

CHAPTER 17
SUBDIVISION*

***Cross reference(s)**--Drainage districts created, § 2-114; planning commission, § 2-201 et seq.; the planning commission shall investigate and report to the City Council on any plan of any new subdivision or replatting of any subdivision in the city, § 2-203(7); flood hazard reduction proposal for subdivisions, § 8-73; complete engineering plans and specifications required for mobile home parks, § 11-57(4); streets and sidewalks, ch. 16.

State law reference(s)--Subdivision and property development, V.T.C.A., Local Government Code § 212.001 et seq.

| | Page |
|--|------|
| Art. I In General, §§ 17-1--17-30 | 2 |
| Art. II Administration, §§ 17-31--17-80 | 7 |
| Div. 1. Generally, §§ 17-31--17-55 | 7 |
| Div. 2. Certification, §§ 17-56--17-80 | 10 |
| Art. III Plats, §§ 17-81--17-140 | 14 |
| Div. 1. Generally, §§ 17-81--17-95 | 14 |
| Div. 2. Preliminary Plats, §§ 17-96--17-115 | 14 |
| Div. 3. Final Plat, §§ 17-116--17-140 | 17 |
| Art. IV Design Standards, §§ 17-141--17-165 | 24 |
| Art. V Improvements, §§ 17-166--17-172 | 33 |

ARTICLE I. IN GENERAL

Sec. 17-1. Definitions.

For the purpose of this chapter, the following terms, phrases, words and their derivations shall have the meaning given in this section. When not inconsistent with the context, words used in the present tense include the future, words used in the singular number include the plural number, and words used in the plural number include the singular number. Definitions not expressly prescribed herein are to be determined according with customary usage in municipal planning and engineering practices.

(1) **Acceptable outfall** shall mean tidewater or that point as determined by the city engineer where stormwater can be released to a channel without causing erosion, or resulting sedimentation to the receiving channel or its floodplain. Where necessary, the outlet shall include structural and vegetative measures to assure nonerosive velocities.

(2) **Alley** shall mean a minor public right-of-way which provides a secondary means of vehicular access to abutting property and which is used primarily for vehicular traffic to the rear or side of properties which otherwise abut on a "public street."

(3) **Building setback line** shall mean a line on a plat generally parallel to the street right-of-way, indicating the limit beyond which buildings or structures may be erected and the area between a street right-of-way and the building setback line within which no structure may be permitted.

(4) **City engineer** shall mean a registered professional engineer employed or designated by the city to provide professional engineering services for and in behalf of the city.

(5) **City standards** shall mean the standards for streets and alleys, storm sewer lines and appurtenant structures, which are set forth herein, and such additional standards as may have been or may be adopted by the City Council, and which may be amended from time to time, and are hereby referred to.

(6) **Cluster development** shall mean a method of development for land that permits variation in lot sizes without an increase in the overall density of population or development. Each lot in a cluster sequence should be considered in relation to the entire group of which it is a part. This allows subdivisions with varying lot sizes so as to provide home buyers a choice of lot sizes according to their needs, and preserves open space, tree cover, scenic vistas, natural drainageways and outstanding

topography. Such measures prevent soil erosion by permitting development according to the nature of the terrain, provide larger open areas with greater utility for rest and recreation, and encourage the development of more attractive and economic site design.

(7) **Comprehensive plan** shall mean the officially adopted plan for the physical development of the city and includes any unit or part of such plan separately adopted and any amendment to such plan or parts thereof.

(8) **Easement** shall mean the area and a right granted thereon for the purpose of limited public or semi-public use across, over, or under private property for a specified purpose or purposes.

(9) **Floodplain** shall mean that area inundated by stormwater run-off equivalent to that which would occur from a fifty-year frequency after a total development of the watershed, such area defined by an elevation plus one (1) foot, below which no development may take place unless consistent with this chapter. Such term shall also mean a relatively flat or low land area adjoining a river, stream, watercourse, ocean, bay or lake, which has been in the past or can reasonably be expected in the future to be covered temporarily by floodwaters every one hundred (100) years or subject to unstable surface soil in which the history of instability, the nature of the geology, the structure of the soil, and the climate indicate a relatively high potential for mudslides to inundate normally dry surface areas.

(10) **Lot** shall mean a physically undivided tract or parcel of land having frontage on a public street or other approved facility and which is or in the future may be offered for sale, conveyance, transfer, or improvement, which is designated as a distinct and separate tract, and which is identified by a tract or lot number or symbol in a duly approved subdivision plat which has been properly recorded.

(11) **Lot depth** shall mean the length of a line connecting the mid-points of the front and rear lot lines, which line shall be at right angle to the front lot line or radial to a curved lot line.

