

**City of Santa Clara**  
**Property Subdivision and Land Development**  
**Ordinance**  
**2020-004**

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ORDINANCE NO. 2020-004

**AN ORDINANCE OF THE CITY OF SANTA CLARA, TEXAS, REPEALING AND REPLACING ORDINANCE 219; PRESCRIBING RULES AND REGULATIONS GOVERNING THE SUBDIVISION OF PROPERTY AND THE DEVELOPMENT OF LAND WITHIN THE INCORPORATED AREA AND THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF SANTA CLARA, TEXAS; CONTAINING CERTAIN DEFINITIONS; PRESCRIBING PROCEDURES AND REQUIREMENTS FOR PLAT AND PLAN SUBMISSIONS; REQUIRING FEES; PROVIDING STANDARDS FOR STREETS, SIDEWALKS, DRAINAGE, FLOOD CONTROL AND UTILITIES; PROVIDING FOR A PENALTY; AND PROVIDING A SEVERABILITY CLAUSE.**

**WHEREAS**, under the provisions of the Constitution and laws of the State of Texas, including particularly Chapter 212 of the Local Government Code, as amended, a City may provide that the owner of a tract of land within the limits or in the extraterritorial jurisdiction of a municipality who divides the tract in two or more parts to lay out a subdivision of the tract, including an addition to a municipality, 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, or other parts, must have a plat of the subdivision prepared and have the plat approved by the City; and

**WHEREAS**, on July 13, 2020 the Council of the City of Santa Clara, Texas adopted Ordinance 219; and

**WHEREAS**, the City of Santa Clara is committed to the concept that the cost of development must be borne by the developer and must not become burdensome to the taxpayers; and

**WHEREAS**, in order to promote the health, safety, and general welfare of the municipality and to provide for the safe, orderly and healthful development of the municipality the City Council of the City of Santa Clara, Texas desires to repeal Ordinance 219, as adopted and amended, and replace it with the standards, rules and regulations set forth herein;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SANTA CLARA, TEXAS, THAT:**

**PROPERTY SUBDIVISION AND LAND DEVELOPMENT**

**ORDINANCE**

**OF**

**THE CITY OF SANTA CLARA, TEXAS**

**ARTICLE I. GENERAL PROVISIONS**

## SECTION 1. SHORT TITLE

This Ordinance and the standards, rules and regulations contained herein shall be known as the "PROPERTY SUBDIVISION AND LAND DEVELOPMENT ORDINANCE."

## SECTION 2. ENACTMENT

### A. Adoption of Chapter 212, Subchapter B of the Texas Local Government

Chapter 212, Subchapter B of the Texas Local Government Code and any successor or replacement statute is hereby adopted by the City of Santa Clara, Texas in its entirety and incorporated herein for all purposes.

### B. Regulations of Property Development.

The standards, rules and regulations contained herein shall govern the subdivisions and development of land both within the corporate limits of the City of Santa Clara, Texas (the "City"), and within the extraterritorial jurisdiction of the City (the "ETJ"), (together the "City" and "ETJ" the "*Santa Clara Area*").

## SECTION 3. PURPOSE AND OBJECTIVES

The standards, rules and regulations contained herein are adopted by the City of Santa Clara, Texas for the following purposes and objectives:

- A. To promote and protect the health, safety, morals, and general welfare of the City, the ETJ and the Santa Clara Area;
- B. To promote and encourage the safe, orderly and healthful development of the City, the ETJ and the Santa Clara Area; and
- C. To safeguard and insure the wise and responsible use and management of natural resources in the City, the ETJ and the Santa Clara Area.

## SECTION 4. APPLICATION OF REGULATIONS

Upon the passage of this ordinance, any person, firm or corporation seeking approval of any plat, plan or replat of any subdivision or development of land within the corporate limits of the City and its legally established extraterritorial jurisdiction shall be required to comply with the requirements of this ordinance, except as prohibited by State or Federal law, before such approval may be granted.

## SECTION 5. DEFINITIONS

For the purpose of this ordinance, certain terms and words are hereby defined as follows. For the convenience of the reader, these terms are usually indicated by **bold print and underling**, but the absence of such indications does not imply a different meaning. Terms not defined herein shall be construed in accordance with the Zoning Ordinance, other City codes and ordinances, or their customary usage and meaning. The word "shall" is mandatory and not permissive. The word "may" is permissive and not mandatory. The words "may not" are both prohibitive. Headings and captions are for reference purposes only, and shall not be used in the interpretation of this ordinance.

**Access Street:** any street within a subdivision or development along the boundaries of the subdivision or development which would serve any properties outside the plat or development plan.

**Access Way:** a public or private thoroughfare by which pedestrians shall have lawful and usable ingress and egress to a property line.

**Alley:** A minor public right-of-way not intended to provide the primary means of access to abutting lots, which is used primarily for vehicular service access to the back or sides of properties otherwise abutting on a street.

**Alley, Commercial:** An Alley designed to access the rear or side of non-residential lots or the rear of residential lots with rear entry garages.

**Alley, Residential:** An alley designed to access the rear or side of residential lots without rear entry garages.

**Applicant:** a person or entity who submits to the City an application for an approval required by this Ordinance. To be qualified as an Applicant under this Ordinance, the person or entity must have sufficiently documented legal authority or proprietary interests in the land to commence and maintain proceedings under this Ordinance. The term may include the Property Owner, developer or subdivider or an agent thereof who files a Plan or Plat application.

**Arterial Street:** a principal traffic artery carrying higher volumes of traffic than an access street and connects areas throughout a subdivision and to State Highways.

**Building Setback Line:** The line within a property defining the minimum horizontal distance between a building and lot lines.

**Capital Improvements Program (CIP):** the official proposed schedule, if any, of the City's future public projects listed together with cost estimates and the anticipated means of financing each project, as adopted by the City Council.

**City:** The City of Santa Clara, Texas.

**City Administrator:** The City's chief administrative officer, as appointed by the City Council. In the absence of a City Administrator the Mayor shall serve in the capacity.

**City Consultants:** Any person or firm authorized by the City Council to provide consulting services to, on behalf of and for the benefit of the City.

**City Staff:** Any full or part time employee of the City.

**City Council:** The City Council of the City of Santa Clara, Texas also referred to, from time to time, as the Board of Alderman of the City of Santa Clara, Texas.

**Clearing and Grubbing:** the removal and disposal of trees, stumps, brush, roots, vegetation, logs, rubbish and other matter from a designated right-of-way.

**Comprehensive Plan:** the official plan, if any, as adopted, revised or amended by the City Council which indicates the general goals and aspirations for development of the City and providing locations within the corporate limits of the City and the City's ETJ for various land uses, transportation uses, public and private buildings, streets, parks, utilities, and other public and private developments and improvements.

**Concept Plan:** a rough draft or idea of a proposed land development to include a drawing, superimposed on a topographic map, depicting the overall conceptual layout of a proposed development which generally elaborates the anticipated plan of development; shall not constitute a “Plan”, as defined below. Concept Plans are referred to as “land studies”, and as such are only intended for preliminary use and shall not be submitted for City approval. Concept Plans shall be included as part of the Plat application process where the subdivision creates more than four (4) tracts of land, provides for public improvements, or public easements are dedicated therein.

**County:** means the applicable County or Counties in which the subdivision or development is located.

**Developer:** Any person or any agent thereof, developing or proposing to develop land so as to constitute a **development** as that term is defined herein. In any event, the term “developer” shall be restricted to include only the owner, equitable owner or authorized agent of such owner or equitable owner, of land sought to be developed.

**Development:** An altering of landscape in any number of ways typically for the purpose of construction or reconstruction of buildings, structures, or other land improvements.

**Easement, Non-Vehicular Access:** An easement dedicated to the public prohibiting vehicular traffic on, over or across said easement.

**Easement, Overhang:** An interest in land granted to the City, to the public generally, or to a private or public corporation for installing or maintaining utilities over private land. This easement does not grant the right of entry thereon with machinery and vehicles for maintenance.

**Easement, Sidewalk:** An interest in land granted to the public for the installation of and public use of, sidewalk across or over private land, together with the right to enter thereon with machinery and vehicles necessary for the installation and maintenance of said sidewalk.

**Easement, Utility:** An interest in land granted to the City, to the public, or to a public or private corporation for installing or maintaining utilities across, over or under private land, together with the right to enter thereon with machinery and vehicles necessary for the maintenance of said utility.

**Easement, Public Use:** An interest in land granted to the City, to the public, or to a public or private corporation for general use by the public in any manner deemed appropriate by the receiving entity.

**Extraterritorial Jurisdiction “ETJ”:** The area beyond the corporate city limits in which a municipality may exercise such powers and duties as outlined by Texas Law, to include but not limited to the Texas Local Government Code; and as determined by Chapter 42 of the Texas Local Government Code.

**Extreme limits:** The side slope intercept with the natural ground or proposed finished ground elevation of a channel.

**Final Plat:** Includes the survey description for each lot in the plat plus plat notes and dedication, recording and approval statements to be recorded with the county.

**Fire Marshal:** Shall mean the City Fire Marshal, or in the absence of a City Fire Marshal such term shall mean the County Fire Marshal.

**Flood Plain:** Any land area susceptible to being inundated by water from the unusual and rapid accumulation or runoff of surface waters from any source as determined by the most recent versions of the floodplain maps created and distributed by the Federal Emergency Management Agency (FEMA).

**Floodway:** The channel of a river or watercourse and portions of the adjacent floodplain as depicted in the current floodway map provided to the City of Santa Clara by Federal Emergency Management Agency (FEMA) or as determined by an engineering study in area not depicted in the current floodway map.

**Half-Street:** Any portion of a street which does not meet the minimum right-of-way widths required by this ordinance or which is to be widened to full width at some later date.

**Impervious Surface:** The impermeable surface of any street, alley, sidewalk, driveway or parking area, the roof of any building or structure, and the top surface of any deck or other construction of any character which is so designed or built such that rain falling on the surface is carried off that surface without directly penetrating the ground beneath it.

**Interior Street:** A minor street which enters or traverses a subdivision, or whose entire course is located within the boundaries of a subdivision, as distinguished from a perimeter street.

**Limited Access Street:** A street along, which direct vehicular ingress and egress to and from adjacent residential property is prohibited.

**Local Street:** a street or road which is intended primarily to serve traffic within a neighborhood or residential area and provides access to adjacent land over short distances.

**Lot:** An undivided parcel of land having frontage on a public street or an approved open space having direct street access, and which is, or in the future may be, offered for sale, conveyance, transfer, or improvement which is designated as a distinct and separate parcel, and which is identified by a lot number, or other symbol in a duly approved subdivision plat which has been properly filed of record.

**Lot, Corner:** A lot at the point of intersection of and abutting on two or more intersecting streets, the angle of intersection being not more than 135 degrees.

**Lot, Double Front:** Any lot, not a corner lot, with frontage on two streets which are parallel to each other or within 45 degrees of being parallel to each other.

**Major Thoroughfare:** A limited access arterial street designed to carry a large volume of traffic from one part of the city to another, along a route generally indicated in the city's transportation plan.

**Marginal Access Street:** A street which is parallel and adjacent to a limited access street or collector street and which primarily provides vehicular access to abutting properties and protection from high speed through traffic.

**Master Plan:** see Concept Plan.

**Minor Street:** Any street other than a major thoroughfare, a collector street or a marginal access street, which serves and is accessed by individual properties and lots fronting thereon.

**Monumenting:** The process of establishing permanent markers to locate a boundary of a subdivision and/or establishing right-of-way limits or centerlines.

**Parkway:** A landscaped thoroughfare along a roadway; often in a median, between a street and a sidewalk, and/or between a sidewalk and an adjacent property.

**Perimeter Street:** A street or dedicated street right-of-way adjacent to and abutting the boundary of any subdivision or tract of land.

**Plan:** means a subdivision development plan, including a subdivision plan, subdivision construction plan, site plan, land development application, and site development.

**Planning and Zoning Commission:** created by the City Council (the “P&Z Commission”); is responsible for planning, zoning and recommending to the City Council future developments and related projects for the City.

**Planning Director:** The person, and the person’s designated representative, directed by the City Administrator to administer the plans and city ordinances related to land development and architectural standards. The director shall consult with experts as necessary to carry out the provisions of this ordinance.

**Plat:** The map or plan of a subdivision of a tract of land into one or more smaller tracts of land.

**Preliminary Plat:** Provides detailed graphic information and associated text indicating property boundaries, easements, land use, streets, utilities, drainage and other information required to evaluate the proposed development.

**Primary Collector Street:** A limited access street which collects and distributes traffic from and to two or more secondary collector streets and which feeds into the major thoroughfares.

**Private Street:** A street which is not a public thoroughfare.

**Public Improvement:** Any road, street, utility or other facility or structure which is intended for public use, including but not limited to roads, sidewalks, drainage and utility facilities which are constructed privately for the benefit of the subdivision or development and later dedicated to the City, owned by a property owners association or owned by a utility entity.

**Reserve Strip:** An area of land adjacent to a public right-of-way, title to which is retained by the land owner (subdivider), the purpose of such strip being to control access across said land.

**Replatting:** The re-subdivision of any part or all of an existing subdivision, together with any change of lot size therein, or with the relocation of any street lines, public improvements or public dedications.

**Residential Street:** A minor street which is located entirely within a single-family residential area.

**Sanitary Sewer:** A system of underground pipes that carries sewage from bathrooms, sinks, kitchens, and other plumbing components to either a wastewater treatment system; to include a septic system where a wastewater treatment system is not available or required.

**Secondary Collector Street:** A limited access street which collects traffic from two or more minor street and feeds into another secondary collector, a primary collector, or a major thoroughfare.

**Street:** A public or private right-of-way, however designated, other than an **alley**, which carries vehicular traffic or provides vehicular access to adjacent land.

