

ORDINANCE NO. 2021-009

AN ORDINANCE AMENDING THE SUBDIVISION ORDINANCE OF THE CITY OF CASTROVILLE, TO AMEND ARTICLE II (“PROCEDURES”) ALLOWING A FINAL PLAT BE SUBMITTED IN LIEU OF PRELIMINARY PLAT IF PART OF A DEVELOPERS AGREEMENT AND PROVIDING FOR A PROCESS AND REGULATIONS APPLYING TO THOSE PLATS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Castroville (“City”) is a general law municipal corporation organized under the constitution and the general laws of the State of Texas; and

WHEREAS, in the exercise of its lawful authority, the City may enact ordinances to promote and protect the health, safety and welfare of the public; and

WHEREAS, the City may, pursuant to Chapter 212 of the Texas Local Government Code (“Chapter 212”) after a public hearing thereon, establish by ordinance general rules and regulations governing subdivision plats and development of land with its corporate limits and area of extraterritorial jurisdiction in order to promote the health, safety, morals or general welfare of the City, and to promote the safe, orderly and healthful development of the City; and

WHEREAS, the City has adopted Chapter 100 of its Code of Ordinances regulating subdivisions and development within the City’s jurisdiction; and

WHEREAS, the City Council hereby finds and determines that amending platting regulations and allowing for a more streamlined process for those plats submitted for review as part of a Development Agreement promotes the health, safety, morals or general welfare of the City, and promotes the safe, orderly and healthful development of the City; and

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

Section 1. The City of Castroville Subdivision Ordinance, adopted as Ordinance No. 2002-003, is hereby amended as follows. Article II (“Procedures”), Section 100-23 (“Submission of Preliminary Plat”) is amended to add the following [revisions are noted as underlined]:

(d) Exceptions:

(1) A Final Plat in accordance with Section 100-25, along with Construction Plans, may be submitted in lieu of a Preliminary Plat if it submitted as pursuant to a previously approved Developer's Agreement and appropriate surety are submitted along with the application.

Section 2. The City of Castroville Subdivision Ordinance, adopted as Ordinance No. 2002-003, is hereby amended as follows. Article II (“Procedures”), Section 100-25 (“Submission of Final Plat”), Subsection A (“Procedures for submission”) is amended to read as follows:

(a) Procedures for submission. No final plat shall be considered unless a preliminary plat has first been submitted to and approved by the planning and zoning commission and the city council, except otherwise specified in Section 100-23. The final plat and accompanying data shall conform to the

preliminary plat as conditionally approved by the commission, incorporating any and all changes, modifications, alterations and corrections required by the commission and council. The subdivider shall provide the following no later than 31 calendar days prior to the commission's consideration of the final plat:

- (1) Fifteen copies of the final plat, plus one 8½ × 11 black and white copy suitable for making overhead.
- (2) Three detailed sets of plans and specifications bearing the seal and signature of a registered professional engineer, together with detailed cost estimates of all subdivision improvements.
- (3) A digital file of the final plat in a format specified by the city.

The subdivider shall submit to the city administrator a formal application for final plat approval, accompanied by payment of the appropriate filing fee established by city council, also accompanied by payment of the appropriate impact fees established by the city's impact fee ordinance. The application and all required payments shall be submitted no later than seven calendar days prior to the commission meeting at which the final plat is to be considered

Section 3. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as part of the judgment and finding of the City Council.

Section 4. Should any article, section, part, paragraph, sentence, phrase, clause, or word of this Ordinance, or any appendix thereof, for any reason be held illegal, inoperative, or invalid, or if any exception to or limitation upon any general provisions herein continue to be held unconstitutional or invalid or ineffective, the remainder shall, nevertheless, stand effective and valid as if it had been enacted and ordained without the portion held to be unconstitutional or invalid or ineffective.


Section 5. It is officially found, determined, and declared the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting including this Ordinance, was given, as required by Chapter 551, Texas Government Code, as amended.

Section 6. This Ordinance shall become effective upon passage by the City Council of the City of Castroville, Texas.

PASSED AND APPROVED this 25th day of May, 2021.


DARRIN SCHROEDER, Mayor

ATTEST:


DEBRA HOWE, City Secretary