(12) **Lot width** shall mean the length of a line (drawn perpendicular to the lot depth line) connecting the side lot lines at the building setback line or a point no farther than thirty-five (35) feet from the front lot line.

(13) **Planning commission** shall mean the planning commission of the city.

(14) **Plat** shall mean a complete and exact subdivision plan submitted for preliminary or final approval to the planning commission in conformity with the provisions of this chapter and which, if given final approval, will be submitted to the

county clerk for recording. A replat or resubdivision of land or lots which are part of a previously recorded subdivision shall be considered a plat.

(15) Public street shall mean any area, parcel, or strip of land which provides primary vehicular access to adjacent property or land and provides general community circulation whether designed as a street, highway, freeway, thoroughfare, avenue, lane, boulevard, road, place, drive, or however otherwise designated, or which is dedicated or granted for public purposes.

- (a) Minor street.** Used primarily for access and circulation to abutting residential properties and which is intended to serve traffic within a limited area.
- (b) Collector, secondary or major streets.** Public streets so designated in the comprehensive plan which provide for expeditious movement of vehicular traffic in the community.
- (c) Cul-de-sac.** A short public street having but one (1) opening or access to another public street and is terminated by a permanent vehicular turnaround.
- (d) Dead-end.** That portion of a public street that initially has only one (1) opening or access to another public street and which will be extended at a later date.

Notwithstanding the foregoing definitions, however, the following shall not be considered public streets within the purview of this chapter, namely:

- (i)** Any driveway designed or used principally to provide vehicular access to the outbuildings appurtenant to any principal building, or to provide vehicular access to delivery platforms or entrance of a building appropriate for the delivery thereto of goods or merchandise, and located wholly on private property.
- (ii)** An area appurtenant to a store or a group of stores, a theatre, a church, or any similar establishment, designed or used primarily for a vehicular parking lot or vehicular parking facilities by customers, patrons, or employees of the establishment or group of establishments in question.
- (iii)** An entrance or roadway designed or used to provide either vehicular entrance to or communication or

passage between the several units of a single industrial or commercial establishment or of a group of such establishments which are under common control or management, provided such industrial or commercial entranceway or roadway shall be considered a public street under the terms of this chapter if it has entrance upon two (2) or more public streets unless there are at each of such entrances gates, chains, or watchmen by which all persons are prevented from using the same except those employed by or having business to conduct at such industrial or commercial establishments in question.

- (iv) An entrance or driveway, designed or used to provide principal or primary vehicular access to an apartment building or a group of apartment buildings designed for multifamily occupancy and under one (1) ownership. Such entrance or driveway shall not be used to provide public street access to adjacent areas.

(16) **Residential use** shall mean and include single-family residential uses, two-family uses and multi-family residential apartment or townhouse uses.

(17) **Screening device** shall mean a barrier of stone, brick, pierced brick or block, wood or other permanent material of equal character, density, and acceptable design at least six (6) feet in height, where the solid area equals at least sixty-five (65) percent of the wall surface. Such device shall be continually maintained. The planning commission may approve a screening device composed of landscaping material where it can be shown that such planting will be installed and continually maintained in accordance with the intent of this chapter.

(18) **Steep slope** shall mean areas that contain slopes over fifteen (15) percent and are characterized by increased runoff, erosion and sediment hazards.

(19) **Subdivider** and **developer** shall be synonymous and are used interchangeably and shall mean and include any person or any officer, agent, employee, servant, or trustee thereof, who performs or participates in the performing of any act toward the subdivision of land within the intent, scope, and purview of this chapter.

(20) **Subdivision** shall mean the division of any lot, tract, or parcel of land by plat, map or description, into two (2) or more parts, lots, building lots, or sites or building sites, for the purpose, whether immediate or future, of sale, rental, or lease, or

division of ownership. Any dedication and the laying out or realignment of new streets, or other public access ways, with or without lotting, is a subdivision. This definition also includes the resubdivision and replatting of land or lots which are part of a previously recorded subdivision. Divisions of land for agricultural purposes in parcels of five (5) acres or more and where no building construction is involved shall not be included within the definition of subdivision, unless any such subdivision of five (5) acres or more includes the planning or development of a new street or access easement or realignment of an existing street. An "addition" is a subdivision as defined herein. A testamentary division of land or division of land upon dissolution of a corporation or partnership shall not be considered a subdivision.

(Ord. No. 245, art. II, 11-8-76)

Cross reference(s)--Definitions and rules of construction generally, § 1-2.

Sec. 17-2. Adoption of legislative grant of power.