**Street Improvements:** any street or thoroughfare, together with all appurtenances required by the City to be provided with such street or thoroughfare, and including but not limited to curbs, gutters, sidewalks, access ways, drainage facilities, and traffic control devices.

**Subdivider:** Any person or any agent thereof, dividing or proposing to divide land so as to constitute a subdivision as that term is defined herein. In any event, the term “subdivider” shall be restricted to include only the owner, equitable owner or authorized agent of such owner or equitable owner, of land sought to be subdivided.

**Subdivision:** A division of any tract of land situated within the corporate limits, or within the extraterritorial jurisdiction of the City of Santa Clara, in two or more parts, including an addition to the municipality, 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 or other parts. “Subdivision” includes a division of a tract regardless of whether it is made by using a meets and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method including a replat.

**Submission Date:** the date upon which all necessary forms, fees, plans, drawings and information has been submitted to the City, reviewed for completeness, and deemed complete by the issuance of a submission receipt from the City.

**Tract:** An undivided parcel of land, usually more than five acres, which in the future may be subdivided into smaller parcels identified as lots.

**Traffic Control Devices:** means any device or apparatuses designed to control the flow of traffic, including but not limited to signage and lighting.

**Transportation Plan:** the City’s general plan, if any, providing for the flow of both vehicular and pedestrian movement and flow throughout the City, including but not limited to roads, streets, street improvements, access ways, easements and right-of-ways.

**Trunk Main:** A water main whose primary purpose is to transport water to the distribution system within a subdivision or a sewer main whose primary purpose is to transport wastewater from the collection system within a subdivision or a storm drain system whose primary purpose is to transport stormwater runoff within a subdivision. Trunk mains are not directly connected to Individual lots.

**Utility:** Any privately or publicly owned entity which furnishes to the public a service, including, without limitation, sanitary sewer, gas, electricity, water, telephone, petroleum products, telegraph, heat, steam or chilled water, together with the equipment, structures, and apparatuses belonging to such entity and located within and near the City.

**Zoning Ordinance:** Where referenced herein those standards and regulations of the City’s adopted Zoning Ordinance for which this Ordinance is applicable shall apply to all subdivisions of property and developments of land both in the corporate limits of the City and the City’s ETJ.

**SECTION 6. GENERAL REQUIREMENTS AND PROHIBITIONS**

A. Plat Required.

All subdivisions of land located in the City or in the City's ETJ shall require a Plat approved by the City. It shall be unlawful for any land owner, or the agent of any land owner, to lay out, subdivide, plat or replat any land into lots, blocks and streets either within the City or within the City's ETJ without first receiving the approval of the City in accordance with this ordinance. No transfer or combination of land in the nature of a subdivision as defined herein shall be exempt from the provisions of this ordinance even though the instrument or document of transfer may describe land so subdivided by meets and bounds. Subdivisions of land in which each tract is greater than five (5) acres, each tract has access, and no public improvement is being dedicated are not subject to this ordinance. A subdivider is required to submit a concept plan as part of the plating process if the subdivision creates more than four (4) tracts of land, provides for public improvements, or public easements are dedicated therein.

B. Plan Required.

All land development in the City or in the City's ETJ shall require a Plan. No development of land, of any nature, shall be exempt from the provisions of this ordinance. If at the time of application, the applicant is required to file a Plat, a plan is not required in addition to the plat. Where a plat has been previously approved and does not contain all of the information for a development plan as required herein the developer shall file a plan addressing such development deficiencies.

C. Compliance with All Applicable City Ordinances and Resolutions.

Prior to the final approval of any Plat or Plan such shall be required to comply with all applicable City Ordinances and Resolutions unless such Plat or Plan has been granted a variance, in accordance with this Ordinance, for each specific non-compliance.

D. Permits in Unauthorized Subdivisions or Developments.

No building, site, construction or repair permit of any kind, where applicable, shall be issued by the City for any site, structure or construction thereof on a lot until the Plat or Plan has been accepted and approved by the City in accordance with this ordinance and filed for record with the County.

E. Utility Services in Unauthorized Subdivisions or Developments.

No utility shall install or construct facilities within a subdivision or development unless the final Plat or Plan has been accepted and approved by the City in accordance with this Ordinance, filed for record with the County, and a site construction permit, which includes utility facility construction and installation, has been approved. Utilities shall not set consumer or end user meters, sell or provide any service on or to a lot unless all corresponding building permits and inspections have been approved. A Utility is required to verify that the lot to or upon which service is being requested is part of a final Plat or Plan that has been accepted and approved by the City in accordance with this ordinance, filed for record with the County, and that all permits and inspections have been approved.

F. Public Services in Unauthorized Subdivisions or Developments.



The City shall not install, repair, maintain, authorize, or provide any streets or public utility services on or to any lot until a Plat, within which the lot is created, and, if required, the Plan have been accepted and approved by the City in accordance with this ordinance, and filed for record with the County.

G. Payment of Indebtedness.

All property of which is proposed to be subdivided or developed shall be free of tax, fee, assessment or any other indebtedness obligations due and owing to the City.

**ARTICLE II. APPLICATION PROCEDURES**

**SECTION 1. PRE-APPLICATION CONFERENCE AND REVIEW**

Before filing an application for any Plan or Plat, the applicant shall request a conference with the City's Planning Director, or the Planning Director's designated Staff, and the chair of the P&Z Commission. At this conference, the applicant shall present a draft Plat and/or a Concept Plan to elicit the advice of the Planning Director, the P&Z Commission Chair and other City Staff or City Consultants, as necessary, on the procedures, specifications and standards required by the City. After such conference the presented draft Plat and/or Concept Plan shall be reviewed by the P&Z Commission to provide input. Applicants are encouraged to consult early and often with City Staff and City Consultants.

**SECTION 2. APPLICATIONS IN GENERAL**

A. Uniform Application Date.

Plat and plan applications shall be filed with the City and applications shall only be accepted by the City on the adopted uniform application date during the regular set business hours of City Hall, and if the uniform application date falls on a State, Federal or City Holiday the City shall accept applications on the next regular business day during the regular set business hours of City Hall.

B. Timeline.

City Staff and City Consultants will make best efforts to review submitted applications for completeness in no less than ten (10) business days from the application date. The P&Z Commission shall approve, approve with conditions, or disapprove a complete plat or plan application within thirty (30) days of the date on which a complete application is filed with the City. City Council shall approve, approve with conditions, or disapprove the plan or plat application within thirty (30) days after the date the plan or plat application is approved by the P&Z Commission. If either the P&Z Commission or City Council conditionally approves or disapproves a plat or plan application and the applicant may submit a written response to the respective authority satisfying each condition for the conditional approval or remedying each reason for disapproval. Responses shall be submitted on the uniform application date. If the applicant submits a written response the respective authority shall then approve or disapprove the previously conditionally approved or disapproved plan or plat application within fifteen (15) days of receipt of the applicant's written response. An applicant may request in writing to extend the original 30-day day timeline of either the P&Z Commission or the City for a period of no longer than 30 days.

C. City Consultants.

All fees for City contract professional services such as engineering, legal, planning and any other professional services needed to review or consult upon any Plat or Plan, as deemed necessary by the Planning Director, shall be passed through to each applicant respectively for each plan or plat upon which such consultant's services are provided. Such accrued consulting fees shall be paid to the City upon receipt of invoice from the City. Failure to pay accrued and invoiced consulting fees shall prevent an application from being advanced to the next step in the processing of applications, to include, but not limited to, a disapproval or conditional approval of an application pending payment of accrued consulting fees.

D. Submission Requirements.

An application shall include all of the following:

1. A completed application with signatures of the property owner and, if different, the subdivider or developer as applicant;
2. Proof of property ownership;
3. A tax certificate showing that all taxes have been paid for the subject property;
4. The applicable filing, review and development Fees, including the City's consultants' Fees as required by Subsection C of this Section\*;
5. Documentation of any prior or proposed annexation, zoning change or development agreement;
6. Letters of approval from third party entity's in charge of utilities and fire protection;
7. Proof of notices to the applicable School district(s) and Emergency Services District(s);
8. Three blue or black line copies of the Plat or Plan;
9. All Plats and plans shall be prepared by a registered professional land surveyor and a professional engineer licensed in the State of Texas and bear his/her seal on nylon or comparable substitute sheets, 18 inches by 24 inches, and to a scale of either one inch to 100 feet or one inch to 50 feet. Where more than one sheet is required an index sheet shall be filed showing the entire subdivision with a scale of one inch to 400 feet;
10. Six reproducible copies of the Plat or Plan for distribution to board members;
11. Three detailed sets of drawings and specifications bearing the seal and signature of a registered professional engineer, together with detailed cost estimates of all improvements;
12. A digital file of the Plat and/or Plan and supporting documents in a format specified by the Planning Director; and
13. If applicable:
  - a) a variance application listing each anticipated variance request, and
  - b) letters of approval from third party entity's in charge of road attachments.

\*All applicable fees must be paid prior to application consideration and may only be waived by the City Council upon applicant request during the City Council's review of the application; estimated development and impact fees may be escrowed at the time of application.

E. Complete Application Required.

No application shall be accepted for processing unless it is accompanied by all documents, applicable fees and other materials as required by and prepared in accordance with this Ordinance and the requirements of Chapter 212 of the Texas Local Government Code. Applications which do not include all required information, fees and materials or in which such is not submitted in the proper format shall be considered incomplete, shall not be accepted for official submission by the City, shall not be scheduled on any P&Z Commission or City Council meeting agenda, and shall be returned to the applicant.

F. Vested Rights.

Vested rights shall only accrue upon City Council approval of a Final Plat or Plan.

**SECTION 3. PROCESSING OF APPLICATION; STEPS**

A. City Staff Review.

City staff, with the assistance of Consultants as necessary, shall inspect the Application to see that it conforms to all of the requirements of this ordinance and Chapter 212 of the Texas Local Government Code. If the application conforms to the requirements it will be deemed complete and submitted to the Planning and Zoning Commission. Applications that are found to have deficiencies and otherwise do not conform with the requirements will be deemed incomplete and shall be rejected and returned by the Planning Director to the Applicant with notes of deficiencies and instructions to re-submit on the next uniform application date. Deficiencies may include, but are not limited to, missing documents, unpaid fees, inaccurate number of submission copies, ect.

B. Review by the City Planning and Zoning Commission.

The City Planning and Zoning commission shall review and approve, approve with conditions, or disapprove the application within 30 days of the date on which a complete application is received by the City. Upon approval by the P&Z Commission the application will be submitted to the City Council.

C. Review by the City Council.

The City Council shall approve, approve with conditions, or disapprove the application within 30 days of the date on which the P&Z Commission approved the application. Approval of the application by the City Council shall constitute final acceptance of the Plat or Plan by the City.

D. Conditional Approval or Disapproval.

If the application is conditionally approved or disapproved by either authority, the Planning and Zoning Commission or the City Council, the authority shall provide the applicant a written statement of the conditions for the conditional approval or reasons for disapproval that clearly articulates each specific condition or reason. The applicant may submit a written response to the respective authority satisfying each condition for the conditional approval or remedying each reason for disapproval. Responses shall be submitted on the uniform application date. If the applicant submits a written response the respective authority shall then approve or disapprove the previously conditionally approved or disapproved plan or plat application within fifteen (15) days of receipt of the applicant's written response.

E. Recording Requirement.

The applicant shall file the approved Final Plat or Plan, respectively, for record with the appropriate County and provide the City with two reproducible recorded copies of the recorded Final Plat or Plan within 30 days of the City Council meeting at which the Final Plat or Plan was approved. A Final Plat or Plan is not effective until recorded and no permits shall be issued nor utilities installed until the Final plat or Plan is recorded and copies are provided to the City.

#### **SECTION 4. SUBMISSION OF PRELIMINARY PLAT**

##### **A. Form and Content of Preliminary Plat.**

The following information must be shown on or must accompany the preliminary plat:

1. A complete legal description by metes and bounds of the land being subdivided;
2. Name of the subdivision, if any, and the names of the land owner or owners, the registered professional land surveyor and engineer responsible for the preparation of the Plat;
3. A location map showing the relation of the subdivision to existing streets and water courses in all directions within a one mile radius of the subdivision;
4. A scale;
5. North point, with north to the top of the sheet if possible, and the bearing of record;
6. Two-foot contour interval surveys tied to City Control Monuments or USGS Bench Marks, Where conditions exist that make the use of two-foot contours impractical, alternate intervals may be used upon approval of the City Engineer;
7. The location of the City limit lines and the outer border of the City's extraterritorial jurisdiction if either traverses the subdivision or is contiguous to a subdivision boundary;
8. The total acres being subdivided, the size of each lot being created, and the location of the subdivision in reference to an original corner of the original survey of which said land is a part;
9. Subdivider's ownership boundaries (drawn in heavy lines) with overall dimensions and bearings;
10. Lot and block lines, numbers, of all proposed lots and blocks, dimensions for front, rear and side lot lines;
11. The location of building setback lines, including front, rear and side setback lines shown by dashed lines for each lot;
12. The locations, dimensions and purposes of all recorded and proposed easements;
13. Approximate ties to well established points;
14. The names and classification of all proposed streets and alleys and the locations of right-of-way widths of all proposed streets and alleys;
15. Complete curve data (delta, arc length, radius, tangent, point of curve, point of reverse curve, point of tangent, log chord with bearing) between all lot corner pins;
16. Plat notes indicating the location of sidewalks on both sides of all streets (except where sidewalks are not required by this ordinance) and the installation of double swing gates across all utility easements;
17. The location, right-of-way width, name and description of all existing or recorded streets, alleys, or other transportation features or similar reservations which are within or adjacent to the subdivision, as determined from existing records;
18. Any right-of-way dedication as required by the State, County or City;

19. Name and location of adjacent subdivisions, watercourses on or adjacent to the proposed subdivision, and the property lines and names of the property owners in all adjoining undescribed tracts;
  20. The centerline of watercourses, creeks and existing drainage structures within and adjacent to the subdivision (Pertinent drainage data and the limits of areas subject to flooding shall be shown, delineating the 100-year flood if applicable);
  21. A note as to whether any part of the subdivision is located within a drainage basin which is upstream from a City water supply lake, and if so, a map at a convenient scale showing the location of the entire subdivision in relation to the drainage basin and calculations showing the maximum allowable area covered by impervious surfaces in the area of the subdivision;
  22. Subdivisions in an area having special flood hazards shall show on the plat:
    - (a) A flood zone for that area which is subject to inundation by the 100-year flood,
    - (b) The surface elevation of the 100-year flood at intervals of every 500 lineal feet and this must be based on a certified engineering survey taking into consideration the full development of watershed, and
    - (c) Minimum slab elevations of all lots that abut the 100-year flood plain (lots to be built in the 100-year floodplain require a LOMR be submitted and approved by FEMA, or a no-rise certification be provided by a professional engineer and approved by the City Engineer);
  23. The location of any existing water wells or septic systems including leach fields, with notations indicating whether they will remain or be capped or removed;
  24. The limits of any water supply protection zone and plat notes to implement the zone requirements;
  25. Plat notes restricting the percentage of the area of each lot which may be covered by impervious surfaces.
  26. A soil test of the subject property;
  27. A preliminary erosion control plan;
  28. A traffic impact analysis (TIA);
  29. A preliminary drainage study; and
  30. The name of the school district in which the subdivision is located.
  31. Certification blocks for engineer, P&Z, Mayor, County, etc.
- B. Preliminary Plat Approval Expiration.  
Approval of the preliminary plat by the City Council shall lapse two years from the date of approval by the City Council if a Final plat application is not filed within the two years.

