

ORDINANCE NO. 2015-

AN ORDINANCE AMENDING ARTICLE I OF CHAPTER 102 OF THE CODE OF ORDINANCES OF THE CITY OF LEAGUE CITY, TEXAS ENTITLED "SUBDIVISIONS" TO AMEND REQUIREMENTS AND PROCEDURES FOR UTILITY INSTALLATIONS AND TO INCORPORATE CONFORMITY WITH THE TRAILS MASTER PLAN.

WHEREAS, on January 26, 1999, the City Council of the City of League City, Texas repealed Ordinances Nos. 86-51, 93-104, and 95-12 and adopted Ordinance No.99-07 adopting new regulations pertaining to subdivision development; and

WHEREAS, the City Council deems it necessary and in the best interests of the citizens to adopt amendments to the subdivision ordinance that clarify the requirements and procedures for requesting a variance from the provisions pertaining to subdivision development;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEAGUE CITY, TEXAS, as follows:

Section 1. The facts and opinions in the preamble of this ordinance are true and correct.

Section 2. The City Council of the City of League City, Texas, hereby amends Article I of Chapter 102 of the Code of Ordinances of the City of League City, Texas, entitled "Subdivisions" by amending Section 102-6, entitled *Easements*, to read as follows:

Section 102-6. Easements.

The following requirements apply to all easements.

(1) *Utility easements.* ~~a.~~ A minimum of ten feet is required for utility easements. A minimum of 14 feet is required for all multiple-use easements located along shared back lot lines (seven feet on either side of the lot line). If required, there shall be a note placed on the plat as follows: "There is hereby dedicated an unobstructed aerial easement five feet wide upward from a plane 20 feet above the ground adjacent to all utility easements, except as otherwise shown hereon. Easements may be fenced by the builder, applicant or subsequent property owner. Flatwork, landscaping and fencing only are permitted in public utility easements. The city or franchise utility companies shall have the right to remove said flatwork, landscaping or fencing for the purposes of installation, operation, and maintenance into the easements, and shall not bear the responsibility for replacement."

~~b.~~

~~The owner shall install, maintain, and pay for all utilities on the owner's property, which shall be placed and kept underground outside of buildings. In undeveloped property within proposed multi-family residential areas, all utilities shall be placed and kept underground outside of buildings at the applicant's expense as a requirement for issuance of building permits and~~

~~approval of plot plans. Public utility lines under driveways and parking lots must be covered with a breakout panel centered above the utility line with a minimum width of four feet.~~

(2) *Easement along major drainage arteries.* Where a subdivision is divided by a major drainage ditch, a drainage easement or right-of-way conforming with the line of the ditch and of a width as necessary to preserve the unimpeded flow of natural drainage shall be dedicated to the city. If drainage is by an open ditch designated as a major drainage artery, the easement or right-of-way shall be dedicated to the city. The city engineer shall determine the width of the easement or right-of-way.

(3) *Location of water, wastewater and storm drainage lines.* All water, wastewater and storm drainage lines shall be located within the street right-of-way or in easements adjacent thereto, unless specifically approved otherwise by the planning and zoning commission.

(4) *Stormwater drainage rights-of-way.* Where stormwater drainage rights-of-way are posted on the plat, the following shall be noted on the face of the plat: "This right-of-way shall be kept clear of fences, buildings, plantings and other obstructions to the operation and maintenance of the drainage facility.

(5) *Location of utilities.*

(a) A developer or property owner causing or requesting the new installation of any utility, including but not limited to electric, telephone/telecommunications, television, and gas, shall bear all costs for such installation and shall cause such utility to be placed and maintained underground, unless the criteria set forth in (2) below are met to allow overhead installation.

(b) Overhead installation of electric transmission lines carrying 59 kilovolts or more shall be allowed so long as they are installed on galvanized steel or concrete structures. Overhead installation of three-phase electric distribution lines shall be allowed only in the following circumstances:

1. Along the perimeter of a development, as shown on a Master Plan approved pursuant to this Chapter 102, so long as where they run adjacent to or cross a roadway classified as arterial or higher in the City's Master Thoroughfare Plan, the overhead lines are installed on concrete poles; or
2. Within the perimeter of a development, so long as the overhead lines are installed on concrete poles and are located (i) adjacent to a roadway classified as arterial or higher in the City's Master Thoroughfare Plan; or (ii) adjacent or within a utility corridor at least fifty (50) feet in width.

(c) No provision contained herein shall prevent overhead installation to provide temporary service during construction, so long as all such temporary overhead lines are removed within twelve (12) months of installation.

(d) All communication and electrical support equipment (transformers, amplifiers, switching devices, etc.) necessary to support underground installation shall be mounted on a pedestal or pad, or placed underground, and all practical options shall be exhausted to avoid the placement of such facilities in the flood plain. If such support equipment must be located within a flood plain for lack of a viable alternative, the developer shall coordinate with the affected utility to develop a plan for such location that acceptable to

the City, including but not limited to mounting and maintaining such support equipment on concrete poles, which plan shall be completed no later than the time of approval of a final plat for the property.

(e) All service drops shall be underground and associated equipment shall be pad-mounted and obscured from view by an evergreen vegetative screen taller than the equipment.”

Section 3. The City Council of the City of League City, Texas, hereby amends Article I of Chapter 102 of the Code of Ordinances of the City of League City, Texas, entitled “Subdivisions” by amending Section 102-5, entitled *Rights-of-way, Private Streets and Access General Design Requirements*, to add a new paragraph “(w)” as follows:

“(w) *Conformity to Trails Master Plan.* Provisions must be made for the uninterrupted extension(s) of trails as described in the City’s adopted Trails Master Plan or its successor documents.”

Section 4. All ordinances and agreements and parts of ordinances and agreements in conflict herewith are hereby repealed to the extent of the conflict only.

PASSED on first reading the _____ day of _____, 2015.

PASSED on second reading the _____ day of _____, 2015.

PASSED AND ADOPTED on the _____ day of _____, 2015.

TIMOTHY PAULISSEN
Mayor

ATTEST:

DIANA M. STAPP
City Secretary

APPROVED AS TO FORM:

NGHIEM V. DOAN
City Attorney