

ORDINANCE 97- 3

AN ORDINANCE OF THE CITY OF BEACH CITY, CHAMBERS COUNTY, TEXAS, PROVIDING FOR COUNCIL'S REVIEW AND CONDITIONAL APPROVAL OF ALL PLATS FOR SUBDIVISIONS OF LAND WITHIN THE CITY'S CORPORATE BOUNDARIES AND EXTRATERRITORIAL JURISDICTION, ESTABLISHING STANDARDS FOR SUCH PLATS, ESTABLISHING PROCEDURES FOR REVIEW AND DOCUMENT RETENTION, REPEALING PRIOR ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH, ESTABLISHING AN EFFECTIVE DATE HEREOF, AND PROVIDING FOR SEVERABILITY.

WHEREAS, the laws of the State of Texas (Vernon's Texas Codes Annotated or VTCA §212.006) authorize the City Council of Beach City (Council) to review the plats of proposed subdivisions of land within the corporate limits of the City; and to approve said plats subject to compliance with the laws of the State and the legal rules of State agencies and the ordinances of the City; and

WHEREAS, the laws of the State of Texas (VTCA §212.003) also authorize Council to extend by ordinance that authority and to require review and approval of plats of proposed subdivisions of land within the extraterritorial jurisdiction of the City; and

WHEREAS, Council deems it in the best interest of the residents of the City and of the area of the City's extraterritorial jurisdiction for Council to review all proposed plats within said areas; and

WHEREAS, Council desires to establish certain standards and procedures for said approvals,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEACH CITY, CHAMBERS COUNTY, TEXAS:

SECTION 1, REQUIRING COUNCIL APPROVAL OF PLATS WITHIN THE CITY AND ITS EXTRATERRITORIAL JURISDICTION

All proposed plats for the subdivision of land within the City's corporate limits and within the area of the City's extraterritorial jurisdiction shall be reviewed and approved by Council before recording in the Chambers County plat or deed records.

SECTION 2, ESTABLISHING STANDARDS

- A. If the plat includes or is accompanied by proof that the party initiating and responsible for the proposed subdivision of land (hereinafter "Subdivider") will provide both a common public water supply system meeting State standards and serving all lots and a common sewage treatment system meeting State standards and serving all lots, and that all owners of individual lots will be legally and permanently constrained from drilling individual water wells or installing on-site sewage treatment or disposal facilities, then the minimum lot size shall be sixty (60) feet minimum width and one hundred ten (110) feet minimum depth.**
- B. If the plat includes or is accompanied by proof that the Subdivider will provide either a common public water system meeting State standards and permanently serving all lots or a common sewage treatment system meeting State standards and serving all lots, but not both, then the minimum lot size shall be one-half acre (21,780 square feet), which area shall be exclusive of any easements upon or within which the lot owner is constrained from constructing buildings, wells, or on-site sewage treatment facilities or parts thereof if on-site sewage treatment facilities are to be used.**
- C. If neither a common public water system meeting State standards and serving all lots nor a common sewage treatment system meeting State standards and serving all lots is to be provided, then the minimum lot size shall be one acre (43,560 square feet) exclusive of any easements upon or within which the lot owner is constrained from constructing buildings, wells, or on-site sewage treatment facilities or parts thereof.**
- D. Notwithstanding compliance with the above lot size standards, if on-site sewerage facilities are to be used the Subdivider shall be responsible to demonstrate to Council that on-site sewerage facilities complying with State of Texas standards can be constructed on each and every lot.**
- E. All lots shall have a minimum setback line of at least twenty-five (25) feet.**
- F. If the land is to be subdivided into five or more lots, the Subdivider will provide a reservoir to maintain at least 1000 gallons of water suitable to be used for firefighting, or other suitable water supply acceptable to Council, and will furnish to Council a certification from an officer of the Tri-City Beach Volunteer Fire Department that the design of said reservoir will permit the equipment of said Fire Department to gain access to said reservoir and to withdraw water therefrom, and will further furnish to Council a copy of binding and durable permission for said fire Department to access said reservoir for the purpose of firefighting. If the present subdivision constitutes**

a new section of a previous subdivision, the aggregate number of lots in all sections to date shall be considered in determining the applicability of this subsection.