## **SECTION 5. SUBMISSION OF FINAL PLAT**

- A. Preliminary Plat Prerequisite.  
Upon approval of the preliminary plat, but prior to the expiration of the preliminary plat approval, the subdivider may submit an application for a Final plat. No final plat shall be considered by the City unless a preliminary plat has been approved by the City Council. The final plat and all accompanying data shall conform to the preliminary plat as approved by the City Council, incorporating any and all changes, modifications and corrections requested by the City.

B. Form and Content of Final Plat.

The following information from the preliminary plat must be shown on or must accompany the final plat:

1. A complete legal description by metes and bounds of the land being subdivided;
2. Name of the subdivision, if any, and the names of the land owner or owners, the registered professional land surveyor and engineer responsible for the preparation of the Plat;
3. A location map showing the relation of the subdivision to existing streets and water courses in all directions within a one mile radius of the subdivision;
4. A scale;
5. North point, with north to the top of the sheet if possible, and the bearing of record;
6. Two –foot contour interval surveys tied to City Control Monuments or USGS Bench Marks, Where conditions exist that make the use of two-foot contours impractical, alternate intervals may be used upon approval of the City Engineer;
7. The location of the City limit lines and the outer border of the City’s extraterritorial jurisdiction if either traverses the subdivision or is contiguous to a subdivision boundary;
8. An accurate on-the-ground survey of the property with perimeter and internal lot line, bearings and distances, pinned corners, and curve data;
9. The total acres being subdivided, the size of each lot being created, and the location of the subdivision in reference to an original corner of the original survey of which said land is a part;
10. Subdivider’s ownership boundaries (drawn in heavy lines) with overall dimensions and bearings;
11. Lot and block lines, numbers, of all proposed lots and blocks, dimensions for front, rear and side lot lines;
12. The location of building setback lines, including front, rear and side setback lines shown by dashed lines for each lot;
13. The locations, dimensions and purposes of all recorded and proposed easements within or abutting the boundary of the subdivision;
14. Ties to well-established points, such as property corners at street intersections, and geo-referenced coordinates based on NAD83. For subdivisions of five acres or less, provide a minimum of one tie and two geo-referenced points on property corners. For each five acres in excess of five acres, add one tie and one geo-referenced point. Space the ties and geo-referenced points as evenly as feasible around the perimeter of the subdivision;
15. The names and classification of all proposed streets and the locations of right-of-way widths of all proposed streets and alleys;
16. Complete curve data (delta, arc length, radius, tangent, point of curve, point of reverse curve, point of tangent, log chord with bearing) between all lot corner pins;
17. Plat notes indicating the location of sidewalks on both sides of all streets (except where sidewalks are not required by this ordinance) and the installation of double swing gates across all utility easements;
18. The location, right-of-way width, name and description of all existing or recorded streets, alleys, or other transportation features or similar reservations which are within or adjacent to the subdivision, as determined from existing records;

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19. Any right-of-way dedication as required by the State, County or City;
20. Name and location of adjacent subdivisions, watercourses on or adjacent to the proposed subdivision, and the property lines and names of the property owners in all adjoining undescribed tracts;
21. The centerline of watercourses, creeks and existing drainage structures within and adjacent to the subdivision (Pertinent drainage data and the limits of areas subject to flooding shall be shown, delineating the 100-year flood if applicable);
22. A note as to whether any part of the subdivision is located within a drainage basin which is upstream from a City water supply lake, and if so, a map at a convenient scale showing the location of the entire subdivision in relation to the drainage basin and calculations showing the maximum allowable area covered by impervious surfaces in the area of the subdivision;
23. Subdivisions in an area having special flood hazards shall show on the plat:
  - (a) A flood zone for that area which is subject to inundation by the 100-year flood,
  - (b) The surface elevation of the 100-year flood at intervals of every 500 lineal feet and this must be based on a certified engineering survey taking into consideration the full development of watershed, and
  - (c) Minimum slab elevations of all lots that abut the 100-year flood plain;
  - (d) The location of any existing water wells or septic systems including leach fields, with notations indicating whether they will remain or be capped or removed;
24. The limits of any water supply protection zone and plat notes to implement the zone requirements;
25. Plat notes restricting the percentage of the area of each lot which may be covered by impervious surfaces;
26. A soil test of the subject property; and
27. The name of the school district in which the subdivision is located.

The following additional or updated information shall be shown on or must accompany the Final Plat:

28. An erosion control plan;
29. A drainage study;
30. Tree analysis, landscaping and irrigation plans, if applicable, and screening and retaining wall schematics, if applicable;
31. The dimensions of each street, sidewalk, alley, square, park, or other part of the property intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the street, sidewalk, alley, square, park, or other part of the subdivision;
32. Paving and design detail, including drainage apparatuses, of all thoroughfares (vehicular and pedestrian); Geotechnical report
33. Each existing or proposed building, structure, or improvement or proposed modification of the external configuration of the building, structure, or improvement involving a change of the building, structure, or improvement;
34. The total number and identification of lots being developed and the type of development for each lot;
35. The location and results of percolation tests shall be shown on each lot which is to utilize an on-site wastewater disposal system (The name and address of the person performing such

percolation tests shall be noted on the plat), or a water distribution and sanitary sewer plan including proposed pipe sizes and grading;

36. A site or site development plan;
37. A construction plan;
38. A phasing plan; and
39. If required, traffic impact analysis (TIA) and traffic control plans.

The following Plat Notes and Certificates shall be shown on the Final Plat:

40. Certificate, signature and seal of the registered professional land surveyor who surveyed the land (see Exhibit A);
41. Certificate, signature and seal of the engineer (see Exhibit A);
42. Certificate of approval for the P&Z Commission Chair;
43. Certificate of approval for the Mayor and the City Secretary (see Exhibit A);
44. Certificate for recording the Plan in the County Clerk's office;
45. A certificate of ownership and dedication to the City of all streets, easements, alleys, parks, playgrounds or other dedicated public uses, signed and acknowledged before a notary public by the owners and by any holders of liens against the land (see Exhibit A);
46. Other appropriate Plan notes (see Exhibit B);
47. Appropriate easement notes (see Exhibit B); and
48. Letters of Certifications from the utility providers.

## **SECTION 6. SUBMISSION OF DEVELOPMENT PLAN**

### **A. Form and Content of Development Plan.**

1. A complete legal description by metes and bounds of the land being developed;
2. Name of the development and the names of the land owner or owners, the registered professional land surveyor and engineer responsible for the preparation of the Plat;
3. A scale;
4. North point, with north to the top of the sheet if possible, and the bearing of record;
5. Two –foot contour interval surveys tied to City Control Monuments or USGS Bench Marks. Where conditions exist that make the use of two-foot contours impractical, alternate intervals may be used upon approval of the City Engineer;
6. A location map showing the relation of the subdivision to existing streets and water courses in all directions within a one mile radius of the subdivision;
7. The location of the City limit lines and the outer border of the City's extraterritorial jurisdiction if either traverses the development or is contiguous to a subdivision boundary;
8. The total acres being developed and the location of the development in reference to an original corner of the original survey of which said land is a part;
9. Each existing or proposed building, structure, or improvement or proposed modification of the external configuration of the building, structure, or improvement involving a change of the building, structure, or improvement;
10. The total number and identification of lots being developed and the type of development for each lot;



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11. Lot and block lines, numbers, of all developed lots and blocks, dimensions for front, rear and side lot lines, and the street address of each lot;
12. The location of building setback lines, including front, rear and side setback lines shown by dashed lines for each lot;
13. The locations, dimensions and purposes of all recorded and proposed easements within or abutting the boundary of the development;
14. The names and classification of all proposed streets and the locations of right-of-way widths of all proposed streets and alleys;
15. Complete curve data (delta, arc length, radius, tangent, point of curve, point of reverse curve, point of tangent, log chord with bearing) between all lot corner pins;
16. Traffic impact analysis (TIA) and traffic control plans, if required;
17. Plan notes indicating the location of sidewalks on both sides of all streets (except where sidewalks are not required by this ordinance) and the installation of double swing gates across all utility easements;
18. Paving and design detail, including drainage apparatuses, of all thoroughfares (vehicular and pedestrian);
19. The location, right-of-way width, name and description of all existing or recorded streets, alleys, or other transportation features or similar reservations which are within or adjacent to the development, as determined from existing records;
20. The dimensions of each street, sidewalk, alley, square, park, or other part of the property intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the street, sidewalk, alley, square, park, or other part of the development;
21. Name and location of adjacent developments, watercourses on or adjacent to the proposed development, and the property lines and names of the property owners in all adjoining undescribed tracts;
22. Tree analysis, landscaping and irrigation plans, if applicable, and screening and retaining wall schematics, if applicable;
23. The centerline of watercourses, creeks and existing drainage structures within and adjacent to the development (Pertinent drainage data and the limits of areas subject to flooding shall be shown, delineating the 100-year flood if applicable);
24. A note as to whether any part of the development is located within a drainage basin which is upstream from a water supply lake, and if so, a map at a convenient scale showing the location of the entire development in relation to the drainage basin and calculations showing the maximum allowable area covered by impervious surfaces in the area of the development;
25. Developments in an area having special flood hazards shall show on the plat:
  - (a) A flood zone for that area which is subject to inundation by the 100-year flood,
  - (b) The surface elevation of the 100-year flood at intervals of every 500 lineal feet and this must be based on a certified engineering survey taking into consideration the full development of watershed, and
  - (c) Minimum slab elevations of all lots that abut the 100-year flood plain;
26. The limits of any water supply protection zone and plat notes to implement the zone requirements;
27. Plan notes restricting the percentage of the area of each lot which may be covered by impervious surfaces;

28. A soil test of the subject property;
29. An erosion control plan;
30. A drainage study;
31. The location and results of percolation tests shall be shown on each lot which is to utilize an on-site wastewater disposal system (The name and address of the person performing such percolation tests shall be noted on the plat), or a water distribution and sanitary sewer plan including proposed pipe sizes and grading;
32. A site or site development plan;
33. A construction plan;
34. A phasing plan;
35. Certificate, signature and seal of the licensed registered professional land surveyor who surveyed the land (see Exhibit A);
36. Certificate, signature and seal of the engineer (see Exhibit A);
37. Certificate of approval for the Mayor and the City Secretary (see Exhibit A);
38. Certificate for recording the Plan in the County Clerk's office;
39. A certificate of ownership and dedication to the City of all streets, easements, alleys, parks, playgrounds or other dedicated public uses, signed and acknowledged before a notary public by the owners and by any holders of liens against the land (see Exhibit A);
40. Other appropriate Plan notes (see Exhibit B); and
41. Appropriate easement notes (see Exhibit B).

B. Expiration of Development Plan.

Approval of the Development Plan by the City Council shall lapse two years from the date of approval by the City Council if the proposed development is not initiated within the two years.

### **ARTICLE III. GENERAL STANDARDS**

#### **SECTION 1. MINIMUM REQUIREMENTS**

The design standards contained in this ordinance represent minimum values considered necessary to promote the health, safety, morals, or general welfare and the safe, orderly, healthful development of the City and its surrounding community to include the ETJ. The applicant and applicant's design engineer are required to meet or exceed these standards. Approval of a Plat or Plan by the City shall not be construed as relieving the applicant or the design engineer of responsibility for compliance with this ordinance or with the requirements of other applicable local, county or state laws. All plats and plans shall be reviewed by the Fire Marshal and all applicable utilities prior to application, and letters of approval from each shall be submitted with the application.

#### **SECTION 2. GENERAL DESIGN**

All parcels of a subdivision or development shall be arranged to allow the opening of future streets where streets are not in existence or currently planned on the plat or plan. Except for non-access easements required by this ordinance, there shall be no reserve strips controlling access to land dedicated or intended to be dedicated to public use. The locations, right-of-way widths and names of all proposed streets shall conform with those of the existing streets with which they may be or become extensions.

The names of proposed streets shall be submitted to the 9-1-1 dispatching jurisdiction for approval prior to final plat or plan application and shall not duplicate or be deceptively similar to the names of other streets within the City.

