

ORDINANCE NO. 2079

AN ORDINANCE ADOPTING REVISIONS TO THE UNIFIED DEVELOPMENT ORDINANCE; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SEVERABILITY CLAUSE; ESTABLISHING A PENALTY FOR VIOLATIONS; PROVIDING AND ESTABLISHING AN EFFECTIVE DATE; AND PROVIDING FOR PUBLICATION

WHEREAS zoning and subdivision regulations in the Unified Development Ordinance implement the Comprehensive Plan according to Section 211.004 of the Local Government Code; and,

WHEREAS the City of Portland updated the Unified Development Ordinance on February 5, 2013 (Ordinance No. 2065); and,

WHEREAS the Planning and Zoning Commission conducted public hearing on October 8, 2013, to solicit comments concerning revisions to the Unified Development Ordinance; and,

WHEREAS the Planning and Zoning Commission, after considering and evaluating comments presented at the public hearing, recommended approval of Unified Development Ordinance revisions to the City Council on October 8, 2013; and,

WHEREAS the City Council conducted public hearing on October 15, 2013, to solicit comments concerning revisions to the Unified Development Ordinance; and,

WHEREAS the City Council on October 15, 2013 received a recommendation from the Planning and Zoning Commission comments concerning revisions to the Unified Development Ordinance; and,

WHEREAS the City Council deliberated approval of Unified Development Ordinance revisions on October 15, 2013; and,

WHEREAS the City Council has found that the approval of Unified Development Ordinance revisions will promote the health, safety and welfare of Portland residents,

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

SECTION 1: Subsection A, Section 305, Chapter 3, Appendix A of the Code of Ordinances is hereby amended to read as follows:

- A. No building, structure, patio, porch, deck, swimming pool, spa, sign, or fence or other similar structure shall be erected, constructed, altered, moved, converted, extended or enlarged, and no structure or manufactured home shall be placed on any lot, without the owner first having obtained a building permit from the Building Department. No parking lot shall be resurfaced, including seal coats, overlays, slurries, rehabilitations, or reconstructions, without the owner first having obtained a permit from the Building Department. Such permits shall require conformity with the provisions of this Ordinance and all other applicable City Ordinances.

SECTION 2: Subsection J.3, Section 316, Chapter 3, Appendix A of the Code of Ordinances is hereby repealed:

SECTION 3: Subsection A, Section 317, Chapter 3, Appendix A of the Code of Ordinances is hereby amended to read as follows:

A. *Subdivision Classifications.* The owner of a tract of land located within the city limits or in the extraterritorial jurisdiction who divides the tract in two or more parts to lay out a subdivision of the tract, to lay out suburban, building, or other lots, or to lay out streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, municipal utilities, or other parts must have a plat of the subdivision prepared.

1. Amended Plat. The relocation of common boundaries between adjacent lots which does not create additional lots, leave existing lots with any substandard dimensions, or require the extension of municipal utilities.
2. Minor Subdivision. A subdivision in which six lots or less are created and no dedication of public right-of-way is made.
3. Major Subdivision. Any subdivision which is not a Minor Subdivision or Amended Plat.
4. Aggregation of Platted Lots. See paragraph H below.

SECTION 4: Subsection B.1, Section 317, Chapter 3, Appendix A of the Code of Ordinances is hereby amended to read as follows:

B. Items to Be Shown on Plats.

1. *Preliminary Plat:* Preliminary plats shall be drawn to a convenient scale of not more than one hundred (100) feet to an inch and shall show the following information (on the plat or supporting document where so specified) for the area to

be platted and all land within two hundred (200) feet of the outer boundary of the subdivision.

a. Proposed Name: The proposed name shall not duplicate the name of any plat previously recorded within San Patricio County.

b. Project Ownership: Name and address, including telephone number, of legal owner, or agent, of property, and citation of last instrument conveying title to each parcel of property involved in the proposed subdivision, giving grantor, grantee, date, and land records reference; and,

i. Verification of payment of property taxes.

ii. Existing covenants on the property, if any.

c. Adjacent Ownership: Names of adjoining property owners.

d. Professional Firms: Name and address, including confirmed current professional Texas credentials, telephone number, of the professional person(s) responsible for subdivision design, for the design of public improvements, surveys and any environmental reports.

e. Title Block: Graphic and numerical scale, north arrow and date.

f. Description: Legal description of the subdivision outer boundary.

