their entirety to read as follows:

"3 Final Plat

c. Planning Commission action

(4) The Planning Commission's action shall be considered final, not requiring subsequent consideration by the City Council, unless that decision is appealed to City Council which is hereby authorized to reverse, modify or affirm any decision made by the Planning Commission, on a final plat. Notwithstanding procedural requirements of the City Charter, a simple majority vote of the City Council members present shall be necessary to reverse or modify such decision made by the Planning Commission:

(i) An appeal of the Planning Commission's denial of a final plat must be made in writing, and provided to the Director of Planning within thirty (30) days following the Planning Commission's denial.

(ii) This appeal must be presented to the City Council within thirty (30) days following the Planning Director's receipt of such appeal."

Section 7: Chapter 12 "Planning and Development," Exhibit C "Land Development and Subdivision Ordinance" of the City Code of Ordinances, Chapter 5 "Procedural Requirements for Processing Subdivisions," Section III "Stages of Development Review," Subpart "C" "Administrative Subdivisions," Part 2 "Review Process" is amended and restated in their entirety to read as follows"

Section 8: Chapter 12 "Planning and Development," Exhibit C "Land Development and Subdivision Ordinance" of the City Code of Ordinances, Chapter 7 "Specifications for Preliminary Plats, Final Plats and Replats," Section I "Preliminary Plat," is amended and restated in its entirety to read as follows"

"Section I Preliminary Plat

All plats shall be prepared in a clear, readable manner and shall be prepared in accordance with requirements established by the Planning Director, approved by the Planning Commission, as posted on the Planning Department's website."

Section 9: Chapter 12 "Planning and Development," Exhibit C "Land Development and Subdivision Ordinance" of the City Code of Ordinances, Chapter 7 "Specifications for Preliminary Plats, Final Plats and Replats," Section II "Final Plat," is amended and restated in their entirety to read as follows"

"Section II Final Plat

Official Minute Record
April 17, 2018

Volume 2018
Page 180

All plats shall be prepared in a clear, readable manner and shall be prepared in accordance with requirements established by the Planning Director, approved by the Planning Commission, as posted on the Planning Department’s website.”


Section 10: All provisions of Articles 3 and 4 of Exhibit “A” Zoning Ordinance” to Chapter 12 “Planning and Development” of the Code of Ordinance not amended or repealed hereby shall remain in full force and effect.

Section 11: The terms and provisions of this ordinance shall be deemed to be severable in that if any portion of this ordinance shall be declared to be invalid, the same shall not affect the validity of the other provisions of this ordinance.

Section 12: This Ordinance shall be effective on, from and after the date of adoption.

INTRODUCED on the 3rd day of April, 2018, and finally PASSED, APPROVED and ADOPTED on this the 17th day of April, 2018.

ATTEST:

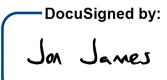
DocuSigned by:

EE8995EDAEA1475...
Bryan Kendrick, City Clerk

THE CITY OF SAN ANGELO, TEXAS:

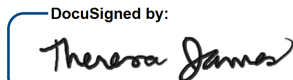
DocuSigned by:

65CC121DADBB40F...
Brenda Gunter, Mayor

APPROVED AS TO CONTENT:

DocuSigned by:

591197651C5C4D3...
Jon James, Director of Planning & Development

APPROVED AS TO FORM:

DocuSigned by:

E822428D610A4D4...
Theresa James, City Attorney