### **SECTION 3. LOT STANDARDS**

All lots shall conform to the minimum requirements of the City's adopted Zoning Ordinance for which this Ordinance is applicable both in the corporate limits of the City and the City's ETJ, except as prohibited by State or Federal law, to promote the health, safety, morals, or general welfare and the safe, orderly, healthful development of the City and the ETJ.

#### **A. Minimum Lot Size.**

All lots within the corporate limits of the City that have been zoned, shall conform to the minimum lot size requirements of the Zoning Ordinance for the applicable zoned use of each lot. All lots within the corporate limits of the City that have not been zoned and all lots outside the corporate limits of the City, but within the limits of the City's extraterritorial jurisdiction, shall have a minimum lot size of five acres.

#### **B. Building Setback Lines.**

Building setback lines for each lot shall meet the minimum requirements of the Zoning Ordinance for the applicable use of each lot.

#### **C. Lot Frontage Requirements.**

Each lot shall be provided with adequate access to an existing or proposed street by frontage on such street and shall meet the minimum street frontage requirements of the Zoning Ordinance for the applicable use of each lot. Double front residential lots are prohibited except when a lot backs on a limited access street or alley. Rear and side driveway access of residential lots to major thoroughfares shall be prohibited. Access to and from all commercial lots shall be specifically reviewed for approval by the appropriate authority or combination thereof. Where access to a state highway is proposed the applicant shall seek approval from TXDOT prior to filing a plat or plan application.

#### **D. Lot Shape.**

"Flag" or "panhandle" lots shall be prohibited even where such lot can meet or exceed the minimum frontage requirements found in the Zoning Ordinance for the intended use of the lot.

### **SECTION 4. EASEMENTS**

#### **A. Dedication Required.**

Where necessary to adequately serve lots with public utilities, the owner shall dedicate or grant easements for poles, wires, conduits, drainage channels, storm sewers, water lines, gas lines, and other utilities and other related facilities. These easements shall be at least 20 feet wide, except that where a utility or the City determines that a greater width is necessary.

#### **B. Location of Easements.**

The easements required under this Ordinance shall be continuous and shall be parallel as closely as possible to the street line frontage. Easements may not straddle but may cross property lines, and they may cross lots other than along lot boundary lines, in such locations as needed in the opinion of the City.

C. Gates Required in Fences.

All fences crossing an easement shall have double swing gates to allow ready access to the easement.

D. Easements Part of Lot Area.

The easements required under this Ordinance shall be considered a part of the lot area for purposes of the minimum lot size requirements of this Ordinance.

**SECTION 5. SURVEY REQUIREMENTS**

A. Placement of Lot Markers and Street Monuments.

Monuments consisting of at least one-half (1/2) inch iron pipe or at least one-half (1/2) inch reinforced steel, 24 inches in length, shall be placed at all corners of the block lines, and at the point on intersection of curves and tangents of the subdivision. Lot markers shall be metal, at least 24 inches in length, placed at each corner of each lot, flush with average ground elevation, or they may be countersunk, if necessary, to avoid being disturbed.

B. Lot Markers for Utility Easements.

There shall be markers placed where a lot line crosses a utility easement with the exception of those blanket utility easements placed around all lots.

**ARTICLE IV. THOROUGHFARES**

**SECTION 1. GENERAL LAYOUT AND ALIGNMENT OF STREETS**

A. General Requirements.

Adequate streets shall be provided by the applicant, and the arrangement, charter, extent, width, grade, location and construction of each shall conform to the City's standards and shall be considered in their relation to existing lots and planned streets, to topographical conditions, to public safety and convenience, and in their appropriate relationship to the proposed uses of land to be served by such streets. The street layout shall be devised for the most advantageous development of the entire City and shall comply with the City's transportation plan where applicable.

B. Access Requirements.

Except where landlocked or approved by the Fire Marshal, all residential subdivisions or developments with more than 30 lots must have at least two (2) improved access points connecting the subdivision or development to an existing street or streets for the use by both vehicular and pedestrian traffic and at least one (1) must be rated to be accessible in a 100-year storm.

C. Off-Site Improvements.

Where the City engineer believes that public safety is at risk due to the impact of the subdivision or development on the vehicular or pedestrian traffic in the City the applicant shall make such improvements to adjacent off-site collector and arterial streets and intersections as the City engineer deems necessary to mitigate such public safety concerns. Such off-site improvements may include but are not limited to pavement upgrades, street widening, addition of sidewalks, traffic-control devices or any other improvement which provide for the safe ingress and egress of both pedestrians and vehicles to the subdivision or development. A traffic impact analysis (TIA), in the form and content as approved by the City engineer, shall be used by the applicant to assist the City engineer in determining the extent of the off-site improvements.

D. Continuation of Existing streets.

Where necessary, existing streets in adjoining areas shall be continued, and the new streets shall be at least as wide as the existing streets and in alignment therewith. Major thoroughfares, primary collectors and secondary collectors shall be extended through any new subdivision along the general route indicated in the City's transportation plan, with due regard to the specific terrain and topography of the subdivision site. Off center street intersections with streets in adjacent subdivisions or developments shall be avoided.

E. Interior Circulation and Projection.

Adequate collector streets shall be provided for the circulation of traffic through the subdivision or development, and adequate minor streets shall be provided to accommodate the subdivision or development.

Where adjoining areas are not subdivided or developed, the arrangement of streets in the subdivision or development shall make provision for the proper projection into such unsubdivided or undeveloped areas.

F. Prohibited Streets.

1. Street Jogs.

Whenever possible, street jogs with center line offsets of less than 150 feet shall be avoided.

2. Half Streets.

In the case of collector, minor, and marginal access streets, no new half-streets shall be platted.

3. Dead-End Streets.

Dead-end streets are prohibited except as short stubs to permit future expansion. The length of such a stub shall not exceed the frontage of the corner lot which has the greater frontage on either side of the dead-end street.

4. Private Streets.

Private streets are prohibited except as specifically approved in the application process and so long as they are not dedicated to the City and wholly maintained by a property owner's association. Private streets must be designated in the plat or plan as a stand alone lot and the

plat or plan must provide a separate access and use easement granting any governmental entity right to access and use the private street for any purpose.

**SECTION 2. REQUIRED STREET IMPROVEMENTS**

A. General Specifications.

The applicant shall, at his/her sole expense, provide all necessary street grading, pavement, curbing, gutters, sidewalks, storm drains and parkway landscaping required to service the subdivision, including the perimeter streets contiguous to the subdivision. All street improvements shall meet the minimum specifications in Table A. Bike lanes are anticipated in the pavement widths for wall street classifications except marginal access streets and alleys. ROW for street parking is not contemplated in these specifications and thus shall be provided in addition to the minimums stated where the applicant is proposing street parking. Typical street cross-sections shall be as illustrated in Table B.

**Table A. Required Street Improvements**

<b>Street Classification</b>	<b>Right-of-Way Width</b>	<b>Pavement Width</b>	<b>Parkway</b>	<b>Curbing (curb and gutter)</b>	<b>Sidewalks In parkway</b>
Major Thoroughfare	140'	2@30' with 14' median	2@33'	Yes	6' both sides
Primary Collector	100'	2@25' With 12' median	1@12' in median with 2@19'	Yes	6' both sides
Secondary Collector	86'	50'	1@12' in median with 2@12'	Yes	4' both sides*
Minor Street	60'	40'	2@10'	Yes	4' both sides*
Marginal Access	50'	34'	2@8'	Yes	4' on lot side*
Residential Alley	24'	20'	None	None Required	None Required
Commercial Alley	30'	24'	None	None Required	None Required

\*Sidewalk passing spaces that measure 60 inches (5 feet) on all sides must be located at least every 200 feet for any sidewalk with a minimum width of less than 5 feet.

B. Right-of-Way and Pavement Exceptions for Single Family Residential Streets.

The street right-of-way may be reduced to 50 feet and the pavement width may be reduced to 34 feet where a single family residential street meets all of the following conditions:

1. The street is not more than one block long and it intersects with other minor streets at a "T" in mid-block.
2. The street does not intersect a collector street or major thoroughfare.

- A five-foot sidewalk easement is provided on both sides of the street.

**Table B. Typical Street Cross-Sections**

<i>Major Thoroughfare</i> 140' ROW				
<i>Parkway</i>	<i>Roadway</i>	<i>Median</i>	<i>Roadway</i>	<i>Parkway</i>
33'	30'	14'	30'	33'
<i>Primary Collector</i> 100' ROW				
<i>Parkway</i>	<i>Roadway</i>	<i>Median</i>	<i>Roadway</i>	<i>Parkway</i>
19'	25'	12'	25'	19'
<i>Secondary Collector</i> 86' ROW				
<i>Parkway</i>	<i>Roadway</i>	<i>Median</i>	<i>Roadway</i>	<i>Parkway</i>
12'	25'	12'	25'	12'
<i>Minor Street</i> 60' ROW				
	<i>Parkway</i>	<i>Roadway</i>	<i>Parkway</i>	
	10'	40'	10'	
<i>Marginal Access</i> 50' ROW				
	<i>Parkway</i>	<i>Roadway</i>	<i>Parkway</i>	
	8'	34'	8'	

**SECTION 3. STREET GEOMETRY STANDARDS**

The design of all streets in a subdivision or development shall conform to the standards of street geometry in Table C.

**Table C. Street Geometry Standards**

<b>Street Classification</b>	<b>Pavement Crown or Cross Slope</b>	<b>Minimum Grade</b>	<b>Maximum Grade</b>	<b>Centerline Minimum Horizontal Curve Radius</b>
Major Thoroughfare	4"	0.5%	6%	1.200'
Primary Collector	6"	0.3%	6%	600'
Secondary Collector	6"	0.3%	8%	400'
Minor Street	5"	0.3%	10%	150'
Marginal Access	4"	0.3%	10%	100'
Residential Alley	0-7"	0.3%	10%	50'
Commercial Alley	0-7"	0.3%	10%	50'

A. Exceptions to Minimum Radius Requirement.

Exceptions to the minimum centerline horizontal radius requirement in this Section (other than those authorized by Subsection B above) may be granted only by the City Council only upon the City Engineer’s recommendation.

B. Curves.

1. Reverse Curves.

Reverse curves shall be separated by a minimum tangent of 100 feet.

2. Vertical Curvature.

A gradual transition from one roadway grade to another shall be accomplished by means of a vertical parabolic curve connecting two intersecting tangents. The minimum length of vertical curve shall be computed from the following formula and table:

$$L = KA$$

Where:

L = the length of vertical curve in feet

K = a constant related to sight distance and geometry of a parabolic curve (see Table D)

A = the algebraic difference in grades in percent

**Table D. Design Values for Constant “K” Vertical Curvature**

<b>Street Classification</b>	<b>“K” Crest Curves</b>	<b>“K” Sag Curves</b>
Major Thoroughfare	70	60
Primary Collector	70	60
Secondary Collector	55	55

C. Sight Distance Requirements.

The minimum sight distances in Table E shall be provided for safe stopping and intersection operations. Where streets are not level, or where other potentially hazardous conditions exist, these distances shall be increased as necessary in the judgment of the City Engineer.

**Table E. Minimum Sight Distances**

<b>Street Classification</b>	<b>Minimum Intersection Sight Distance</b>	<b>Minimum Stopping Sight Distance</b>
Major Thoroughfare	450 ft	300 ft
Primary Collector	400 ft	300 ft
Secondary Collector	300 ft	250 ft

D. Intersection Design.



All streets shall intersect at a 90 degree angle, or as close as possible to a 90 degree angle considering the topography of the site. Each new street intersecting with or extending to meet an existing street shall be tied to the existing street on centerline unless the new street ends at a “T” in mid-block.

**SECTION 4. MINIMUM PAVEMENT DESIGN STANDARDS**

Except as provided in Sub-Section 5 following, the pavement of all streets and alleys shall meet the minimum pavement design specifications as provided by a geotechnical professional engineer based on the existing soil conditions of the proposed site.

**SECTION 5. STANDARDS FOR ALTERNATE PAVEMENT DESIGNS**

The City Engineer may approve alternative pavement designs provided such alternative is so designed as to assure reasonable durability and economy of maintenance and provided the alternative is in accordance with Tables A and B and the following provisions of this Section.

A. Soils Investigation.

The applicant shall, at his/her own expense, cause to be made a soils investigation by a qualified and independent geotechnical engineer licensed to practice in the State of Texas. The filed investigation shall include test borings within the rights-of-way of all proposed streets. The number and locations of such borings shall be subject to the approval of the City Engineer. Atterberg limits and moisture contents shall be determined for all significant boring samples. The method used for these determinations shall be the same as that used by the Texas Department of Transportation using their latest Manual of Testing Procedures, and methods. The results of the soils investigation shall be presented to the applicant and to the City in written report form to be included in the plat or plan application. Included as a part of the report shall be a graphical or tabular presentation of the boring data giving Atterberg limits and moisture contents. A soil description of the layers of different soils encountered in the profile of the hole, their limits in relation to a fixed surface datum, and such other information as needed to complete the soils investigation for pavement design purposes. Minimum depth of soil profile holes boring holes shall be 10 feet unless solid rock formations are encountered sooner.

B. Pavement Design Loads.

Pavement design shall be based on the Texas Department of Transportation (TXDOT) tri-axial design standards in Table F or as amended and updated by TXDOT for a 20-year design life.

**Table F. Minimum Pavement Load Standards**

<b>Street Classification</b>	<b>Total Equity 18 Kip Single Axle Load Applications</b>	<b>Average Ten Heavy Wheel Loads Daily</b>	<b>Load Frequency Design Factor</b>
Major Thoroughfare	3,000,000	10,500	1.05
Primary Collector	2,000,000	10,000	1.00
Secondary Collector	1,000,000	10,000	1.00
Minor Street	500k	6,000	0.80
Marginal Access	500k	6,000	0.80

A written report containing pavement design data and recommendations based on the soils investigation shall be prepared at the applicant's expense by a qualified geotechnical engineer licensed to practice in the State of Texas, and shall be presented to the applicant and to the City to be included in the final plat or plan application. The report shall state the load criteria and the soil classifications used. When approved by the City Engineer, the geotechnical engineer preparing the report may use the tri-axial classification soils data given in the Texas Department of Transportation report number 3-05-71-035, entitled "Tri-axial Classification of the Surface Soils of Texas, as Grouped by Soil Conservation Service Series."