g. Vegetation: Existing trees or other existing major plant life, if any.

h. Encumbrances: Location of existing property lines, existing easements, rights-of-way and watercourses.

i. Topography: The plat map shall show the existing elevations at two-foot intervals.

j. Circulation: Location, width and names of all existing or platted streets or other public ways within or immediately adjacent to the tract, plus all proposed streets, sidewalks and pedestrian-bicycle paths.

k. Utilities, Existing: Location, sizes, elevations and slopes of existing sewers, water mains, gas and pipelines and culverts and other underground structures and easements within the tract and immediately adjacent thereto, and utility poles on or immediately adjacent to the site.

l. Utilities, Proposed: Proposals for connection with existing cable TV, electric, gas and telephone systems, public water and sewage systems, or alternative means of providing sanitary sewage disposal if the City grants a waiver under

state law. Appropriate covenants, easements and other restrictions shall be shown.

m. Storm Water Management Plan: Preliminary provisions for collecting and discharging surface water drainage.

n. Soils: Soil types as indicated in the U.S. Soil Conservation Survey of San Patricio County.

o. Environmentally Sensitive Lands: The location of any flood hazard areas or wetlands and all applicable environmentally sensitive areas shall be shown and impact reports provided as required by State and/or Federal law.

p. Lots: Location, dimensions and areas of all proposed or existing lots.

q. Setbacks: All setback lines based upon the applicable zoning district. (A typical lot plat is acceptable.)

r. Recreational and Public Uses: The approximate location, dimensions and area of all parcels of land proposed to be set aside for private or public recreational or park use or other public use. Land to be dedicated to the City shall be so indicated.

s. Common Areas: Proposed ownership and maintenance provisions of any such areas.

t. Other Holdings: Whenever the preliminary plat covers only a part of an applicant's contiguous holdings, the applicant shall submit, at the scale of no more than two hundred (200) feet to the inch, the proposed area layout and street system of the subject plat together with the future streets, utilities and storm water systems of the remaining portion of the tract.

u. Phasing: If the plat is to be developed in phases, such phasing shall be shown.

v. Vicinity Map: General location map showing the proposed platted area relative to the community.

w. Survey: Sufficient data acceptable to the City Engineer to determine readily the location, bearing and length of all lines.

x. Land Use: Indication of the proposed use of any lot other than a single-family detached lot, e.g. multifamily, commercial, office, etc.

y. Block and Lot Numbers: Blocks shall be consecutively numbered or lettered in alphabetical order. The blocks in numbered additions to subdivisions bearing the same name shall be numbered or lettered consecutively throughout the several additions. All lots in each block shall be consecutively numbered. Out-lots shall

be lettered in alphabetical order.

z. TxDOT Approval: Proof of Texas Department of Transportation approval for driveway locations and spacing shall be indicated on the face of the preliminary plat, if applicable.

SECTION 5: Subsection D, Section 317, Chapter 3, Appendix A of the Code of Ordinances is hereby amended to read as follows:

D. Final Plat, Major or Minor Subdivision.

1. *Application Procedure and Requirements.* Owner Representation. An application for approval of a plat shall be filed by the record owner of the property to be subdivided or the duly authorized agent of the record owner. Following the approval of the preliminary plat for major subdivisions, or following a pre-application conference for minor subdivisions, the applicant shall submit a final plat. It shall be accompanied by the following:
 - a. A copy of the approved Preliminary Plat (for Major Subdivisions) or a copy of a survey of the property showing all adjacent owners (for Minor Subdivisions).
 - b. Final Plat: five (5) copies for initial review, twelve (12) copies for Planning and Zoning Commission approval.
 - c. Subdivision Construction Plans: three copies including drainage plans for review and approval by the Administrative Official (if public improvements are to be constructed).
 - d. Dedications.
 - e. Tax certificate.
 - f. All formal irrevocable offers of dedication to the public of all streets, local government uses, utilities, parks and easements in a form approved by the City Manager.
 - g. Utility Verification Letters showing that the electric, cable, and other utility providers have reviewed the plat and take no exception.
 - h. Geotechnical report per Section 607. J.
 - i. Geometric closure report.
 - j. Texas Department of Transportation driveway permit, if applicable.