V.T.C.A., Local Government Code § 212.001 et seq. is hereby adopted, and the provisions of this chapter are adopted in the exercise of power granted to municipalities by such statute as well as all other powers granted to cities through the appropriate provisions of the laws and constitution of the state.

(Ord. No. 245, art. I, § 2, 11-8-76; Ord. No. 305, § 2(17-2), 12-14-81)

Sec. 17-3. Purpose.

This chapter is to provide for the harmonious development of the city and its environs.

(Ord. No. 245, art. I, § 3, 11-8-76; Ord. No. 305, § 2(17-3), 12-14-81)

Sec. 17-4. Scope and jurisdiction.

Before any plan, plat or replat of a subdivision or addition of land inside the city or within five (5) miles of the city limits, or any other such plan, plat or replat required to be submitted to the planning commission in accordance with V.T.C.A., Local Government Code § 212.001 et seq. shall, subsequent to their approval by the city planning commission, additionally be submitted to the City Council for approval prior to the presentation of such plan, plat or replat to the county clerk for receipt or recordation. All submissions must be in conformity with the provisions of this chapter. The filing of any plan, plat or replat without complying with the requirements of this

chapter, or the transfer of land by filing of any instrument in the nature of a conveyance without having first complied with the requirements of this chapter, shall be deemed a violation of the provisions of this chapter.

(Ord. No. 245, art. I, § 4, 11-8-76; Ord. No. 305, § 2(17-4), 12-14-81)

Sec. 17-5. City participation in cost.

(a) The subdivider will be required to install at his own expense all water lines, streets, sewer lines, storm sewer lines and drainage facilities and structures within the subdivision in accordance with the city's standards governing the same and as set forth herein, including all engineering costs covering design, layout, and construction.

(b) There will be no participation by the city in the cost of any of the underground utility lines or drainage facilities within the subdivision except in the event of the requirement for oversize lines to serve land areas and improvements beyond the subdivision in question, or to serve other subdivisions.

(c) The city may pay up to one-half the cost of the extension of the city water system and the city sanitary sewer system for a distance of not to exceed one hundred (100) feet to serve a subdivision when funds are available for such extensions and the same is deemed expedient and approved by the city. Any such participation by the city shall be only for the extension of services to the plat boundary and not within the subdivision proper except as provided in subsection (b) above.

(Ord. No. 245, art. I, § 5, 11-8-76; Ord. No. 305, § 2(17-5), 12-14-81)

Secs. 17-6--17-30. Reserved.

ARTICLE II. ADMINISTRATION*

*Cross reference(s)--Administration, ch. 2.

DIVISION 1. GENERALLY

Sec. 17-31. Building permits.

No employee or official of the city shall issue building or repair permits for any structure located on a lot in any subdivision, unless such plat has been approved and recorded in accordance with the provisions contained in this chapter. No employee or official shall issue any building or repair permits for any residential structure on any lot within the city if the lot and the proposed location of the structure on the lot do not conform to section 17-146 and except as to lots and subdivisions, the plats of which have been approved and recorded as of November 8, 1976, with section 17-144(d).

(Ord. No. 245, art. VIII, § 1, 11-8-76)

Cross reference(s)--Miscellaneous building permits and fees, § 4-86 et seq.

Sec. 17-32. Acceptance.

The approval of any plat or replat shall not be deemed an acceptance of the proposed dedications and shall not impose any duty upon the city concerning the maintenance or improvement of any such proposed dedications until the proper authorities of the city shall have made actual appropriation of the same by entry, use, or improvement. If any such plan, plat, or replat is disapproved by the planning commission or the City Council, such disapproval shall be deemed as a refusal by the city of the offered dedication shown thereon.

(Ord. No. 245, art. VIII, § 2, 11-8-76)

State law reference(s)--Similar provision, V.T.C.A., Local Government Code § 212.011.

Sec. 17-33. Utility service.

Unless and until any plans, plats, or replats and specifications shall have been first approved as in V.T.C.A., Local Government Code § 212.010 et seq. and in the manner and by the authorities provided for herein, it shall be unlawful within the area covered by such plans, plats, or replats for any city official or employee to serve or connect the land or any part thereof with any public utility, such as water, sewer, lights, gas, etc., which may be owned, controlled, regulated or distributed by the city.

(Ord. No. 245, art. VIII, § 3, 11-8-76)

Cross reference(s)--Utilities, ch. 19.

Sec. 17-34. Appeal; hearing before City Council.

Any subdivider contesting any disapproval, the interpretation, or the application of any rule, standard, regulation, determination, requirement, or necessity set forth in this chapter directly or by delegation of authority shall have the right, after filing a written request with the City Council, to have a hearing thereon before the City Council within twenty-one (21) days after the date of filing of such request. Decision of the City Council shall be final and such further appeal shall be in accordance with appropriate law.