When using the tri-axial data, the report shall so state. The pavement design shall be subject to the approval of the City Engineer and shall be shown on the street construction plans as approved. Where the plasticity index of the subgrade soil on which the street is to be built is in excess of 20, the pavement design shall include subgrade stabilization unless approved otherwise by the City Engineer.

When subgrade soils are stabilized the minimum depth of stabilization shall be six (6) inches unless otherwise approved by the City Engineer. In the stabilization of swelling clay soils, the stabilizer used shall be hydrated lime. The lime shall be applied to the subgrade soil in slurry form unless otherwise approved by the City Engineer. Flexible base material and the stabilized layer, if used, shall extend at least 18 inches behind the back of the curb. Minimum thickness of hot-mix, hot-lay asphaltic concrete included in the pavement design shall be one and one-half (1½) inches for minor streets and marginal access streets, two (2) inches for collector streets, and three and one-half (3½) inches for major thoroughfares. Streets and alley pavements in commercial and industrial areas shall utilize the design standards set forth herein for primary collector streets.

## **SECTION 6. MISCELLANEOUS STANDARDS**

### **A. Protection of Limited Access Streets.**

Where a collector street or major thoroughfare borders upon or passes through a subdivision or development, the City may require any of the following alternatives to ensure the separation of local traffic from through traffic:

1. Marginal access streets to be provided on both sides or on the subdivision side of the collector street or major thoroughfare;
2. Five foot non-access easements to be provided along the frontage of the collector street or major thoroughfare; or
3. All lots in the block to back up to, side up to, or front the collector street or major thoroughfare with a minimum of 20 feet of extra building setback, and the primary vehicular access to the lots to be off an alley with garages in the rear.

### **B. Cul-De-Sacs.**

1. Permanent.

In the interior of a subdivision or development, minor streets ending in cul-de-sacs may be platted where the City deems it advisable. Where the land being subdivided or developed adjoins property not being subdivided or developed, minor streets ending in cul-de-sacs may be platted provided the streets are carried to the boundaries of the subdivision or

development. Streets permanently ending in cul-de-sacs may not be longer than 500 feet without Fire Marshal approval, and shall be provided at the closed end with a paved turnaround at least 100 feet in diameter on a street right-of-way of at least 110 feet in diameter.

2. Temporary.

A temporary turn-around must be built at the end of a street more than 400 feet long that will be extended in the future. The following note shall be placed on the plat “Cross-hatched area is a temporary easement for turn-around purposes until the street is extended to the (direction) on a recorded plat.”

C. Alleys.

Alleys are optional in all subdivisions and developments, provided that alleys may only be located on the interior of a subdivision or development and that alleys shall be located along the exterior boundaries or perimeter of a subdivision or development. All alleys must intersect streets at a 90 degree angle, or as close to a 90 degree angle as practicable in the judgment of the City Engineer, and they must be approximately parallel to the streets on both sides. Where two alleys or utility easements intersect or turn at a right angle, a cutoff of not less than 10 feet from the normal intersection of the property or easement line shall be provided along each property or easement line. Dead-end alleys and alleys longer than 1,600 feet shall not be permitted.

D. Curbs.

All streets must have reinforced concrete curb and gutter extending seven and one-half (7½) inches above the pavement surface. Minimum curb radii shall be as follows in Table G:

**Table G. Minimum Curb Radius Requirements**

Street Intersections	25 ft
Non-Residential Driveways	10 ft
Residential Driveways	5 ft

Compacted backfill shall be placed on all of the rights-of-way behind curbs to a minimum elevation equal to the top of the curb. Normal curb exposure shall be required where utility easements intersect streets.

**SECTION 7. SIDEWALKS**

A. General Requirements.

Concrete sidewalks shall be provided on both sides of all streets in a subdivision or development, unless either:

- (1) the applicant does not control one side of the street, then sidewalks shall be provided only on the side of the street within the applicant’s control; or

- (2) the street is a marginal access street parallel to a collector street or a major thoroughfare with existing sidewalks, then upon City Engineer approval sidewalks may be exempt.

Major thoroughfares and primary collector streets shall have minimum six (6) foot wide sidewalks, and each street other than a major thoroughfare or a primary collector shall have minimum four (4) foot wide sidewalks. Passing spaces that measure 60 inches (5 feet) on all sides must be located at least every 200 feet for any sidewalk with a minimum width of less than 5 feet. Access ramps shall be required where all sidewalks meet curbs. All sidewalks and access ramps shall meet or exceed the standards of the American's with Disabilities Act.

**B. Location of Sidewalks.**

Required sidewalks along major thoroughfares and collector streets shall be located in the street right-of-way, adjacent to and parallel to either the property line or the curb, as determined by the City to be most advantageous in connecting to adjacent subdivisions or developments. Required sidewalks along other streets may be located either in the street right-of-way or in a five (5) foot wide sidewalk easement. Along minor streets, the required sidewalks shall be adjacent to and abutting the property line, unless the City approves an alternate location adjacent to the curb, in which case the minimum width shall be increased to five (5) feet. Required sidewalks shall extend along all street frontage including the side of corner lots and block ends; provided, however, that where it is impractical for the applicant to provide such sidewalks on the side lot lines abutting major thoroughfares or drainage ditches, the City may waive this requirement. If physical circumstances prevent locating the sidewalks as provided by this Sub-Section, then the exact location shall be at the discretion of the City.

**C. Sidewalk Obstructions.**

Mailbox clusters, kiosks of any character, and other similar sidewalk obstructions shall be located only in an extension of the sidewalk behind the minimum required sidewalk width, or between the back of curb and the sidewalk.

**D. Timing of Sidewalk Construction.**

Construction of the sidewalks on each street is not necessary until construction begins on the first building on that street. However, to avoid undue costs and damage to sidewalks, the applicant may construct the sidewalk on each lot as it is developed. In no case will a Certificate of Occupancy be issued for a building until the required sidewalks have been constructed.

**SECTION 8. DRIVEWAYS**

**A. General Requirements.**

Driveways shall be constructed of concrete and according to city design standards. An exhibit showing the size and type of each culvert to be used and the lots and locations of each use shall be submitted prior to Final Plat or Development Plan approval.

**B. Locational Requirements.**

Where conditions of topography, traffic flow, traffic and pedestrian safety, community appearance or other factors warrant in the judgment of the City Engineer, the City Engineer may establish particular

requirements for the number, spacing or location of driveways on the affected lots. Such requirements shall be determined prior to final plat or plan application and they may be required to be recorded as vehicular non-access easements and/or in appropriate plat notes on the final plat or plan.

**SECTION 9. TRAFFIC CONTROL DEVICES; STREET NAMES AND ADDRESSES**

All traffic control devices, including street signs, shall be provided and installed by the applicant and shall conform with the Texas Manual on Uniform Traffic Control Devices for Streets and Highways. Additionally, all street signs shall meet the City's sign design standards and specifications. All traffic control devices and signage must be installed on a street prior to any building permit for any structure to be constructed at any address on the street. Address number placement or identification of each lot shall conform throughout the subdivision or development and must be visible from the street. The applicant shall obtain the applicable 9-1-1 districts approval of all street names and addresses prior to final plat or plan application.

**SECTION 10. STREET LIGHTING**

A street lighting plan, including maintenance and billing responsibility, shall be provided upon application for review and approval by the City for any anticipated subdivision or development. Streetlights shall be pointed only at the ground and shall be constructed with the newest technology to preserve the night sky.

**SECTION 11. MAILBOXES**

Mailbox location, type and size shall be approved by the United States Postal Service prior to final plat or plan application. If cluster boxes are used, they shall be located on open space lots providing for additional street or roadway and sidewalk width to accommodate for the extra vehicular and pedestrian traffic.

**ARTICLE V. DRAINAGE AND FLOOD HAZARDS**

**SECTION 1. GENERAL REQUIREMENTS**

A. Facilities Required.

The applicant shall provide an adequate storm drainage system to protect each lot throughout the subdivision or development from flooding. These drainage facilities may consist of a combination of natural features, swales, watercourse improvements, bridges and culverts, enclosed storm sewers and other man-made improvements to carry off stormwater within the subdivision or development. The drainage system shall use detention ponds, retention ponds and siltation ponds, individually or in concert, to control runoff and to protect downstream properties from any increase in flooding originating from the subdivision or development. The system shall be integrated with the overall drainage system of the City, and the design of the system must be approved by the City Engineer in accordance with the requirements of this ordinance.

B. Stormwater Management.

Stormwater management shall be provided by the applicant for the temporary storage of peak rates of stormwater runoff. Runoff is then released at a controlled rate which may not exceed either the

capacity of the existing downstream drainage systems or the predevelopment peak runoff rates of the subdivision or development site. Temporary storage facilities shall consist of any one or a combination of the following: detention, retention, extended detention, infiltration, or other methods acceptable to the City. Stormwater management facilities shall be designed to reduce post-development peak-rates of discharge to pre-development peak rates of discharge for the 2, 10, 25, 50, and 100 year storm events at each point of discharge from the subdivision or development.

C. Construction Sequencing and Erosion Controls.

A plat or plan, as indicated, shall be accompanied by a comprehensive and detailed report and plan for the control of erosion and sedimentation. The report shall include a construction sequencing plan which details the proposed placement, maintenance and removal of temporary erosion controls, the slope stabilization techniques which are to be employed and the restoration measures, including vegetative types, which are to be employed as part of the process. The plan shall list and show the location of temporary erosion controls, show the physical details of the controls, and include a construction sequencing list which will govern the timing of the use of various controls in relation to distinct steps in subdivision construction.

D. Land Clearing Restrictions.

No clear-cutting or rough-cutting of land shall be permitted until a final plat or plan has been approved by the City Council, except for the limited clearing and rough-cutting which is necessary for soil testing and surveying as required by this ordinance. No other clearing or rough-cutting shall be permitted except as necessary for construction of temporary erosion and sedimentation controls until these controls are in place and approved by the City. Areas to be cleared for temporary storage of soil or construction equipment, or for the permanent disposal of fill material or soils, shall be shown on the plat or plan. The natural vegetation within any water supply protection zone, which is required by this Ordinance, shall not be disturbed except for purposes consistent with the ultimate use of the land in that zone.

E. Enforcement of Erosion Controls and Clearing Restrictions.

If an applicant does not comply fully with an approved erosion control and construction sequencing plan, or violates the restrictions on land clearance in the preceding subsection, the City shall notify the applicant in writing that the City may correct the violation and revegetate the disturbed area at the applicant's expense unless, within 30 days after the date of the notice, the applicant complies, corrects the violation, provides the required erosion and sedimentation controls and provides continuing maintenance thereof acceptable to the City. These restrictions are in addition to and do not waive the requirements of the TCEQ or any other State or Federal authority having regulatory rights over erosion control and land clearing.

**SECTION 2. REQUIRED DRAINAGE STUDY.**

The applicant shall submit a drainage study with the plat or plan as indicated. The drainage study shall provide the following information, for both existing and fully developed conditions, for the entire watershed drainage area upstream of the lowest point(s) in the subdivision or development and for two-thousand feet (2,000 ft.) downstream of the subdivision or development.

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1. The entire watershed drainage area(s), depicted on a 7.5 minute series U.S.G.S. map.
2. The drainage area(s) within the subdivision, depicted on a topographic map with two-foot contour intervals.
3. Composite runoff factors.
4. Times of concentration.
5. Related rainfall intensity factors utilizing Atlas 14 rainfall data, as updated by the National Oceanic and Atmospheric Administration.
6. 25 and 100 year flood flow quantities with the 100 year flood plain limits for the existing and fully developed watershed shown on the plat.
7. Preliminary street grades sufficient to determine high points, low points, and direction of runoff flows.
8. Proposed locations of inlets, storm sewers and culverts.
9. Proposed routing of drainage ways.
10. All proposed drainage easements, including width of easements and configuration of channel.
11. The calculations to determine the volume of proposed detention/retention/sedimentation ponds.

The above information shall be supplemented with narrative text describing the watershed and the subdivision or development, including their general soil conditions, downstream channel conditions, all weather access, and the presence of special flood hazard areas within the subdivision or development. The study shall be prepared by a professional engineer registered in the State of Texas. The City Engineer shall review the submission, verify that all ordinance requirements have been met, and forward recommendations to the City Council.

**SECTION 3. DRAINAGE EASEMENTS.**

A. General Requirements.

Natural waterways and channels should be used wherever practical to carry runoff. Any modifications to existing waterways and channels must be approved by the City. Where a subdivision or development is traversed by a watercourse, drainageway, natural channel or stream, an easement or right-of-way shall be provided conforming substantially to the 100 year floodway or channel limits of such watercourse, plus additional width as may be designated by the City Engineer to accommodate for the adequate drainage of the floodway, water course or channel taking into account the total impervious cover of the proposed subdivision or development and foreseeable future needs. Such easements shall provide public access and may be designed to allow for public use.

B. Enclosed Systems.

Storm drainage easements of 15 feet minimum width shall be provided for existing and proposed enclosed drainage systems. Easements shall be centered on the systems. Larger easements, where necessary, shall be provided as directed by the City.

C. Open Channels.

Storm drainage easements along proposed or existing open channels shall provide sufficient width for the required channel and such additional width as may be required to provide ingress and egress of maintenance equipment; to provide clearance from fences and space for utility connections and

facilities; to allow maintenance of the channel bank; and to provide adequate slopes necessary along the bank.

D. Overflow Drainage.

Storm drainage easements shall be provided for emergency overflow drainage ways of sufficient width to contain within the easement storm water resulting from a 100 year frequency storm less the amount of storm water carried in an enclosed system.