SECTION 6: Line Item “Bar, Saloon, Lounge, Dance Hall, Private Club”, Section 406, Chapter 4, Appendix A of the Code of Ordinances is hereby amended to read as follows:

	Residential							Special			Nonresidential			
Use	R-6	R-7	R-8	R-8D	R-15	RMH	R-20	RST	OT-1	OT-2	P	C-R	C-G	I

Dance Hall, Private Club							SP		SP		SP	SP	
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SECTION 7: Subsection I, Section 607, Chapter 6, Appendix A of the Code of Ordinances is hereby amended to read as follows:

I. Turn Lanes, Widening, Shifting, Medians, and Striping. In addition to the pavement widths specified below, the City may require intersection turn lanes (right and/or left) and acceleration/deceleration lanes should traffic projections dictate. Such lane widths shall be determined on a case-by-case basis by the City. The City may require that a street be widened, lanes to be shifted, medians constructed, or a roadway restriped if the proposed subdivision or building project generates unique traffic characteristics that present safety concerns. Such safety improvements shall be determined solely by the Administrative Official.

SECTION 8: Subsection J, Section 607, Chapter 6, Appendix A of the Code of Ordinances is hereby amended to read as follows:

J. Surface Improvements. After utilities have been installed, the developer shall construct curbs and gutters and shall surface roadways to the widths prescribed in these regulations. All road pavement, shoulders, drainage improvements and structures, curbs, turnarounds, and sidewalks shall conform to City of Portland construction standards and specifications (which are contained in a separate ordinance), and shall be incorporated into the construction plans to be submitted for plat approval. A geotechnical report with pavement recommendations is required for the construction of road pavement. A boring plan shall be designed by a Professional Engineer licensed by the State of Texas for approval by the Administrative Official.

SECTION 9: Subsection J, Section 614, Chapter 6, Appendix A of the Code of Ordinances is hereby amended to read as follows:

C. Plat Requirements. The location of all fire hydrants and all water supply improvements shall be shown on the preliminary plat. All fire hydrants and water supply improvements shall be in utility easements dedicated by plat or other recorded instrument.

SECTION 10: Subsection D, Section 615, Chapter 6, Appendix A of the Code of Ordinances is hereby amended to read as follows:

D. Fire Hydrant Access

1. All hydrants shall be installed in such a manner as to be unobstructed and easily accessed by the Fire Department at all times.

2. All locations are to be approved by the City Fire Department. All fire hydrants and waterline extensions serving fire hydrants shall be in utility easements dedicated by plat or other recorded instrument.

3. Hydrants shall be placed a minimum of three (3) feet from roadways and driveways. They shall not be blocked by hedges, trees, parked vehicles, buildings, fences, utility poles, receptacles, signs, etc. There shall be a minimum of three (3) feet working clearance around every hydrant.

SECTION 11: Subsection 9, Section A, Appendix C (Development Fee Schedule) of the Code of Ordinances is hereby amended to read as follows:

Total Project Valuation	Fire Code Plan Review Fees	Fire Code Inspection Services
Up to \$250,000	Hourly charges, \$500 maximum	Hourly charges, \$750 maximum
\$250,001 to \$500,000	\$850	\$1,050
\$500,001 to \$1,000,000	\$1,100	\$1,350
\$1,000,001 to \$3,000,000	\$1,600	\$1,900
\$3,000,001 to \$6,000,000	\$2,400	\$2,850
\$6,000,001 and up	\$2,400 plus \$0.25 each additional \$1,000	\$2,850 plus \$0.25 each additional \$1,000

SECTION 12: If any provision, section, 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 of this Ordinance shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof, or provisions or regulations contained herein, shall become inoperative or fail by reason of any unconstitutionality of any other portion hereof, and all provisions of this Ordinance are declared severable for that purpose.

SECTION 13: Any previously adopted ordinance, resolution, rule, regulation or policy in conflict with this Ordinance is hereby repealed.

SECTION 14: Any person who violates this Ordinance shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine not exceeding five hundred dollars (\$500.00). Each and every day that a violation of this Ordinance occurs shall constitute a separate offense.

SECTION 15: This Ordinance shall be published after second reading hereof by publishing the caption thereof in the official newspaper with a statement the public may view the Ordinance in the Office of the City Secretary. This Ordinance shall be effective from and after the publication provided herein.

PASSED and APPROVED on second reading this 5th day of November 2013.

CITY OF PORTLAND

David Krebs

David Krebs
Mayor

ATTEST:

Annette Hall

Annette Hall
City Secretary