(Ord. No. 245, art. VII, § 1, 11-8-76)

Sec. 17-35. Variances.

(a) The planning commission may authorize a variance from these regulations when, in its opinion, undue hardship will result from requiring strict compliance. In granting a variance, the planning commission shall prescribe only conditions that it deems necessary or desirable to the public interest. In making the findings hereinbelow required, the planning commission shall take into account the nature of the proposed use of the land involved and existing uses of land in the vicinity, the number of persons who will reside or work in the proposed subdivision and the probable effect of such variances upon traffic conditions and upon the public health, safety, convenience and welfare in the vicinity. No variance shall be granted unless the planning commission finds:

- (1) That there are special circumstances or conditions affecting the land involved such that the strict application of this chapter would deprive the applicant of the reasonable use of his land.
- (2) That the granting of the variance will not be detrimental to the public health, safety, welfare, or injurious to other property in the area.
- (3) That the granting of the variance will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of this chapter.

(b) Such findings of the planning commission, together with the specified facts upon which such findings are based, shall be incorporated into the official minutes of the planning commission meeting at which such variance is granted.

Variations may be granted only when in harmony with the general purpose and intent of this chapter so that the public health, safety and welfare may be secured and substantial justice done. Pecuniary hardship to the subdivider, standing alone, shall not be deemed to constitute hardship. No variance shall be granted as to bond requirements.

(c) All findings and facts incorporated into the official minutes of the planning commission as provided above, together with the decision of the planning commission with respect to any and all applications for hardship variance made hereunder, shall be reviewed and approved or disapproved by the City Council no later than thirty (30) days following the filing of the application for a hardship variance with the planning commission.

(Ord. No. 245, art. XIII, 11-8-76; Ord. No. 250, § 1, 5-23-77)

Secs. 17-36--17-55. Reserved.
DIVISION 2. CERTIFICATION

Sec. 17-56. Engineer's or surveyor's certification.

The engineer's or surveyor's certification shall be in the following form:

This is to certify that I, _____, a registered engineer (or licensed surveyor) of the State of Texas, have platted the above subdivision from an actual survey on the ground, and that all block corners, angle points and points of curve are properly marked with three-fourths (3/4) inch galvanized iron rod, three (3) feet long set with the head flush with the ground or sidewalk encased in a six (6) inch square concrete monument at least one foot deep; that this plat correctly represents that survey made by me.

| | |
|--|---------------------------|
| | _____ Signature |
| | _____ Registration No. |
| | (Seal) |

(Ord. No. 245, art. V, § 1, 11-8-76)

Sec. 17-57. Plat dedication and certification.

The following form for dedications and certifications shall be utilized on the final plat of subdivisions or resubdivisions:

The State of Texas

County of Brazoria

I (or We), (name(s) of owner(s) or in the case of corporations, name of "president and secretary" respectively of "name of company") owner (or owners) of the property subdivided in the above and foregoing map of the (name of subdivision), do hereby make subdivision of said property (in case of corporation, use words "for and on behalf of said/name of company"), according to the lines, streets, alleys, parks, and easements therein shown, and designate said subdivision as (name of subdivision) in the _____ survey, Brazoria County, Texas; and (in case of corporation, use words "on behalf of said (name of company); and" dedicate to public use, as such, the streets, alleys, parks, and easements shown thereon forever; and do hereby waive any claims for damages occasioned by the establishing of grades as approved for the streets and alleys dedicated, or occasioned by the alteration of the surface of any portion of streets or alleys to conform to such grades and do hereby bind myself (or ourselves), my (or our) successors and assigns to warrant and forever defend the title to the land so dedicated. There is also dedicated for utilities an obstructed easement _____ feet wide from a plane _____ feet above ground upward located as shown hereon. We have also complied with all regulations heretofore adopted by the Commissioners' Court of Brazoria County, Texas.

(Ord. No. 245, art. V, § 2, 11-8-76)

Sec. 17-58. Mortgagee's statement.

The following paragraph is to be used where there is a lien against the property (or a separate instrument may be filed):

I, (or We), (name of mortgagees), owner(s) and holder(s) of a lien(s) upon said property do hereby ratify and confirm said subdivision and dedication

and do hereby in all things subordinate to said subdivision and dedication the lien(s) against said landowner and held by me (us). Signature(s) of lienholder(s) to appear below that of owner's and to be duly acknowledged.

(Ord. No. 245, art. V, § 3, 11-8-76)

Sec. 17-59. Statement of commissioners' court.

The following paragraph is to be used when the subdivision is outside the city and within the county.

