

ORDINANCE NO. 2019-

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF LEAGUE CITY BY AMENDING CHAPTER 102, ENTITLED "SUBDIVISIONS", TO REQUIRE THE ESTABLISHMENT OF HOMEOWNER ASSOCIATIONS IN RESIDENTIAL SUBDIVISIONS AND BUSINESS OWNER ASSOCIATIONS IN COMMERCIAL SUBDIVISIONS; PROVIDING FOR A PENALTY, CODIFICATION, PUBLICATION, AND AN EFFECTIVE DATE

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

Section 1. That the Code of Ordinances is hereby amended to AMEND section 102-3 entitled "*Definitions*" by adding the following definition:

Business owner's association means an association of commercial and industrial property owners in a given area formed for the purpose of improving or maintaining the quality of the area.

Section 2. That the Code of Ordinances is hereby amended to AMEND section 102-4 entitled "*Plat submittal and filing procedures*" by deleting subsection 102-4(3)(a) it in its entirety and replacing it with the following:

(3) Final plat. The same procedures that apply to preliminary plats apply to final plats except as noted:

a. The final plat shall be submitted to the planning department with the following:

(i) Plan profiles of all private and public infrastructure (including but not limited to, water and sewer lines, drainage and detention areas, utilities, berms, roads, sidewalks, and hike and bike trails shall be submitted to the engineering department and approved by the city engineer.

(ii) An overlay showing location and types of street lights and poles.

(iii) An overlay showing traffic control plan.

(iv) Utility companies' statements that easements are acceptable to provide service and no other easements are necessary or required.

(v) If applicable, letters of review by any local, county, state and federal departments as required by the city engineer or his designate.

(vi) Statement from pipeline companies that all existing or proposed pipelines crossing the property have been satisfactorily provided for to the

requirements of the pipeline operator, and that the pipeline operator agrees to all pipeline crossings by proposed streets and other subdivision features.

(vii) The number of copies of the plat and accompanying documents shall be submitted concurrently to the office of the city planner or designee in the planning department via hand delivery, U.S. mail or courier. The cover of the submittal package shall be properly addressed to the attention of the "City of League City Planning Department", clearly labeled with the type of submittal, and include the name of the applicant.

(viii) All residential subdivisions consisting of five or more lots established after the date of this ordinance shall require the establishment of a homeowner's association prior to the approval of the final plat. At a minimum, the homeowner's association agreement shall provide the agreements, covenants and restrictions establishing and creating the homeowners' association. A copy of the agreements, covenants and restrictions establishing and creating the homeowners' association must be approved by the City prior to the approval of the final plat of the subdivision and must be filed of record with said record plat in the map and plat records of the county. The record final plat shall clearly identify all facilities, structures, improvements systems, areas or grounds that are to be operated, maintained and/or supervised by the homeowners' association.

(ix) All non-residential subdivisions shall require the establishment of a business owner's association prior to the approval of the final plat. At a minimum, the association agreement shall provide the agreements, covenants and restrictions establishing and creating the homeowners' association. A copy of the agreements, covenants and restrictions establishing and creating the business owner's association must be approved by the City prior to the approval of the final plat of the subdivision and must be filed of record with said record plat in the map and plat records of the county. The record final plat shall clearly identify all facilities, structures, improvements systems, areas or grounds that are to be operated, maintained and/or supervised by the business owners' association.

(x) The appropriate city department may waive one or more of the above items it deems unnecessary due to the size of the parcel, the number of lots being created, the proposed use and the adequacy of existing infrastructure servicing the location.

Section 3. Savings. All rights and remedies which have accrued in favor of the City under this Ordinance and amendments thereto shall be and are preserved for the benefit of the City.

Section 4. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid, unconstitutional or otherwise unenforceable by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 5. Repealer. All ordinances and parts of ordinances in conflict herewith are hereby repealed but only to the extent of such conflict.

Section 6. Codification. It is the intent of the City Council of the City of League City, Texas, that the provisions of this Ordinance shall be codified in the City's official Code of Ordinances as provided hereinabove.

Section 7. Publication and Effective Date. The City Secretary shall cause this Ordinance, or its caption, to be published in the official newspaper of the City of League City, upon passage of such Ordinance. The Ordinance shall become effective immediately upon passage.

PASSED first reading the ____ day of _____, 2019.

PASSED second reading the ____ day of _____, 2019.

PASSED AND ADOPTED the ____ day of _____, 2019.

PAT HALLISEY

Mayor

ATTEST:

DIANA M. STAPP
City Secretary

APPROVED AS TO FORM:

NGHIEM V. DOAN
City Attorney