

MEMORANDUM

DATE: October 16, 2024

TO: Mayor & City Council
CC: Mercy Rushing, City Manager

FROM: David Madsen

SUBJECT: **Council Meeting Agenda Item:** Amendments to subdivision regulations

Background Information: the Texas 88th legislature changed some of the laws pertaining to subdivision regulations for cities. The city attorney, Blake Armstrong, has drafted an ordinance to amend the current subdivision ordinance to include the changes. There will also be some future changes to the design standards for streets and utilities to make sure we are up to date with state and national engineering standards. That document will be presented later.

Recommendation:

Final Disposition:

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF MINEOLA, TEXAS AMENDING CHAPTER 38 (SUBDIVISIONS) OF THE CITY'S CODE OF ORDINANCES; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council for the City of Mineola, Texas ("City") has previously passed regulations concerning subdivisions of land and, more specifically, the platting of such land subdivisions and codified said regulations in Chapter 38 (Subdivisions) of the Mineola Code of Ordinances; and

WHEREAS, subsequent to the passing of the aforementioned regulations, the Texas Legislature has passed regulations concerning the platting of subdivided land and has mandated said legislation be enacted and followed by Municipalities, such as the City of Mineola; and

WHEREAS, due to the aforementioned state legislation, the City desires to amend Chapter 38 (Subdivisions) of the Mineola Code of Ordinances so as to be compliant with all State imposed regulations.

NOW, THEREFORE, BE IT ORDAINED by the City Council for the City of Mineola, Texas as follows:

**I.
AMENDMENTS**

The following Sections of Chapter 38 (Subdivisions) of the Mineola Code of Ordinances are hereby amended.

- Section 38-1(c) is hereby amended by adding the following Subsection:
38-1(c)(6) - A plat concerning the subdivision of land shall not be required unless the owner of such land intends to dedicate infrastructure, streets, easements, right-of-ways or some other portion of the subdivided land for public use.
- Section 38-29(a) (Preliminary Plat) is hereby amended as follows:
A preliminary plat must be prepared for all non-exempt subdivisions within the corporate limits of the City. A preliminary plat is neither authorized nor required in the City's extraterritorial jurisdiction, unless expressly authorized by a valid and approved development agreement.
- Section 38-28(e)(1) (Master Plat) is hereby amended as follows:
After review of the master plat application by the responsible official and the City Engineer, the application shall be scheduled for consideration by the Planning and Zoning Commission. The Commission shall decide whether to approve, approve with conditions or disapprove with explanation the master plat application based on the criteria for approval in Subsection (f) of this Section. Should the Planning and Zoning Commission conditionally approve or disapprove with explanation a plat, such conditions or conditions shall be provided to the applicant in writing specifying the conditions regarding the conditional approval or reasons

for disapproval that clearly articulate each specific condition for the conditional approval or reason for the disapproval. Each condition or reason specified in the written statement must:

- (1) Be directly related to the requirements under the subdivision platting law and include a citation to the law, including a statute or section of this Ordinance that is the bases for the conditional approval or disapproval and
- (2) May not arbitrary.

An applicant receiving such a written statement from the Planning and Zoning Commission may submit a written response to the Planning and Zoning Commission which attempts to satisfy each condition for the conditional approval or remedies for the reasons given for disapproval. Should a written response be received by the Planning and Zoning Commission, it shall determine whether to approve or disapprove the applicants previously conditionally approved or disapproved plat, not later than the fifteenth (15th) day after the date the response was submitted.

The thirty (30) day time period for consideration of the master plat may be extended for additional thirty (30) day periods upon mutual agreement of the applicant and the City.

- Section 38-28(e)(2) is amended as follows:

Following the decision by the Planning and Zoning Commission, City Council shall determine whether to approve, approve with conditions, or disapprove with explanation the master plat application, taking into consideration the action taken by the Planning and Zoning Commission, and the criteria for approval in Subsection (f) of this section. Should the City Council conditionally approve or disapprove with explanation a plat, such conditions or conditions shall be provided to the applicant in writing specifying the conditions regarding the conditional approval or reasons for disapproval that clearly articulate each specific condition for the conditional approval or reason for the disapproval. Each condition or reason specified in the written statement must:

- (3) Be directly related to the requirements under the subdivision platting law and include a citation to the law, including a statute or section of this Ordinance that is the bases for the conditional approval or disapproval and
- (4) May not arbitrary.

An applicant receiving such a written statement from the City Council may submit a written response to the City Council which attempts to satisfy each condition for the conditional approval or remedies for the reasons given for disapproval. Should a written response be received by the City Council, it shall determine whether to approve or disapprove the applicants previously conditionally approved or disapproved plat, not later than the fifteenth (15th) day after the date the response was submitted.

The thirty (30) day time period for consideration of the master plat may be extended for additional thirty (30) day periods upon mutual agreement of the applicant and the City.

- Section 38-28(b) is hereby amended as follows:

A master plat shall be required for any division of non-exempt land where the proposed

development of the tract is to occur in phases or for land inside City limits where the land is located within an existing or proposed PD. (The remainder of this Section shall remain the same.)