Approved and accepted by the commissioners' court of Brazoria County, Texas, this _____ day of _____, 19_____.

| | |
|--|--------------|
| | |
| | County Judge |

(Ord. No. 245, art. V, § 4, 11-8-76)

Sec. 17-60. City Council's certification.

The certification of approval of a plat by the City Council shall be in the following form:

This is to certify that the City Council of the City of West Columbia, Texas, has approved this plat and subdivision of (name of subdivider) as shown hereon.

In testimony whereof, witness the official signatures of the mayor, aldermen, and city secretary of the City of West Columbia, Texas, this the _____ day of _____, 19_____.

| | |
|-----------|-------------------------------|
| | <u> </u> Mayor |
| Secretary | |
| | Alderman |
| | <u> </u> Alderman |

(Ord. No. 245, art. V, § 5, 11-8-76)

Sec. 17-61. County clerk's certification.

The county clerk's certification on a plat shall be in the following form:

The State of Texas

County of Brazoria

I, (name of county clerk), clerk of the county court of Brazoria County, Texas, do hereby certify that the written instrument with its certificate of authentication was filed for registration in my office on _____, 19_____, at _____ o'clock, _____ .m., Volume _____, page _____, of records of said county.

Witness my hand and seal of office, at _____ the day and date last above written.

| | |
|--|---------------------|
| | |
| | (Name of Clerk) |
| | Clerk, County Court |
| | Brazoria County |
| | By: _____ Deputy |

(Ord. No. 245, art. V, § 6, 11-8-76)

Secs. 17-62--17-80. Reserved.

ARTICLE III. PLATS

DIVISION 1. GENERALLY

Secs. 17-81--17-95. Reserved.

DIVISION 2. PRELIMINARY PLATS

Sec. 17-96. Submittal.

All persons desiring to subdivide land within the area of jurisdiction of this chapter shall first prepare and submit to the planning commission not less than eight (8) days prior to any meeting at which the plat is to be considered, the following information and material (Prior to such submittal, it is urged that informal discussions be held between the developer and the city manager to insure compliance with the basic requirements and to arrive at a coordinated plat layout.):

(1) Five (5) black line or blue line copies of a preliminary plat covering all of the contiguous land owned or controlled by the subdivider intended to be developed at any time, even though it is intended by the developer to file final plats and install improvements for parts of such tract by sections or units. The preliminary plat shall be in compliance with all applicable provisions of article IV of this chapter.

(2) Three (3) black line or blue line prints of the preliminary plans for the furnishing of water, the installation of sanitary sewer facilities, and provisions for storm sewers and general drainage facilities. Topographic contours of not more than five-foot intervals shall be shown.

(3) A letter of transmittal in duplicate giving the name and address of the owner or agent and the person or firm who prepared the plat.

(4) A certificate or letter from a title guaranty company or from an attorney duly licensed to practice law in Texas, certifying to at least the following concerning title to the land:

- (a)** A statement of records examined and date of examination;
- (b)** Description of the property in question by metes and bounds;

- (c) Name of the fee owner as of the date of examination and the date, file number, and volume and page of the recording of the deed involved;
- (d) Name of any lienholder together with the date of filing and volume and page of such lien; and
- (e) A general description of any easements or fee strips granted, along with the file number, date of filing and volume and page of recording.

(5) A check payable to the city in the amount which is on file in the office of the city secretary.

(6) In cases where public streets, alleys, or easements are proposed to be platted across private easements or fee strips, a copy of the instrument establishing such private easement or fee strip shall be submitted. Where a private easement has no defined location, an effort shall be made to reach agreement on a defined easement. (Agreement must be reached before submission of final plat.)

(7) A preliminary submittal shall be required for all replats of existing subdivisions containing major changes in the physical layout, as determined by the planning commission. However, the planning commission may, at its discretion, waive the various requirements of accompanying submittal information where the facts warrant.

(Ord. No. 245, art. III, § 1(A), 11-8-76)

Sec. 17-97. Specifications.

The scale of preliminary plats shall be either one (1) inch equals one hundred (100) feet or one (1) inch equals two hundred (200) feet. The following shall be shown on the preliminary plat:

- (1) Topographic contours of not more than five-foot intervals.
- (2) Title or name of the subdivision.
- (3) Names and addresses of owners and/or subdividers.
- (4) Names and addresses of persons or firms preparing plat.