E. Detention Ponds, Retention Ponds and Siltation Ponds.

Storm drainage easements around proposed detention, retention or siltation ponds shall provide sufficient width for the required pond and such additional width as may be required to provide ingress and egress of maintenance equipment; to provide clearance from fences and space for utility connections and facilities; to allow maintenance of the pond bank; and to provide adequate slopes necessary along the bank. The aesthetic design and landscaping of the proposed detention, retention or siltation ponds shall match that of the open space and be approved as part of the landscaping plan for the Plat or Plan.

**SECTION 4. DRAINAGE SYSTEM DESIGN STANDARDS.**

A. General Requirements.

Drainage facilities shall be provided and constructed as specified by the City in accordance with the City’s drainage design standards and construction specifications herein or otherwise adopted.

B. Method of Computing Runoff.

The method of computing runoff shall be the “Rational Formula” or some other method acceptable to the City Engineer. Runoff rates calculated by the Rational Formula shall be computed using one of the following methods of runoff coefficient determination:

1. Runoff coefficients based on the specific land use established by Zoning Districts according to Table H below, or
2. A composite runoff coefficient based on the percentages of different types of surfaces in the drainage area according to Table I below.

**Table H. Rational Method Runoff Coefficients by Zoning District**

<b>Zoning District</b>	<b>Slope</b>			
	<b>Up to 1%</b>	<b>Over 1% &amp; up to 3%</b>	<b>Over 3% &amp; up to 5%</b>	<b>Over 5%</b>
Undeveloped Areas (storage calculations only)	0.68	0.70	0.72	0.75
Single Family	0.65	0.67	0.69	0.72
Multi-Family	0.75	0.77	0.80	0.84
Commercial	0.85	0.88	0.91	0.95
Industrial	0.90	0.93	0.97	1.00



**Table I. Rational Method Runoff Coefficients for Composite Analysis**

<b>Character of Surface</b>	<b>Return Period</b>			
	<b>5 yrs</b>	<b>10 yrs</b>	<b>25 yrs</b>	<b>100 yrs</b>
<i>DEVELOPED AREAS</i>				
Asphaltic	0.77	0.81	0.86	0.95
Concrete or Roof	0.80	0.83	0.88	0.97
Planted – Poor Condition (grass cover on less than 50% of the area)				
Less than 2% slope	0.34	0.37	0.40	0.47
2% - 7% slope	0.40	0.43	0.46	0.53
More than 7% slope	0.43	0.45	0.49	0.55
Planted – Fair condition (grass cover on 50% to 75% of the area)				
Less than 2% slope	0.28	0.30	0.34	0.41
2% - 7% slope	0.36	0.38	0.42	0.49
More than 7% slope	0.40	0.42	0.46	0.53
Planted – Good condition (grass cover on more than 75% of the area)				
Less than 2% slope	0.23	0.25	0.29	0.36
2% - 7% slope	0.32	0.35	0.39	0.46
More than 7% slope	0.37	0.40	0.44	0.51
<i>UNDEVELOPED AREAS (storage calculations only)</i>				
Cultivated Land				
Less than 2% slope	0.34	0.36	0.40	0.47
2% - 7% slope	0.38	0.41	0.44	0.51
More than 7% slope	0.42	0.44	0.48	0.54
Pasture or Range Land				
Less than 2% slope	0.28	0.30	0.34	0.41
2% - 7% slope	0.36	0.38	0.42	0.49
More than 7% slope	0.40	0.42	0.46	0.53
Forest or Wooded land				
Less than 2% slope	0.25	0.28	0.31	0.39
2% - 7% slope	0.34	0.36	0.40	0.47
More than 7% slope	0.39	0.41	0.45	0.52

C. Assumptions for Runoff Calculations.

In all cases, wet antecedent conditions shall be assumed. Runoff rates shall be computed on the basis of ultimate development of the entire watershed upstream from and including the proposed subdivision or development. For determination of time for concentration, times shall be figured on the basis that there shall be an improved drainage system upstream from the point under consideration.

D. Use of Streets and Alleys as Drainage Facilities.

Alleys shall be designed to carry storm water on at least a five-year frequency. Streets may be used for storm water drainage only if the calculated storm water flow does not exceed the height of the curb and the velocity does not exceed 6 feet per second. Minor streets shall be designed on a basis of at least a five (5) year storm frequency and all other streets on at least a ten (10) year frequency. Where streets are not capable of carrying storm waters as required above, drainage channels or storm sewers shall be provided. Street width shall not be increased beyond the width determined by the street classification solely to accommodate drainage.

E. Storm Sewers.

Where storm sewers are provided or required, their design shall be based on a 100 year storm frequency and the design must be approved by the City Engineer. For all ordinary conditions, storm sewers shall be designed on the assumption that they will flow full under the design discharge; however, whenever the system is placed under a pressure head or there are construction, turns, submerged or inadequate outfalls, or other obstacles, the hydraulic grade line shall be computed and plotted in profile. In all cases adequate outlets shall be provided, and no storm sewers shall be less than 24 inches in diameter.

F. Street Inlets to Storm Sewers.

The entire 25 year discharge shall be picked up at the point where the street can no longer handle the runoff flowing below the height of the curb. No allowance shall be made for overruns or partial street flows combined with storm sewer flows at initial pickup points. Street discharges, after initial pickup, may be based upon street classification for frequency as required.

G. Capacity of Open Drainage Channels.

The design of all open drainage channels shall be based on a 100 year storm frequency and must be approved by the City. All open drainage channels shall be designed with at least the minimum freeboard specified in Table J.

**Table J. Minimum Drainage Channel Freeboard**

<b><i>Design Depth of Flow</i></b>	<b><i>Required Freeboard</i></b>
Less than 5 feet	0.5 ft
5 ft – 10 ft	10% of the design depth
More than 10 ft	1.0 ft

Allowance for extra freeboard shall be made wherever design conditions such as channel bends or turns require it.

H. Lining of Open Drainage Channels.

The following Table K shall be used to determine the type of channel lining which shall be used for scour protection. Velocities are limited flows proposed by a storm event no greater than a 10 year event.

**Table K. Velocity Control Requirements**

<b>Velocity</b>	<b>Type of Channel Lining Required</b>
Less than 3 feet per second	Earth or sod lined
3 ft/s – 5 ft/s	Sod lined
More than 5 feet per second	Concrete lined

Concrete lined channels are required at velocities or more than five feet per second (5 ft/s) and may also be used at velocities of five feet per second (5 ft/s) or less. Where velocities are in the super critical range, allowance shall be made in the design for the proper handling of the water.

I. Design of Concrete Lined Channels.

All concrete lined channels shall be designed according to the following standards, and their design must be approved by the City.

1. From the top of the concrete lining to the top of the channel, the side slope shall not be steeper than two (2) horizontal to one (1) vertical, nor shall the slope be less than twelve (12) horizontal to one (1) vertical.
2. For normal conditions, the concrete lining shall be a minimum of four (4) inches thick and reinforced with No. 3 round bars placed not more than 18 inches on center in both directions. Where the surface, the nature of the ground, height and steepness of slope, or other factors become critical, the design shall be in accordance with the latest structural standards. All concrete lining shall develop a minimum compressive strength of not less than 2,500 pounds per square inch in 28 days.
3. Maximum side slopes of concrete rip-rap shall be one to one, unless actual soils test data submitted by a soils engineer shows that a steeper special design is allowable. A minimum of 200 pounds per square inch in 28 days.
4. Vertical walls shall not exceed a depth of two (2) feet unless the channel is properly fenced or enclosed.
5. Easements or rights-of-way for concrete lined channels shall extend a minimum of two (2) feet on both sides of the extreme limits of the channel.
6. The minimum N value of 0.015 shall be used for the roughness coefficient in Manning’s formula for a wood float type surface finish.
7. Where conditions warrant, the design of alternative composite sections is encouraged.

J. Design of Sod-Lined and Earth Channels.

All sod-lined and earth channels shall be designed according to the following standards, and their design must be approved by the City.

1. The side slope shall not be steeper than three (3) horizontal to one (1) vertical.
2. Easements or rights-of-way for earth channels shall extend a minimum of two (2) feet on one side and 15 feet for an access road on the opposite side of the extreme limits of the channels, when such channels do not parallel and adjoin a street or alley. When such channels do parallel and adjoin a street or alley, the easement or right-of-way shall extend a minimum of two (2) feet on both sides of the extreme limits of the channel. Where utilities are installed in the access road of the drainage right-of-way, said right-of-way shall extend two (2) feet on one side and 17 feet on the opposite side of the design limits of the channel. These 17 feet are to provide an access way along the channel with a maximum cross slope of a half-inch (1/2) per foot toward the channel.
3. The minimum N value of 0.035 shall be used for the roughness coefficient in Manning's formula for earth channels.
4. Velocity in the earthen channel cannot exceed 5 fps.

**SECTION 5. FLOOD HAZARDS.**

A. General Policy.

All subdivisions and developments shall conform to the "Flood Disaster Protection Act of 1973," Public Law 93-234, and the latest revisions thereof. The policies as dictated by the Federal Emergency Management Agency including any State, County or City resolutions or Ordinances shall be adhered to.

B. Flood Plain Designations and General Restrictions.

Federal flood plains are based on a 100 year frequency discharge, and apply only in those areas where official Federal Emergency Management Agency maps have been prepared, or where 100 year water and surface profile studies are available for the City and its extraterritorial jurisdiction. Until a regulatory flood way is designated, no new construction, substantial improvements, or other development (including fill) shall be permitted in an area having special flood hazards, unless it is demonstrated that the cumulative effect of the proposed subdivision or development, when combined with all other existing and anticipated subdivision or development, will not substantially increase the water surface elevation of the 100 year flood at any point within the City's jurisdiction.

C. General Requirements in Flood Plains.

The minimum building slab elevation abutting the 100 year flood plain shall be one (1) foot above the 100 year flood plain. The limits of the 100 year flood plain and the limits of the floodway shall be shown on the preliminary and final plats as applicable. No structure shall be placed within the 100-year floodplain unless a Letter of Map Revision (LOMR) has been submitted and approved by FEMA.

D. Flood Hazards to Water and Wastewater System.

New or replacement water supply systems and/or wastewater systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters. On-site waste disposal systems shall be located so as to avoid impairment of them or contamination from them during flood.

E. Review of Proposed Subdivision Flood Hazards.

Proposed subdivisions and developments shall be reviewed to assure that:

1. All such proposals are consistent with the need to minimize flood damage;
2. All public utilities and facilities, such as sewer, gas, electrical, and water systems are located, elevated, and constructed to minimize or eliminate flood damage; and
3. Adequate drainage is provided so as to reduce exposure to flood hazards.

F. Access to Subdivisions.

The City Council shall not permit new “island” subdivisions, lots or streets that would be surrounded by the flood waters of the 100 year flood, unless:

1. The area is accessible to high ground by a street elevated above the 100 year flood level;  
or
2. The evidence presented shows that the surface area and elevation of the “island” is sufficient to sustain the residents safely during a 100 year flood.

**ARTICLE VI. UTILITY EXTENSIONS AND GENERAL IMPROVEMENTS**

**SECTION 1. GENERAL REQUIREMENTS**

A. Obligations of Applicant.

The applicant shall construct and/or install at his/her own cost and expense all of the improvements and extensions required by this ordinance. The applicant shall comply with all other provisions of this ordinance prior to final acceptance of the subdivision or development by the City. All utility extensions and improvements required by this ordinance shall be placed underground except where required to cross an existing major thoroughfare. All underground utilities shall be located either in a utility easement or if in the right-of-way shall be located to one side of the right-of-way and not down the center of a street or roadway.

B. Engineer Responsible.

The applicant shall retain the services of a registered professional engineer, licensed in the State of Texas, whose seal shall be placed on each sheet of the construction plan, and who shall be responsible for the design and supervision of all improvements required in the subdivision or development.

C. Construction Plans.

Three (3) complete sets of construction plans, specifications and contract documents and one digital copy in PDF format shall be filed with the City upon filing of a final plat or plan. These plans and specifications shall include street plans, drainage system plans, sanitary sewer system plans, water

system plans and the overall utility layout. The street plans shall show roadway plan and profiles, roadway cross sections and longitudinal slope for drainage, a full description of the proposed pavement or other street improvement, and its grade and slope. The drainage, sanitary sewer, water and utility system plans shall show the dimensions and specifications of the improvements to be installed, including proposed position on the ground, specifications of materials and construction, profiles showing both ground surface and flow line, and other pertinent information of similar nature. All such plans shall comply with the specifications and design standards set forth in this ordinance.

D. Installation of Utilities Before Paving.

Unless the applicant received written approval from the City Administrator to the contrary, all utilities must be installed and have passed inspection and testing prior to the paving of a street or alley or portion thereof.

E. Inspection of Improvements.

The City shall from time to time inspect the construction of all utility facilities and streets in the subdivision or development during the course of construction to see that they comply with the standards governing them. In this regard, free access to the subdivision or development shall be accorded the City by the applicant and their agents and employees.

F. As-Built Plans or Drawings.

Upon the completion of construction of any utility or improvement, a scanned set in PDF format, and two (2) sets of reproducible tracings of complete record drawings, dated, signed and certified by the engineer in charge, shall be filed with the City, showing all features as actually installed, including materials, size, location, depth of elevation, numbers, end of lines, connections, wyes, valves, storm sewer drains, inlets, and any other pertinent items. The City shall not accept such public improvements until the foregoing has been submitted to and reviewed by the City Engineer.

G. Utility Easements.

Utility Easements may only be waived by the applicable utility.

1. Overhang Easements.

Where existing utilities are not located underground or in alleys, an overhang easement of at least five (5) feet wide must be provided on the opposing side of the 20 foot easement strip, at a height at or above 10 feet. In all alleys with existing above ground utilities, overhang easements at least ten (10) feet wide must be provided on each side of the alley for electric and telephone lines, at a height at and above 10 feet or determined and requested by the utility provider.

