

ORDINANCE NO. 1546

AN ORDINANCE OF THE CITY OF BAY CITY, TEXAS, AMENDING CHAPTER 98 OF THE CITY'S CODE OF ORDINANCES TO ALLOW CITY COUNCIL TO REVIEW AND APPROVE PLATS ON BEHALF OF THE PLANNING COMMISSION, AMEND CHAPTER 98 OF THE CITY'S CODE OF ORDINANCES TO CORRECT CLERICAL ERRORS; PROVIDING FOR A CUMULATIVE & CONFLICTS CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 212.005 of the Texas Local Government Code requires a municipal authority to approve a plat or replat that is filed under Subchapter A of Chapter 212 of the Local Government Code and satisfies all applicable regulations; and

WHEREAS, Section 212.006 of the Local Government Code allows a municipal planning commission, if one, or the governing body of a municipality to approve plats filed under Subchapter A of Chapter 212 of the Local Government Code; and

WHEREAS, City Council established a Planning Commission in Article XIV of the City's Charter; and

WHEREAS, Section 98-39(b)(3) of the City's Municipal Code of Ordinances requires a plat to be filed with the Planning Commission; and

WHEREAS, Section 98-40 of the City's Municipal Code of Ordinances provides for the plat final approval process by the Planning Commission; and

WHEREAS, from time to time, the Planning Commission is unable to review and approve plats due to a lack of a quorum. In those instances, plats submitted to the Planning Commission are not acted upon within the statutory timeframe provided in Section 212.009 of the Texas Local Government Code; and

WHEREAS, when the Planning Commission cannot establish a quorum, City Council with review and approve plats filed under Subchapter A of Chapter 212 of the Texas Local Government Code; and

WHEREAS, City Council seeks to protect the health, safety, and welfare of the citizens of the City of Bay City, Texas.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF BAY CITY, TEXAS, THAT:

Section one. Findings. That the facts and recitations contained in the preamble of this Ordinance are hereby found and declared to be true and are adopted as part of this Ordinance for all purposes.

Section two. Amendment to Municipal Code of Ordinances. The City of Bay City's Code of Municipal Ordinances, Chapter 98 (entitled "*Subdivisions*") Article II (entitled "*Platting Procedures, Etc.*") Section 98-39 (b)(3) (entitled "*Completeness Review*") is hereby amended by adding the language that is underlined (underlined) and deleting language that is stricken (~~stricken~~) as follows:

- (3) *Final submittal.* A final submittal for subdivision plat approval may be filed after a certificate of completeness, has been issued by the director of public works. An application for subdivision plat shall not be complete and shall not ~~approval shall not~~ be filed until after a certificate of completeness has been issued. As required by V.T.C.A., Local Government Code § 212.008 an application for plat approval shall be filed with the planning commission. The public works director shall serve as the agent for the planning commission for purposes of accepting plat applications pursuant to this chapter. For the purpose of the time limits established by V.T.C.A., Local Government Code § 212.009, no plat shall be deemed filed with the planning commission until the plat, and all required items as set forth in this section and section 98-40, and performance agreements, as applicable, tax certificates, letters of certification and, if applicable, a request for a variance have been submitted to the planning commission. The plat application shall expire unless the plat application is heard by and approved by planning commission within 24 months from the date the plat application is submitted to the public works director.
- (4) In the event the planning commission lacks a quorum to hold a meeting, final plat approval shall be determined by City Council.

The City of Bay City's Code of Municipal Ordinances, Chapter 98 (entitled "*Subdivisions*") Article II (entitled "*Platting Procedures, Etc.*") Section 98-40 (a) (entitled "*Final Approval*") is hereby amended by adding the language that is underlined (underlined) as follows:

- (a) The final plat shall be submitted to the director of public works at least seven days prior to the planning commission meeting at which time final approval is sought and accompanied by the final filing fee as prescribed in section 98-42. If the planning commission cannot meet, the director of public works will notify the applicant and the final plat shall be submitted to the director of public works at least seven days prior to the City Council at which time final approval is sought and accompanied by the final filing fee as prescribed in section 98-42.


Section three. Cumulative and Conflicts. This Ordinance shall be cumulative of all provisions of ordinances of the City of Bay City, Texas, except where the provisions of the Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed. Any and all previous versions of this Ordinance to the extent that they are in conflict herewith are repealed.

Section four. Severability. It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause sentence, paragraph or section of this Ordinance shall be declared unconstitutional by

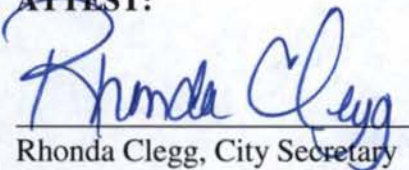
the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

Section five. Effective Date. This Ordinance shall become effective immediately upon its passage, approval and publication as provided by law.

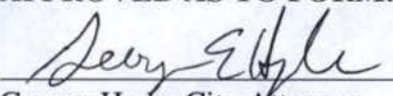
PASSED AND APPROVED on this the 13th day of August 2015.


Mark A. Bricker, Mayor
City of Bay City

ATTEST:


Rhonda Clegg, City Secretary
City of Bay City

APPROVED AS TO FORM:


George Hyde, City Attorney
Denton Navarro Rocha Bernal Hyde & Zech, P.C.



Council Member:

Voted Aye

Voted No

Absent

Julie L. Estlinbaum
Mayor Pro Tem

✓

Bill Cornman

✓

Chrystal Folse

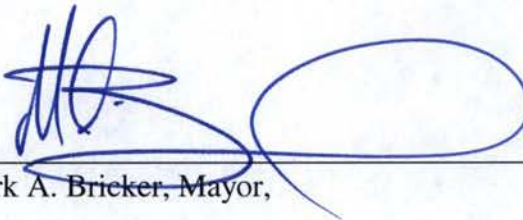
✓

Steven Johnson

✓

Carolyn Thames

✓



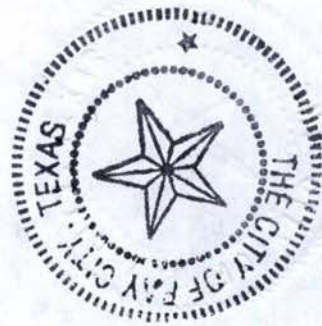
Mark A. Bricker, Mayor,

City of Bay City

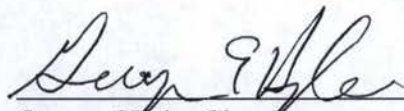
ATTEST:



Rhonda Clegg, City Secretary



APPROVED AS TO FORM:



George Hyde, City Attorney
City of Bay City
DENTON, NAVARRO, ROCHA,
BERNAL, HYDE & ZECH, P.C.