- (5) North point and scale.
- (6) Key map showing location of subdivision in relation to existing streets and highways and original survey lines.
- (7) The boundary of the subdivision and accurate dimensions, both linear and angular, of the boundary.
- (8) All existing utilities, natural water or drainage courses, streets, lots, easements and fee strips as to size and location within the subdivision.
- (9) Within two hundred (200) feet of the boundaries of the subdivision, all existing utilities, streets and lots, as to size and location and property lines, survey lines, and the names of property owners.
- (10) All proposed blocks, lots, alleys, streets, easements, purposes thereof, drainage or watercourses, recreation and special use areas, reserves and their proposed use, proposed land uses, screening devices, setback lines, proposed dedication of areas for public use other than streets and easements, and the approximate dimension of all proposed items shall be shown. Public facilities and easements included in any city, county or regional plan that are included or adjacent to the land being subdivided shall be shown.
- (11) Street names and lot and block numbers.
- (12) Proposed sectioning, if any.
- (13) Area in subdivision, total number of lots and total area of reserves.
- (14) Proposed location of sediment traps to be constructed for temporary or permanent purposes in streams and other drainage ways.
- (15) Boundaries and locations of any floodplains to be shaded in as found by any governmental body or state agency acting in accordance with state law or local ordinance or regulations.
- (16) Proposed uses of the land within the subdivision including an outline or brief form of proposed restrictions.

(Ord. No. 245, art. III, § 1(B), 11-8-76)

Sec. 17-98. Approval.

(a) Upon receipt of the preliminary plat and other information, the planning commission shall render a decision within thirty (30) days from the filing date. Such decision may consist of approval, disapproval, or conditional approval. Conditional approval shall be considered to be approval of a plat subject to conformity with prescribed conditions, but shall be deemed to be disapproval of such plats until such conditions are complied with. All objections made to the preliminary plat, or conditions imposed, shall be furnished the subdivider in writing.

(b) When a preliminary plat has been approved, the subdivider may thereafter file a final plat of sections of the proposed subdivision upon which approval of the preliminary plat has been obtained, and upon the filing of a final plat covering a portion of such subdivision, the remainder of the preliminary plat shall be deemed as considered approved or conditionally approved as in (1) above; however, such approval or conditional approval of the remainder of the preliminary plat shall be limited to a three-year period from the date of final approval of a section or sections thereof. The planning commission may, upon application and at its discretion, extend such period of validity not to exceed two (2) years. When a preliminary plat has been approved and thereafter the subdivider fails to file a final plat of the subdivision or a section thereof within a period of two (2) years, the approval of the preliminary plat shall be void except, however, the planning commission may, upon application and at its discretion, extend such period of validity not to exceed one (1) year.

(Ord. No. 245, art. III, § 1(C), 11-8-76)

Secs. 17-99--17-115. Reserved.

DIVISION 3. FINAL PLAT

Sec. 17-116. Monuments required, specifications.

Before submittal to the planning commission, all final plats must be in full accordance with the required certification made upon the plat by a registered engineer or land surveyor ascertaining that the plat represents a survey made by him and that all necessary monuments are accurately and correctly shown. The engineer or surveyor shall place such monuments as required by the city and they shall be set at all corners and angle points of the boundaries of the original tract to be subdivided and at all street intersections' angle points in street lines and points of curve, and at such intermediate points as shall be required by the city. Such monuments shall be of galvanized iron pipe not less than three-quarters of an inch in diameter and three (3) feet in length, driven securely into solid earth with the grades of same being at grade with established sidewalk, or if walk is not established, flush with natural grade of the earth's surface,

and encased in a concrete monument as provided in section 17-56.

(Ord. No. 245, art. III, § 2(A), 11-8-76)

Sec. 17-117. Submittal.

After the procedure set forth in section 17-96 et seq. has been complied with and a preliminary plat has been approved by the planning commission, the subdivider shall prepare and submit to the planning commission, not less than eight (8) days prior to any meeting at which the plat is to be considered, the following information and material:

(1) The original and five (5) copies of a final plat meeting all applicable requirements of article IV of this chapter, and certified by a professional engineer or surveyor registered by the state. The plat shall be drawn on tracing linen, plastic, or their equivalent, with waterproof black tracing ink or reproduced by photographic process on linen, plastic, or their equivalent, to scale from an accurate survey made on the ground, and in all respects shall be neat. The final plat shall not show zoning information, construction features, cross sections, public utility lines, or other structures not involved in the title covenant.

(2) If requested by the planning commission, the owner shall submit an affidavit that he has made no conveyance of any interest and that no additional liens are existing on the land within the plat since the date of the original title opinion or certificate.

(3) Tax certificates shall accompany the plat, indicating that all taxes have been paid.

(4) A check payable to the city in the amount which is on file in the office of the city secretary.

(5) The owner, developer, or dedicator of any subdivision plat wherein public streets, alleys, or easements are shown crossing private easements or fee strips shall by letter to the council assume responsibility for seeing that any adjustments and protection of existing pipelines or other facilities shall be planned and provided for to the satisfaction of the holder of the private easements or fee strips and the city attorney prior to the approval of the plat by the planning commission and filing of the plat for record.