2. Additional Easements for Guy Wires.

Where existing above-ground utility easements or alleys are not themselves straight within each block, or if they do not connect on a straight course with the utility easements or alleys of adjoining blocks, then additional easements shall be provided for the placing of guy wires

on lot division lines in order to support poles set on the curving or deviating easement lines or alley rights-of-way.

## **SECTION 2. WATER AND SEWERS**

### **A. General Requirements for Water Systems.**

#### **1. Service Required.**

All lots within a subdivision or development shall be provided with domestic water service from the water purveyor certificated by the State of Texas to provide such service. The water distribution system required under this section shall include all pumping station production facilities, elevated storage tanks, fire hydrants and other appurtenances required to adequately serve the area being subdivided. This section does not apply to a lot where a water well exists and its operation is intended to continue as the main source of water for that lot or lots.

#### **2. Obligations of Applicant.**

Within the perimeter of the subdivision or development, the applicant shall install, at his/her own cost and expense, all necessary lift stations, booster pumps, mains and appurtenances, including, but not limited to, valves, manholes and fire hydrants. The applicant shall provide all water lines necessary to properly serve each lot of the subdivision and to ensure that existing and/or new water facilities can supply the required demand for domestic use and for fire protection at the desired pressure as approved by the Fire Marshall. The applicant shall install all mains and shall extend the service to all lots terminating thereon with a curb stop and meter box. At the time of and with the final plat or plan application the applicant shall submit a certificate signed by the Fire Marshal certifying that the system has been designed in accordance with the requirements of the applicable City Ordinances in addition to State of Texas regulatory rules, including but not limited to, the Texas Health Department, the Texas Insurance Commission and signed by the Fire Marshal.

### **B. Water System Design Standards.**

All water production and distribution facilities shall be designed and sized in accordance with the design standards of the certified water purveyor for the subdivision or development.

### **C. Sanitary Sewers.**

#### **1. General Requirements.**

Every subdivision and development shall be provided with a sewage disposal system meeting the design requirements of the Texas Commission on Environmental Quality or a successor Agency, and any other applicable State of Texas agency with authority over sanitary sewers or County regulation, and approved by the City. Sanitary sewers shall be connected to serve each lot in the subdivision or development unless the City determines that such connection would require an unreasonable expenditure of funds when compared with other methods of sewage disposal. Where connection to the sewer system is not to be made immediately, plans shall be prepared for installation of a sewage collection system to serve each lot, and those

parts of such system which will lie in the portion of streets intended for vehicular traffic shall be installed before the street is paved. The sewage collection and disposal systems required under this section shall include all lift stations, force mains, treatment facilities and appurtenances required to adequately serve the area being subdivided or development.

2. Obligations of Applicant.

The applicant shall install all sanitary sewer mains and lines to serve each lot. If the public sewer system is not within 1,200 feet of the subdivision or development, those portions of the system which lie under paved areas shall be installed and capped off and temporary waste treatment shall be provided in accordance with the requirements of state and county health officials and environmental officials. The applicant shall submit a certificate to the City certifying that the sewer system has been approved by the Texas Commission on Environmental Quality or a successor Agency, any other applicable State of Texas agency with authority over sanitary sewers, and, if applicable, the County.

D. Wastewater System Design Standards.

All wastewater collection systems and improvements shall be designed and sized in accordance with Texas Commission on Environmental Quality or a successor Agency, and any other applicable State of Texas agency with authority over wastewater systems.

All sewers shall be designed and sized in accordance with Texas Commission on Environmental Quality or a successor Agency, and any other applicable State of Texas agency with authority over sewers.

Where the following specific design standards of either the wastewater collection system or the sewers are not designated by Texas Commission on Environmental Quality or a successor Agency, and any other applicable State of Texas agency the design standards herein shall apply, subject to approval by the City Engineer (the City Engineer may provide, at their sole discretion, other standards shall be required in lieu of the following depending on the location and size of the subdivision or development):

1. Location.

Where the location is not clearly defined by dimensions on drawings, the wastewater collection system or sewer shall not be closer horizontally than ten (10) feet, or closer vertically than six (6) feet, to a water supply main or service line. Gravity sewer lines passing over water lines shall be constructed for a distance of at least ten (10) feet on each side of the crossing with cast iron pipe with no joints within three feet of the crossing, or they shall be encased in concrete in accordance with regulations of the Texas Commission on Environmental Quality or a successor Agency, and any other applicable State of Texas agency with authority.

2. Materials.

Sewer lines shall be of PVC plastic or another type pipe as approved in writing by the City Engineer.



3. Trenching.

Sewers shall be constructed according to City Engineer specifications as to trenching, bedding, backfill and compacting.

4. Minimum Diameter of Mains.

Eight (8) inch diameter pipe shall be the minimum acceptable for sewer mains and lines, except that a sewer main less than six-hundred (600) feet long may be six (6) inches in diameter if located on a cul-de-sac or an existing dead end street within a residential subdivision.

5. Manholes.

Manholes shall be spaced not more than four-hundred (400) feet apart and shall be constructed in accordance with applicable City road construction standards and if none, the greater of any State or County adopted standard specifications.

6. Lift Stations and Force Mains.

Lift station capacity shall be no less than one-hundred (100) gallons per minute per pump. Lift station force mains shall be designed and sized to produce a complete exchange of wastewater every other cycle of the pumps. Force mains and fittings shall be of cast iron or PVC pipe, pressure class.

The pipe shall have either mechanical joints or rubber gasket joints as approved by the City Engineer. The minimum force main size shall be four (4) inches.

7. Minimum Diameter of Service Lines.

Service lines serving individual lots shall be no smaller than six (6) inches in diameter.

**ARTICLE VII. OPEN SPACES**

Applicants shall, in each Plat or Plan, provide land, parcels or lots for open space use within each subdivision or development. A minimum of twenty percent (20%) of the total land being platted or subdivided is required to be set aside for use as open space, except as prohibited by State or Federal law. Such open space shall be developed for use by the community to a private property owner's association or developed for use by the general public and dedicated to the City. The design, layout and landscaping of open space(s) shall be included in the landscaping plan for the Plat or Plan, and shall conform to the landscaping of the rest of the Subdivision or Development. Right of way for roadways and sidewalks shall not be considered open space. Detention, retention or siltation ponds may be considered for use as open space on a case by case basis depending on the use and improvements made to such ponds. The applicant shall give consideration to suitable sites for parks, playgrounds, recreational facilities and other open space areas. Additional open space may be dedicated and credited toward the parkland fee with City Council approval.

**ARTICLE VIII. FINANCIAL GUARANTEES**

**SECTION 1. REQUIRED PERFORMANCE BOND**

At the time of application for a final plat or a development plan, the applicant shall file with the City either an irrevocable letter of credit, a cash deposit, a savings assignment, or a performance bond, in an amount equal to the estimated cost of any public improvements to be made in the proposed subdivision or development, including the cost of erosion control during construction. Such bond or other financial guarantee shall be for the faithful performance, installation and completion of such improvements.

**SECTION 2. ADJUSTMENT OF BOND/DEPOSIT**

As soon as possible after approval of a final plat or development plan, but prior to the start of construction, the applicant shall provide the City an executed copy of the public improvement construction contracts or a notarized statement certifying the final contracts so that the City may substantiate the estimated cost of improvements. The performance bond/deposit shall be adjusted to reflect the actual construction costs of the public improvements.

**SECTION 3. REDUCTION AND EXPIRATION OF BOND**

The performance bond/deposit may be reduced from time to time as portions of the improvements are completed, approved and accepted by the City. The bond/deposit shall bear an expiration date of at least one year and shall be retained by the City until all improvements have been completed, approved and accepted by the City.

**SECTION 4. PAYMENT OF BOND**

If all improvements have not been completed, approved and accepted by the City 30 days prior to the expiration of the performance bond/deposit, the City shall present the bond/deposit for immediate payment.

**ARTICLE IX. PUBLIC IMPROVEMENTS ACCEPTANCE REQUIREMENTS**

After completion of the entire subdivision or development the applicant may apply for the City to provide a letter of completion, and thereafter accept the dedication of public improvements therein located within the corporate limits of the City. The letter of completion shall not be based upon or follow a phasing plan and shall only be considered after all phases are complete. Prior to requesting a letter of completion, the applicant shall submit the following:

1. Either a one (1) year warranty bond conditioned that the improvements are free from defects in materials and workmanship, or an irrevocable letter of credit, cash deposit or savings assignment committing funds for the correction and repair of any defects in materials or workmanship. The bond, letter of credit, cash deposit or savings assignment shall be in the amount of ten (10) percent of the contract price for the improvements.
2. Two (2) sets of certified "As Built" record drawing plans for each subdivision or development improvement.
3. A digital file of the "As Built" record drawing plans for each subdivision or development improvement in a format specified by the City.

4. Two (2) certified copies of all improvement costs, itemized as follows:
  - a. Streets, alleys, curbs, sidewalks and drainage features.
  - b. Water mains, valves, hydrants and services.
  - c. Sewer mains, lift stations, force mains, manholes and services.
5. A release of lien from all subcontractors and contractors verifying that all contractors have been paid and that no liens will be filed on the subdivision.

***THE CITY SHALL NOT PROVIDE A LETTER OF COMPLETION UNTIL ALL OF THE REQUIREMENTS ABOVE AND WITHIN THIS ORDINANCE ARE MET.***

#### **ARTICLE X. PERMITS AND UTILITY CONNECTIONS**

Applications for construction, building or any other permits and utility connections, where applicable, within a subdivision or development shall only be accepted and considered after the City has approved the Final plat or Development Plan. Permits and utility connection standards and application procedures shall be governed by and in accordance with other applicable City Ordinances, State and Federal law.

#### **ARTICLE XI. VACATING PLATS AND PLANS, REPLATS AND AMENDING PLATS AND PLANS**

##### **SECTION 1. VACATING PLATS AND PLANS**

An applicant may vacate the plat or plan of a tract covered by an approved final plat or plan at any time before any lot in the plat is sold. Upon application the plat or plan is vacated when a signed, acknowledged instrument declaring the plat or plan vacated is approved and recorded in the manner prescribed for the original plat or plan. If lots in the plat or plan have been sold, the plat or plan, or any part of the plat or plan, may be vacated on the application of all the owners of lots in the plat or plan, with approval obtained in the manner prescribed for the original plat or plan. The County Clerk shall write legibly on the vacated plat or plan the word "Vacated" and shall enter on the plat or plan a reference to the volume and page at which the vacating instrument is recorded. On the execution and recording of the vacating instrument, the vacated plat or plan has no effect.

##### **SECTION 2. AMENDING PLATS AND PLANS**

###### **A. Purpose for Amendment.**

This section shall only apply if the sole purpose of the amending plat or plan is for one or more of the following purposes, as applicable:

1. To correct an error in any course or distance shown on the prior plat or plan;
2. To add any course or distance that was omitted on the prior plat or plan;
3. To correct an error in the description of the real property shown on the prior plat or plan;
4. To indicate monuments set after death, disability or retirement from practice of the engineer or registered professional land surveyor charged with responsibilities for setting monuments;
5. To show the proper location and character of any monument which has been changed in location or character or which originally was shown at the wrong location or incorrectly as to its character on the plat or plan;

6. To correct any other type of scrivener or clerical error or omission as previously approved by the City Council (such errors and omissions may include, but are not limited to, lot numbers, acreage, street names, and identification of adjacent recorded plats or plans);
7. To correct an error in courses and distance of lot lines between two adjacent lots where both lot owners join in the application for plat amendment and neither lot is abolished, provided that such amendment does not attempt to remove recorded covenants or restrictions and does not have a material adverse effect on the property rights of the other owners in the plat or plan;
8. To relocate a lot line in order to cure an inadvertent encroachment of a building or improvement to a lot line or on an easement; or
9. To relocate one or more lot lines between one or more adjacent lots where the owner or owners of all such lots join in the application for the plat or plan amendment, provided that such amendment does not attempt to remove recorded covenants or restrictions and does not increase the approved number of lots.

B. Application Process.

An application for an amended plat or plan shall meet and conform to all procedural and documentary requirements of a Final plat or plan.

C. Effect of Amended Plat or Plan.

An amended plat or plan shall be marked as an “Amended Plat” or an “Amended Plan”, as applicable, and shall indicate the changes made.

**SECTION 3. REPLAT**

An applicant may replat a subdivision upon application as follows:

A. Replatting Without Vacating Preceding Plat.

A replat of a subdivision or part of a subdivision may be recorded and is controlling over the preceding plat without vacation of that plat if the replat is signed and acknowledged by only the owners of the property being replatted, is approved by the City, and does not attempt to amend or remove any covenants or restrictions. Refer to Section 212.015 of the Texas Local Government Code for additional replatting requirements.

B. Partial Replats.

A replat of a part of a subdivision may be recorded and is controlling over the preceding plat without vacation of that plat if the replat is signed and acknowledged by only the owners of the property being replatted, and involves only property of less than one acre that fronts an existing street and that is owned and used by a nonprofit corporation established to assist children in at-risk situations through volunteer and individualized attention. An existing covenant or restriction for property that is replatted under this section does not have to be amended or removed if the covenant or restriction was recorded more than 50 years before the date of the replat, and the replatted property has been continuously used by the nonprofit corporation for at least 10 years before the date of the replat.

**ARTICLE XII. VARIANCES**

**SECTION 1. POWER TO GRANT VARIANCES**

The City Council may grant a variance from the requirements of this ordinance when, in the Council's judgment, undue hardship will result from requiring strict compliance. A variance may be granted only when in harmony with the general purpose and intent of this ordinance so that the public health, safety and welfare may be secured, and substantial justice done. Pecuniary hardship to the applicant or owner, standing alone, shall not be deemed to constitute undue hardship. In granting a variance, the City Council shall prescribe only to conditions that it deems necessary or desirable in the public interest.

