

## Ordinance 2017.7.1

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF FLATONIA, TEXAS, BY AMENDING CHAPTER 10, SUBDIVISION REGULATION, ARTICLE 10.02 SUBDIVISION ORDINANCE, DIVISION 5. PROCEDURE FOR PLAT APPROVAL, SECTION 10.02.121 FILING PRELIMINARY PLAT, BY CHANGING THE REQUIREMENT FOR SIX (6) COPIES OF THE PRELIMINARY PLAT BE SUBMITTED TO THE CITY MANAGER TO JUST TWO (2) COPIES; BY AMENDING SECTION 10.02.123 FINAL PLAT APPROVAL BY ELIMINATING THE REFERENCE TO REPRODUCABLE TRACING; BY AMENDING DIVISION 7. REPLATS, SECTION 10.02.191 REPLATS, BY ADOPTING THE CURRENT TERMS OF DWELLING, SINGLE FAMILY DETACHED (DSFD) AND DWELLING TWO FAMILY (DTF); BY AMENDING DIVISION 8. GENERAL REQUIREMENTS FOR SUBDIVISION DESIGN, SECTION 10.02.225 LOTS AND BLOCKS BY ADDING SPECIFICITY TO LOT DIMENSIONS AND REFERENCE TO CHAPTER 14 WHERE APPLICABLE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Planning and Zoning Commission of the City of Flatonia has advised and recommended to the City Council of the City of Flatonia that the City of Flatonia should update Chapter 10, Code of Ordinances, City of Flatonia to add specificity and remove inconsistencies with Chapter 14; and

**WHEREAS**, it is necessary to amend Chapter 10, Code of Ordinances, City of Flatonia, Subdivision Regulation, to give effect to the recommendation of the Planning and Zoning Commission regarding the changes desired by the Flatonia City Manager, which corrects errors, inconsistencies and provides specificity to the governing codes utilized by the City of Flatonia.; and

**WHEREAS**, the City Council of the City of Flatonia, Texas, considers such recommendation and amendment of its Code of Ordinances to be necessary, beneficial and desirous in order to protect the health, safety and welfare of the citizens of Flatonia, Texas.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FLATONIA, TEXAS:**

**Section 1.** That 2001 Code, sec. 10.501, being the same as Chapter 10, Subdivision Regulation, Article 10.02 Subdivision Ordinance, Division 5. Procedure for Plat Approval, Section 10.02.121 Filing a Preliminary Plat, be and it is hereby amended by replacing the first paragraph to hereafter read as follows:

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**Sec. 10.02.121 Filing a Preliminary Plat**

In order to prevent hardship on the subdivider through possible required plat revisions, a preliminary plat of the proposed subdivision at a scale not smaller than two hundred feet (200') to the inch shall be first submitted to the city manager for review. Two (2) copies of such plat, each copy bearing the designation "Preliminary Plat," must be filed in the office of the city manager at least thirty (30) days prior to the city council meeting at which the plat is to be considered, or at least (30) days prior to the consideration of the plat by the city manager where administrative approval is sought pursuant to [section 10.02.124](#), and will contain the following information:

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**Section 2.** That 2001 Code, sec. 10.503, being the same as Chapter 10, Subdivision Regulation, Article 10.02 Subdivision Ordinance, Division 5. Procedure for Plat Approval, Section 10.02.123 Final Plat Approval, be and it is hereby amended by deleting language in the first sentence to hereafter read as follows:

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**Sec. 10.02.123 Final Plat Approval**

Two (2) copies of the final plat shall be submitted to the city council within six (6) months of date of approval of the preliminary plat or such approval shall become null and void unless extension of time is applied for and granted by the city council.

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**Section 3.** That 2001 Code, sec. 10.700, being the same as Chapter 10, Subdivision Regulation, Article 10.02 Subdivision Ordinance, Division 7. Replats, Section 10.02.191 Replats, be and it is hereby amended by changing language in paragraph (b) and sub-paragraph (b) (1) to hereafter read as follows:

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**Sec. 10.02.191 Replats**

(b) In the event the proposed replat involves property which has been previously developed or zoned for Dwelling, Single Family Detached (DSFD), or Dwelling, Two Family (DTF) use, then special requirements are triggered as follows:

(1) After an application is filed for a replat affecting DSFD and DTF property, the city manager shall give notice of the application to be published in the official newspaper of the city at least fifteen (15) days before the date of the city council meeting at which it is to be considered. Such notice must include a statement of the time and place at which the city council will meet to consider the replat and to hear protests to the revision at a public hearing. Additionally, written notice must be sent to all owners of property located within two hundred feet (200') of the property upon which the replat is requested. Such notice may be served by depositing the notice, properly addressed and postage paid, at the local post office.

