

ORDINANCE 2021 – 01

AN ORDINANCE OF THE CITY OF COMMERCE, TEXAS AMENDING APPENDIX “B”, “SUBDIVISIONS”, SECTION 2.3, “PROCEDURE FOR APPROVAL OF FINAL PLAT”, PART “H” OF THE CODE OF ORDINANCES OF THE CITY OF COMMERCE, TEXAS; PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING FOR AN AMENDMENT; PROVIDING FOR A SAVINGS/REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

SECTION 1. Subsection H of Sec. 2.3 of the Subdivision Ordinance is hereby amended to read as follows:

H. Delegation of approval authority of certain plats.

(a) In accordance with Texas Local Government Code Section 212.0065 of the Land Use Regulations of the State of Texas, the City of Commerce delegates to the City Manager or the City Manager’s designee the ability to approve:

- (1) Amending plats described by Section 212.016 of the Texas Local Government Code; or
- (2) Minor plats or replats involving four (4) or fewer lots fronting an existing street and not requiring the creation of any new street or the extension of municipal facilities, provided that any replat of residential property that is within the requirements of Section 212.015 of the Texas Local Government Code, shall not be approved by the City Manager or the Manager’s designee under this subsection.

(b) The City Manager may, for any reason, elect to present the plat to the planning and zoning commission, in which case the plat will be processed in the same manner as all other final plats.

(c) The City Manager shall not disapprove the plat, and shall be required to refer any plat which he or she refuses to approve to the planning and zoning commission to meet the time period specified in Section 2.9 of this subdivision ordinance.

SECTION 2. Subsection B of Section 2.7 of the Subdivision Ordinance, Amended Plat is hereby amended to read as follows:

B. Except as provided in Section 2.3(h), the planning and zoning commission and city commission may approve and issue an amending plat, which may be recorded and is controlling over the preceding or final plat without vacation of that plat, if the

amending plat is signed by the applicants only and the sole purpose of the amending plat shall be to:

1. Correct an error in a course or distance shown on the preceding plat;
2. Add a course or distance that was omitted on the preceding plat;
3. Correct an error in a real property description shown on the preceding plat;
4. Indicate monuments set after the death, disability, or retirement from practice of the engineer or surveyor responsible for setting monuments;
5. Show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat;
6. Correct any other type of scrivener or clerical error or omission previously approved by the municipal authority responsible for approving plats, including lot numbers, acreage, street names, and identification of adjacent recorded plats;
7. Correct an error in courses and distances of lot lines between two adjacent lots if:
 - a. Both lot owners join in the application for amending the plat;
 - b. Neither lot is abolished;
 - c. The amendment does not attempt to remove recorded covenants or restrictions; and
 - d. The amendment does not have a material adverse effect on the property rights of the owners in the plat;
8. Relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement; or
9. Relocate one or more lot lines between one or more adjacent lots if:
 - a. The owners of all those lots join in the application for amending the plat;
 - b. The amendment does not attempt to remove recorded covenants or restrictions; and
 - c. The amendment does not increase the number of lots; or
10. To make necessary changes to the preceding plat to create six or fewer lots in the subdivision or a part of the subdivision covered by the preceding plat if:
 - a. The changes do not affect applicable zoning and other regulations of the city;

- b. The changes do not attempt to amend or remove any covenants or restrictions; and
- c. The area covered by the changes is located in an area that the city has approved, after a public hearing, as a residential improvement area.

SECTION 3. Subsection (g) (1) of Section 2.9 of the Subdivision Ordinance is hereby amended as follows:

- (1) A replat of a subdivision or part of a subdivision may be recorded and is controlling over the preceding plat without vacation of the plat if the replat is:
 - a. Signed and acknowledged by only the owner of the property being replatted;
 - b. Is approved by either the planning commission or in accordance with Section 2.3 H of the Subdivision ordinance; and
 - c. Does not attempt to amend or remove any covenants or restrictions.

SECTION 4. SAVINGS/REPEALING CLAUSE. This Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances or parts thereof in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance. Provided however, that any complaint, action, claim or lawsuit which has been initiated or has arisen under or pursuant to such Ordinance on the date of adoption of this Ordinance shall continue to be governed by the provisions of that Ordinance and for that purpose the Ordinance shall remain in full force and effect.

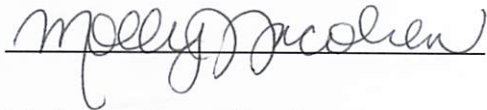
SECTION 5. SEVERABILITY CLAUSE. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City Council of the City of Commerce hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences clauses and phrases be declared unconstitutional or invalid.

PASSED AND APPROVED on the first reading at a regular meeting of the City Council of the City of Commerce, Texas on this the 15th day of December 2020.

PASSED AND APPROVED on the second reading at a regular meeting of the City Council of the City of Commerce, Texas on this the 5th day of January 2021.

ATTEST:

CITY OF COMMERCE:



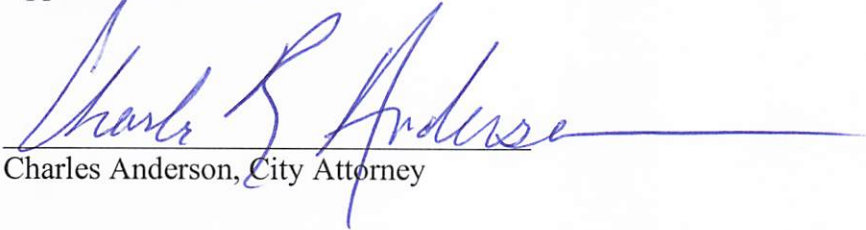
Molly Jacobsen, City Secretary



Wyman Williams, Mayor

(seal)

Approved as to Form:



Charles Anderson, City Attorney

I, Molly Jacobsen, City Secretary of the City of Commerce, Texas, do hereby certify that the above is a true and correct copy of a Resolution, and that the same has not been repealed and is in full force and effect.

(Seal)



Molly Jacobsen, City Secretary