**SECTION 2. PROCEDURES FOR VARIANCES**

1. The applicant shall submit to the City a written preliminary application for each variance which is known and requested at the time of the preliminary plat or development plan application;
2. The City staff shall determine any additional variances needed in reviewing the application and shall notify the applicant; and
3. The applicant shall submit to the City a written final application for each variance which is being requested, along with the appropriate filing fee for each variance request as established by the City and set forth in the City's Fee Schedule. The City Council shall not consider any action on the final variance application until the fee for each variance requested has been paid.

**SECTION 3. FINDINGS REQUIRED FOR VARIANCES**

No variance shall be granted unless the City Council makes affirmative finding as to all of the following:

1. That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this ordinance would deprive the applicant or owner of the reasonable use of the land;
2. That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant or owner;
3. That the granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property in the area; and
4. That the granting of the variance will not have the effect of preventing the orderly subdivision or development of other land in the area in accordance with the City's Ordinances and regulations.

In making the findings herein required, the City Council shall take into account the nature of the proposed use of the land involved, existing uses of land in the area, the number of persons who will reside or work in the proposed subdivision or development, and the probable effect of such variance upon the public health, safety, convenience and welfare in the City, to include but not limited to, access to necessary utilities, availability of emergency services and the impact on vehicular and pedestrian traffic conditions.

The findings of the City Council, together with the specific facts upon which such findings are based, shall be incorporated into the minutes of the City Council meeting at which each variance is granted.

**SECTION 4. EFFECT OF GRANTED VARIANCE**

An applicant shall not need to submit multiple variance applications for subsequent or parallel plat or development applications. Therefore, a variance that is granted on a preliminary plat shall be valid and

run with the approval of the preliminary plat and there shall not be a requirement to reapply for the same variance with the final plat application. Additionally, a variance approved on a final plat is valid on a development plan and vis-a-versa for the same tract of land so long as the plat or plan approval for which the variance is granted has not expired.

### **ARTICLE XIII. FEES, ENFORCEMENT AND IMPLEMENTATION**

#### **SECTION 1. APPLICATION AND REVIEW FEES**

Upon each application the Applicant shall remit to the City such applicable application and review fees. The applicable fees shall be in the amount as established by the City and set forth in the City's Fee Schedule. The cost incurred by the City to retain consultants to assist City Staff in the review process of each Plat or Plan application shall be charged to the applicant for the actual cost of said consultants' services as professional review fees. Application and review fees are not refundable regardless of whether the Plat or Plan submitted is approved, approved with conditions or denied.

#### **SECTION 2. DEVELOPMENT AND IMPACT FEES**

The City may establish certain development and impact fees as set forth in the City's Fee Schedule. Development and impact fees shall be assessed and due at the time of final plat or plan application. The applicant is encouraged to escrow the estimated development and impact fees at the time of application, and such shall be refundable upon the applicants withdraw of the application.

##### **A. Roadway Impact Fee.**

Upon Final Plat or Plan approval, the applicant shall render to the City a Roadway Impact fee, in the amount as established by the City's fee schedule, for each lot created in the Final Plat or Plan according to each proposed use and location. Such Roadway Impact fee is in addition to, and may not be considered in lieu of, any off-site improvements as determined by the City Engineer or traffic mitigation requirements as determined by a TIA.

##### **B. Parkland Fee.**

Upon Final Plat or Plan approval, the applicant shall render to the City a parkland fee, in the amount as established by the City's fee schedule, for each lot created in the Final Plat or Plan according to each proposed use and location. However, the value of improvements added to open space(s) provided for in the Plat or Plan may be credited towards the parkland fee upon City Council approval. Improvements may include, but are not limited to, playscapes, benches, trash receptacles, sports courts, and graded and landscaped trails systems. Additional parkland fee may be paid in lieu of open space dedication upon City Council approval.

#### **SECTION 3. ENFORCEMENT**

##### **A. Enforcement of Regulations.**

The subdivision of any parcel of land by the use of a metes and bounds description for the purpose of sale, transfer, or lease with the intent of evading these regulations by creating a lot, shall be considered a violation of this Ordinance and shall pay double the filing fees. All such subdivisions or

development of land shall be subject to all the requirements contained in this Ordinance. No permit shall be issued or utility connection authorized for a lot developed, subdivided or sold in violation of the provisions of this Ordinance. Appropriate actions may be taken to prevent a violation of this Ordinance; to prevent unlawful subdivisions and developments; to restrain, correct, or abate a violation; or to prevent an anticipated violation. Any remedies or enforcement actions stated herein shall not be exclusive or prevent the City from taking any available lawful action or relief, in law or in equity, to accomplish compliance with this Ordinance.

B. Stop Work Order.

The City shall issue a Stop Work Order on any development, improvements of land or construction therein that is in violation of this Ordinance. Stop work orders shall be effective immediately and any person thereafter shall cease and desist from further development or construction related to the alleged violation until such violation is corrected and a certificate of compliance or waiver is issued by the City. Work to stabilize and secure the site, or parcel of land may be performed while the Order is in effect.

C. Certificate of Non-compliance.

If any subdivision or development of land exists for which a final plat or plan has not been approved or for which the standards contained or referred to herein have not been complied with in full, the City Council shall pass a resolution reciting the fact of such noncompliance or failure to secure final plat or plan approval, and reciting the fact that all the provisions of this Ordinance will apply to the lots in the subdivision or development and that no building permit may be issued nor any utility connection be approved until final plat or plan approval is secured for the subdivision or development and the City has made final acceptance of all improvements therein. The City Secretary shall cause a certified copy of such resolution under the corporate seal of the City with signature of the Mayor to be filed in the deed records of the applicable County or Counties in which the subdivision or development is located. If final plat or plan approval and full compliance are secured after the filing of such a resolution, the City Secretary shall forthwith file an instrument in the deed records of Guadalupe County stating that such final plat or plan approval has been secured and the City has made final acceptance of the improvements therein.

D. Civil Legal Action.

The City Attorney shall, when directed by the City Council, institute appropriate legal action in a Court of competent jurisdiction to enforce the provisions of this Ordinance or the standards referred to in this Ordinance with respect to any violation thereof which occurs within the City, within the extraterritorial jurisdiction of the City, or within any area subject to all or part of the provisions of this Ordinance.

E. Criminal Penalty.

Any person, corporation or agency violating any provision of this Ordinance shall be guilty of a misdemeanor, and, upon conviction shall be fined an amount not to exceed five-hundred dollars (\$500.00). Each day that such a violation continues shall be a separate offence. Prosecution or

conviction under this provision shall never be a bar to any other remedy or relief for violations of this Ordinance.

**SECTION 4. IMPLEMENTATION**

A. Severability.

If for any reason any one or more sections, sentences, clauses or parts of this ordinance are held invalid, such judgment shall not affect, impair or invalidate the remaining provisions of this ordinance, but it shall be confined in its operation to the specific sections, sentences, clauses or parts of this ordinance held invalid, the invalidity of any section, sentence, clause or part of this ordinance in one or more instances shall not affect or prejudice in any way the validity of this ordinance in other instances.

B. Effect of Other Ordinances and Regulations.

Wherever higher or more restrictive standards are established by the provisions of any other applicable state or federal statute, or city ordinance, regulation or adopted international code than are established by the provisions of this ordinance, the provisions of such other statute, ordinance or regulation, where not in conflict, shall control.

C. Repealer.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict. Ordinance 219 is repealed in its entirety and hereby replaced by this Ordinance.

D. Savings Clause.

This Ordinance shall remain in full force and effect until repealed, save and except as amended.

E. Hearing.

A public hearing for this Ordinance and the regulations herein were held on the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

F. Meeting Open to Public.

It is hereby found and determined that the meeting at which this Ordinance is passed is open to the public as required by law and that the public notice of the time, place and purpose of said meeting was given as required.

G. Effective Date.

This ordinance shall be effective immediately following its publication in the manner required by the Texas Local Government Code. Thereafter, the requirements contained herein shall apply within the City of Santa Clara, Texas and the Extraterritorial Jurisdiction of the City of Santa Clara, Texas, as applicable.



READ, APPROVED and ADOPTED this 13<sup>th</sup> day of July, 2020.

APPROVED:



  
\_\_\_\_\_  
Jeff Hunt, Mayor

ATTEST:

  
\_\_\_\_\_  
Donna White, City Secretary

**EXHIBIT "A"**

**Example Plat Certificates**

Registered professional land surveyor's Certificate:

STATE OF TEXAS

COUNTY OF \_\_\_\_\_

I hereby certify that this plat/plan is true and correct and was prepared from an actual survey of the property made on the ground under my supervision.

\_\_\_\_\_  
Registered professional land surveyor

Sworn to and subscribed before me this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[ Notary Seal ]

\_\_\_\_\_  
Notary Public Signature

Engineer's Certificate:

An engineer's certificate is required in all cases except when the plat/plan does not require engineering considerations.

STATE OF TEXAS

COUNTY OF \_\_\_\_\_

I hereby certify that proper engineering consideration has been given in this plat/plan to the matters of streets, lots and drainage layout. To the best of my knowledge this plat/plan conforms to all requirements of the Subdivision Ordinance, except for those variances granted by the City Council of the City of Santa Clara.

\_\_\_\_\_  
Registered Professional Engineer

Sworn to and subscribed before me this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[ Notary Seal ]

\_\_\_\_\_  
Notary Public Signature

PROPERTY SUBDIVISION AND LAND DEVELOPMENT ORDINANCE 2020-004

Owner's Acknowledgment:

*If the owner authorizes an agent, the owner shall file a notarized letter to that effect.*

STATE OF TEXAS  
COUNTY OF \_\_\_\_\_

The owner of land shown on this plat/plan, in person or through a duly authorized agent, dedicates to the use of the public forever all streets, alleys, parks, watercourses, drains, easements and public places thereon shown for the purpose and consideration therein expressed.

\_\_\_\_\_  
Owner

\_\_\_\_\_  
Duly Authorized Agent

Before me, the undersigned authority, on this day personally appeared \_\_\_\_\_  
Known to me to be the person whose name is subscribed to the forgoing instrument, and acknowledged to me that he/she executed the same for the purposes and consideration therein expressed and in the capacity therein stated. Given my hand and seal of office this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

[ Notary Seal ]

\_\_\_\_\_  
Notary Public Signature

Approval of The City Council:

This \_\_\_\_\_ Plat / Plan has been submitted to and considered by the City Council of the City of Santa Clara, Texas, and is hereby approved.

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Mayor, City of Santa Clara

\_\_\_\_\_  
City Secretary, City of Santa Clara

County Clerk's Certificate of Authentication:

*As required by the appropriate County or Counties.*

**EXHIBIT "B"**  
**Example Plat Notes**

**FENCE NOTES:**

*Gates Across Easements:* Double swing gates shall be installed wherever fences cross Utility Easements.

*Obstructions of Drainage:* Adequate structures shall be provided to allow the unhindered passage of all storm and drainage flows wherever fences cross Drainage Easements.

**SIDEWALK NOTES:**

Four (4) foot wide [substitute "Six (6) foot wide" where required] reinforced concrete sidewalks shall be installed adjacent to all street frontage property lines of each lot fronting a street at such time as that lot is developed.

**EASEMENT NOTES:**

*All properties or portions of properties designated as easements may be utilized for the following purposes –*

Drainage Easement:

Drainage, water diversion, and sanitary control, including without limitation, walls, beds, embankments, spillways, appurtenances, and other engineered devices (the "Drainage System")

Together with the right of ingress and egress over the adjacent land to or from the Easement for the purpose of constructing, reconstructing, inspecting, patrolling, operating, maintain, repairing, and removing the Drainage System; the right to change the size thereof; the right to relocate along the same general direction of the Drainage System; the right to create and/or dredge a stream course, refill, or dig out such stream course, establish or change stream embankments within the Easement, install storm sewer systems, culverts, water gaps, and protecting rails; the right to remove from the Easement all trees and parts thereof, which reasonably endanger or may reasonably interfere with the efficiency of the Drainage System; and the right to place temporary structures for use in constructing or repairing the Drainage System.

With respect to the Drainage System, it is expressly agreed and understood by all parties hereto, that the intention is to improve conditions of sanitation and water drainage control on the Property for the benefit of the Property, adjacent property, and the community, but the City does not guarantee or warrant that such control work will be effective, nor does the City assume any additional liability whatsoever for the effects of flood, standing water, or drainage on or to the Property, or any other property or persons that might be affected by said stream, wash, or gully in its natural state or as changed by the City.

Utility Easement:

Utilities, including, without limitations, sewer, water, gas, electricity, telephone, and cable television, with all necessary and/or desirable lines, laterals and/or appurtenances thereto (the "Utilities")

Together with the right of ingress and egress over adjacent land to or from the Easement for the purpose of constructing , reconstructing, inspecting, patrolling, operating, maintain, repairing, and removing the Utilities; the right to place new or additional Utilities in the Easement and to change the size thereof; the right to relocate along the same general direction of the Utilities; the right to remove from the Easement all trees and parts thereof, or other obstructions, which reasonably endanger or may reasonably interfere with the efficiency or operations of the Utilities; and the right to place temporary structures for use in constructing or repairing Utilities.

1. The property owner retains the right to use all or any part of the Easement for any purpose which does not damage, destroy, injure, and/or unreasonably interfere with the use of the Easement. However, the easement shall be kept clear of all structures or other improvements.
2. The Utility shall make commercially reasonable efforts to ensure that damage to the Property is minimized and the Utility will at all times, after doing any work in the connection with the System, restore the Property to the condition in which the Property was found before such work was undertaken to the extent that such restoration is reasonable in accordance with the usual and customary practices.

Public Use Easement:

General public use including, streets, open space, drainage and utility.

*(provide specific easement restrictions)*