- G. The standards for a drainage plan established by the "County of Chambers Subdivision Rules and Regulations, §1.02" are incorporated herein by reference, with the additional requirement that if new outfall channels shall cross any other private or public property the Subdivider shall furnish to Council proof of binding and durable permission and easement from the owner of said other property for such crossing, and further provided that if such outfall channels shall tie into any existing drainage easement the Subdivider shall furnish to Council proof of binding and durable permission from the grantee of said easement for the permanent use thereof.
- H. The standards established by the "Construction Standards for On-site Sewerage Facilities", Texas Natural Resource Conservation Commission (TNRCC), effective February 5, 1997, or such subsequent rules as the TNRCC or its successors may promulgate, are incorporated herein by reference and shall apply except where other standards herein are more stringent. In the event that any provision herein shall be found to be less stringent than current State of Texas standards, then the Texas standards shall govern.
- I. Submissions of the Subdivider to Council shall specifically include the following, provided however that the inclusion of said items shall not excuse Subdivider from providing other evidence as required above: an overall site plan showing the 100-year flood plain, a topographic map and drainage plan, the results of a soil survey conducted in accordance with TNRCC standards, the location of existing wells and any additional wells necessary for future habitations or other planned constructions on the subdivided land if on-site sewerage facilities are to be used, and types of on-site sewerage facilities to be used.
- J. The Subdivider shall also furnish to Council certification acceptable to Council that all applicable State, County, and City requirements are met by the proposed plat.

SECTION 3, ESTABLISHING PROCEDURES

- A. At least seventy-two (72) hours before scheduled consideration by Council, the Subdivider shall furnish to the City Secretary for Council's review at least three (3) originals or true and correct copies of the proposed plat and supporting documentation as described under Section 2.

- B. After approval by the affirmative vote of a majority of Alderman present, a quorum being present at a regular or special called meeting of Council, the dated signature of the Mayor, or in the Mayor's absence the presiding officer at said meeting, upon the plat map shall affirm the Council's approval to all interested parties.
- C. Only the originals or copies provided seventy-two (72) hours before scheduled consideration by Council shall be signed, and shall represent the plat approved by Council. If the Subdivider shall subsequently propose any amendments whatsoever, the amended plat will be scheduled for Council's consideration at a later date.
- D. The City Secretary shall retain one of the signed originals or copies of the plat and one original or copy of each supporting document for the City's files, from and after the time of approval in accordance with the City's Document Retention Schedule.
- E. Nothing in this ordinance shall be construed as waiving the existing requirement for review and approval by the Chambers County Commissioners Court. After approval by said Commissioners Court, the Subdivider shall provide to the City Secretary a second original or copy of the plat, signed by the County Judge or other designated officer of Commissioners Court.

SECTION 4, REPEALING OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH

All ordinances and parts of ordinances in conflict herewith are hereby repealed including, but not by way of limitation, Ordinance 96-3.


SECTION 5, PROVIDING FOR EFFECTIVE DATE AND TERM HEREOF

This Ordinance shall be effective from and after the date and time of passage by Council.

SECTION 6, PROVIDING FOR SEVERABILITY

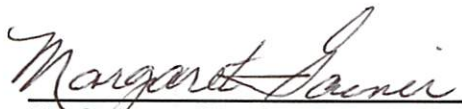
If any provision, section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional, void, or invalid, or for any reason unenforceable, the validity of the remaining portions of this Ordinance shall not be affected thereby.

INTRODUCED, READ, AND PASSED by the affirmative vote of a majority of Aldermen of Beach City present, a quorum being present at a duly posted meeting of the City Council, on this 27th day of May, 1997.



J.E. Standridge, Mayor
City of Beach City, Texas

ATTEST:



M. Gainer, City Secretary
City of Beach City, Texas