(Ord. No. 245, art. III, § 2(B), 11-8-76)

Sec. 17-118. Requirements prior to approval.

Before approval of the plat by the planning commission and the City Council and before recording of the plat shall be permitted by the City Council, compliance with the following requirements shall be made:

- (1)** Complete and detailed construction plans and written specifications (indicating the method of construction and the materials to be used and specifying all construction equal to or better than hereinafter required, and certified to by a professional engineer registered by the state) shall be submitted for:
 - (a)** The water distribution system showing the size and location of all existing and proposed water mains, service lines, valves, fire hydrants, and all other water distribution appurtenances within the proposed subdivision; also the location and method of connecting the proposed waterlines, water mains and water services to the city's existing system.
 - (b)** The sanitary sewer system showing by plan and profile the size, location, and the gradient of all existing and proposed sanitary trunk lines, laterals, manholes, and service within the proposed subdivision and the location and method of connecting the proposed sewer system into the existing sanitary sewer system or the proposed location, type, capacity and schematic of operation of proposed treatment plant.
 - (c)** The stormwater drainage system showing by plans and profile the means and methods of draining the proposed subdivision, showing in detail all existing and proposed drainage structures and the means and method of connecting the proposed drainage system into the city's existing drainage system and the means and methods of sediment control shall be shown.
 - (d)** All proposed bridges or culverts within the proposed subdivision, showing in detail, by plan and/or profile, the structural members, connectors, railings, approaches, reinforcing steel and deck.
 - (e)** All existing and proposed streets and alleys within the proposed subdivision, showing by plans and profiles the width of the rights-of-way, the widths of the proposed roadways, the gradient of all curblines, the location and size

of all drainage inlets, and the type of pavement.

(All of the above required plans and specifications must be approved by the city engineer or an engineer designated by the city manager, and such approval indicated in writing along with his signature before the planning commission shall approve the plat and permit the plat to be recorded.)

(2) The owner or developer of the proposed subdivision shall file a performance bond approved by the planning commission and the city attorney as to form and surety or sureties on such bond, guaranteeing the completion of such improvements as are required to be constructed by the owner or developer under city policies in effect and as required by this chapter. Such bond shall be in an amount equal to the estimated cost of all improvements to be placed in the subdivision by the owner or developer. The estimated cost and amount of the bond shall be approved by the city engineer. Such bond shall be payable to the city and shall guarantee completion of all required improvements within two (2) years from the date of final approval of such plat. Where for good cause shown to the satisfaction of the planning commission and the city manager, the developer or owner has not completed the required site improvements within two (2) years from the date of final approval of the plat, the planning commission may grant additional time, not to exceed one (1) year, within which to complete such improvements. No such extension shall be granted unless the developer or owner has filed new security in conformance with the conditions applied to the original bond. All bonds shall be kept in the custody of the city secretary. Bonds shall be released to the principal and/or surety only after all the subdivision requirements have been fulfilled or the money sum of the bond or the amount of the work required yet to be finished has been paid to the city. The city engineer shall certify to the city secretary that all the required work has been accepted and completed. In the event that a money settlement is paid the city in lieu of performing the required work, the city attorney shall certify to the city secretary that such sum is adequate compensation and that in his opinion the bond should be released.

(3) The following form shall be used in releasing subdivision bonds and signed by the city secretary.

Name of principal:
Name of surety(ies):
Name of subdivision:

This is to certify that all requirements of the city planning commission of the City of West Columbia, Texas, concerning the above-named subdivision have been met and such bond is hereby released to the above designated principal and surety(ies).

| | |
|--|------------------------|
| | _____ |
| | City Secretary |
| | City of West Columbia, |
| | Texas |

(SEAL)

(4) The developer of any plat shall obtain from the holder of any private easement or fee strip within the plat crossed by proposed streets, alleys, or other public easements an instrument granting to the public the use of such public streets, alleys, or easements over and across such private easements or fee strips for construction, operation, and maintenance of those public facilities normally using the type of public streets, alleys, and easements indicated. A signed copy of this instrument shall be delivered to the planning commission, and the original shall be filed for record along with the plat.

(5) The developer shall furnish the planning commission with a letter from the holder of the private easement or fee strips in question, stating that arrangements for any required adjustments in pipelines, electric transmission lines, or other similar facilities have been made to the satisfaction of the holder of the easement or fee strip.

(Ord. No. 245, art. III, § 2(C), 11-8-76)

Sec. 17-119. Specifications.