- Section 38-29(a) is hereby amended as follows:

A preliminary plat must be prepared for all non-exempt subdivisions within the corporate limits of the City. A preliminary plat is neither authorized nor required in City's extraterritorial jurisdiction, unless expressly authorized by a valid and approved development agreement.

- Section 38-29(12)(1) is hereby amended as follows:

After review of the preliminary plat application by the responsible official and the City Engineer, the application shall be scheduled for consideration by the Planning and Zoning Commission. The Commission shall decide whether to approve, approve with conditions or disapprove with explanation the preliminary plat application based on the criteria for approval in Subsection (d) of this Section. Should the Planning and Zoning Commission conditionally approve or disapprove with explanation a plat, such conditions or conditions shall be provided to the applicant in writing specifying the conditions regarding the conditional approval or reasons for disapproval that clearly articulate each specific condition for the conditional approval or reason for the disapproval. Each condition or reason specified in the written statement must:

- (1) Be directly related to the requirements under the subdivision platting law and include a citation to the law, including a statute or section of this Ordinance that is the bases for the conditional approval or disapproval and
- (2) May not arbitrary.

An applicant receiving such a written statement from the Planning and Zoning Commission may submit a written response to the Planning and Zoning Commission which attempts to satisfy each condition for the conditional approval or remedies for the reasons given for disapproval. Should a written response be received by the Planning and Zoning Commission, it shall determine whether to approve or disapprove the applicants previously conditionally approved or disapproved plat, not later than the fifteenth (15th) day after the date the response was submitted.

The thirty (30) day time period for consideration of the master plat may be extended for additional thirty (30) day periods upon mutual agreement of the applicant and the City.

- Section 38-30(13)(1) is hereby amended as follows:

The Planning and Zoning Commission shall take action on the final plat within thirty (30) days of the official filing date. If the final plat meets all the requirements of the subdivision regulations, the Planning and Zoning Commission shall approve the plat. If the plat does not meet the requirements of the subdivision regulations the Planning and Zoning Commission shall approve with conditions or disapprove the plat with explanation. Should the Planning and Zoning Commission conditionally approve or disapprove with explanation a plat, such conditions or conditions shall be provided to the applicant in writing specifying the conditions regarding the conditional approval or reasons for disapproval that clearly articulate each specific condition for the conditional approval or reason for the disapproval. Each condition or reason specified in the written statement must:

- (1) Be directly related to the requirements under the subdivision platting law and include a citation to the law, including a statute or section of this Ordinance that is the bases for the conditional approval or disapproval and
- (2) May not arbitrary.

An applicant receiving such a written statement from the Planning and Zoning Commission may submit a written response to the Planning and Zoning Commission which attempts to satisfy each condition for the conditional approval or remedies for the reasons given for disapproval. Should a written response be received by the Planning and Zoning Commission, it shall determine whether to approve or disapprove the applicants previously conditionally approved or disapproved plat, not later than the fifteenth (15th) day after the date the response was submitted.

- Section 38-30(c)(2) is hereby amended as follows:

The City Council, following action by the Planning and Zoning Commission, shall either approve, approve with conditions or disapprove with explanation the final plat. Should the City Council conditionally approve or disapprove with explanation a plat, such conditions or conditions shall be provided to the applicant in writing specifying the conditions regarding the conditional approval or reasons for disapproval that clearly articulate each specific condition for the conditional approval or reason for the disapproval. Each condition or reason specified in the written statement must:

- (1) Be directly related to the requirements under the subdivision platting law and include a citation to the law, including a statute or section of this Ordinance that is the bases for the conditional approval or disapproval and
- (2) May not arbitrary.

An applicant receiving such a written statement from the City Council may submit a written response to the City Council which attempts to satisfy each condition for the conditional approval or remedies for the reasons given for disapproval. Should a written response be received by the City Council, it shall determine whether to approve or disapprove the applicants previously conditionally approved or disapproved plat, not later than the fifteenth (15th) day after the date the response was submitted.

The thirty (30) day time period for consideration of the master plat may be extended for additional thirty (30) day periods upon mutual agreement of the applicant and the City.

- Article 38 (Subdivisions) is hereby amended by adding the following Section:

Section 38-35 (Administrative Approval of all Plats)

The City Council may divest all platting procedure from the authority of the Planning and Zoning Commission and City Council and delegate such authority to the City's Administrative Staff.

**II.
REPEALER**

By the passage of this Ordinance, any Ordinance, Resolution or any other regulation in conflict with the provisions of this Ordinance are hereby repealed to the extent of said conflict.

**III.
SEVERABILITY**

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, subsections and phrases of this Ordinance are severable, and if any section, paragraph, sentence, clause, subsection or phrase of this Ordinance shall be declared unconstitutional by the judgment or decree of any court of competent jurisdiction, such unconstitutionality or illegality shall not affect any of the remaining sections, paragraphs, sentences, clauses, subsections and phrases of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional or illegal section, paragraph, sentence, clause, subsection or phrase.

**IV.
EFFECTIVE DATE**

This Ordinance shall become effective immediately upon its passage and approval by the City Council for the City of Mineola, Texas.

PASSED and APPROVED on this _____ day of _____, 2024.

APPROVED BY:

Jayne Lankford, Mayor

ATTEST:

Cindy Karch, City Secretary