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**Section 4.** That 2001 Code, sec. 10.805, being the same as Chapter 10, Subdivision Regulation, Article 10.02 Subdivision Ordinance, Division 8. General Requirements for Subdivision Design, Section 10.02.225 Lots and Blocks, be and it is hereby amended by changing significant language throughout the entire section to hereafter read as follows:

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**Sec. 10.02.225      Lots and Blocks**

(a) In general, lots shall conform in width, depth and area to the pattern already established in the adjacent areas, having due regard to the pattern already established in the adjacent areas, [sic] having due regard to the character of the neighborhood, its particular suitability for development for residential purposes and also taking into consideration the natural topography of the ground, drainage, sanitary sewerage facilities and the proposed layout of the streets. Lot width and depth determinations shall be oriented to the city-approved street address assigned to the lot. Unless approved by the city manager, street addresses establishing the lot orientation for width and depth shall be originated so that minimum lot dimensions are conforming to this ordinance.

(b) It shall be unlawful for the building inspector to issue a permit for any residence, utilizing as a building site the rear portion of any corner lot, or the rear portion of any corner lot merged with a portion of any adjoining lot to produce a plottage of sufficient size to meet the minimum requirements for a permissible residential use.

(c) Structures, accessory structures, fences and other developments on lots in each of the zoning regions within the municipality shall meet the setback distances as published in the respective zoning section of Chapter 14 of the City of Flatonia Code of Ordinances.

(d) Size of lot.

(1.) Lot area. No building to be used as a dwelling unit shall be constructed on any lot of less than the square footage listed in the respective zoning section of Chapter 14 of the City of Flatonia Code of Ordinances.

(2.) Lot width. The minimum width of a lot shall conform to those dimensions established for each of the zoning sections as listed in Chapter 14 of the City of Flatonia Code of Ordinances.

(3.) Lot depth. The average depth of a lot shall not be less than one hundred feet (100') with the following exceptions:

a.) A corner lot used for the purpose of a DSFD or DTF, shall have a minimum width of not less than eighty feet (80'), and may have an average depth of less than one hundred feet (100') provided that the minimum depth is no less than eighty-eight feet (88').

b.) Where a lot having less area, width and/or depth than herein required, existed in separate ownership upon the effective date of this article, the above regulations shall not prohibit the erection of a DSFD or DTF thereon on a lot existing in separate ownership at the effective date of this article, provided such that the DSFD or DTF shall not be erected on a lot less than five thousand (5,000) square feet.

(e) The area of the lot shall be computed by taking the average width of the lot times the average depth of the lot measured from the street lot line to the rear lot line.

(f) All side lines of lots shall be at right angles to straight street lot lines or radial to curved street lot lines, unless a variation from this rule would, in the opinion of the city manager, give a better lot plat.

(g) For private housing projects and shopping villages, it will not be necessary to subdivide tracts of land. Site plans, however, must be filed showing the arrangement of the project in detail, together with essential requirements such as parking facilities, locations of buildings and the other uses to be permitted.

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**Section 5.** Any articles, sections or subsections of the Code of Ordinances, City of Flatonia, Texas, inconsistent with the provisions hereof are hereby expressly repealed.

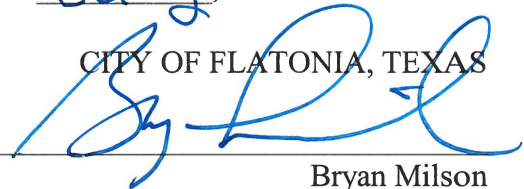
**Section 6.** If any provision, section, subsection, sentence, clause or phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void, or invalid, the validity of the remaining portions or sets of circumstances shall not be affected hereby, it being the intent of the City Council in adopting this Ordinance that no portion thereof or provisions or regulation contained herein shall become inoperative or fail by reason of an unconstitutionality and all provisions of this Ordinance are declared to be reasonable.

**Section 7.** This ordinance shall be effective upon the publication of the caption hereof in accordance with law.

**PASSED AND APPROVED** this the 11<sup>th</sup> day of July, 2017.

CITY OF FLATONIA, TEXAS

By: \_\_\_\_\_



Bryan Milson  
Mayor

ATTEST:



Melissa Brunner TRMC, CMC  
City Secretary

APPROVED AS TO FORM:



Maria Angela Flores Beck  
City Attorney