The final plat shall contain the following:

(1) Accurate dimensions, both linear and angular, of all items on the plat shall be indicated and shown on the final plat at a scale of one (1) inch equals one hundred (100) feet. The boundary of the site shall close within one in ten thousand (1/10,000). Linear dimensions shall be expressed in feet and decimals of a foot; angular dimensions may be shown by bearing.

(2) The name of the subdivision, names and addresses of owners and/or subdividers, name and address of engineer or manager preparing plat. Legal description of plat and date of preparation or revision.

(3) North point and scale and key map.

(4) All certification statements, dedication restrictions and other inscriptions as required by this chapter.

(5) All lots, blocks, streets, alleys, pipelines, fee strips, watercourses, easements, reserves and total area, number of lots and number of blocks.

(6) Setback lines.

(7) Street names, lot numbers, block numbers and alphabetical identification of reserves.

(a) Blocks are to be numbered consecutively within the overall plat or sections of an overall plat as recorded.

(b) All lots are to be numbered consecutively within each block. Lot numbering may be cumulative throughout the subdivision if the numbering continues from block to block in a uniform manner that has been approved on an overall preliminary plat.

(c) Reserves (land to be used for other than residential purposes) are to be labeled A, B, C, etc., rather than numbered as blocks and lots.

(8) Dimensions:

(a) Streets and alleys.

(i) Complete curb data (P.C., L.R.P.R.C., P.T.) shown on each side of streets and alleys.

(ii) Length and bearings of all tangents.

(iii) Dimensions from all angle points and points of curve to an adjacent side lot line.

(iv) Actual width of all streets and alleys, measured at right angles or radially where curved.

(b) Lots. Complete bearings and dimensions for front, rear, and side lot lines. The following note for side lot lines may be used in lieu of bearings:

"All side lot lines are either perpendicular or radial to street frontage unless otherwise noted."

- (c) Watercourses and easements. Distances to be provided along the side lot lines from the front lot line to the point where the side line crosses the drainage easement line or the high bank of a stream.

Traverse line shall be provided along the edge of all large watercourses in a convenient location, preferably along a utility easement if paralleling the drainage easement of stream.

- (d) Pipelines. Pipelines having no defined easement location or width shall be tied by dimensions to all adjacent lot and tract corners. If no agreement can be reached on a defined easement, then building setback lines shall be shown at a distance of ten (10) feet from the parallel to the center line of the pipeline.

(9) Ownership or outline of the tract or tracts the plat is proposed to subdivide shall be shown with very heavy, solid lines. The boundaries of the plat shall be described with complete and overall dimensions and bearings and [shall] be tied to an original corner of the original survey of which the subdivision is a part.

(10) The location, width, and name of existing streets and subdivisions or property ownerships and the location and dimensions of existing lots, easements, pipelines, fee strips, survey lines, building lines, watercourses or other important information shall be shown on all sides of the subdivision for a distance of not less than two hundred (200) feet. The lines of such indication beyond the plat boundary shall be dashed.

(11) A copy of the private restrictions (covenants) to be recorded with the final plat shall be submitted for review and comments and concurrence by the planning commission.

(Ord. No. 245, art. III, § 2(D), 11-8-76)

Sec. 17-120. Approval.

(a) Upon receipt of the final plat and other required information, the planning commission shall render a decision thereon within thirty (30) days from the filing date. Such decision may consist of approval, disapproval or conditional approval. Reasons for disapproval or conditional approval shall be stated to the developer-

subdivider in writing. When a plat is conditionally approved, the subdivider may subsequently refile the final plat meeting the objections or imposed conditions, and the planning commission shall within ten (10) days thereafter forward the final plat to the City Council as provided below, provided it meets the objections or imposed conditions.

(b) On approval of the plat, the plat being otherwise fully and properly endorsed, the chairman and the secretary of the planning commission shall certify in writing to the City Council the approval of the planning commission, together with said final plat and all information submitted to and considered by the planning commission in connection with its action. The City Council shall be deemed to have received the certification, plat and other information within three (3) days of the date of approval by the planning commission.

(c) Upon receipt of the certification, final plat and other required information, the City Council shall render a decision thereon within fourteen (14) days from the date of receipt. Such decision may consist of approval, disapproval, or conditional approval. Reasons for disapproval or conditional approval shall be stated to the developer-subdivider in writing. When a plat is conditionally approved, the subdivider must subsequently refile the final plat meeting the objections or imposed conditions, and the City Council shall within ten (10) days thereafter sign the final plat, provided it meets objections or imposed conditions.

(d) In no case shall either the planning commission or the City Council allow the plat to be approved and recorded until the city engineer or an engineer as appointed by the city manager has approved all plans and specifications for the subdivision as herein required.

(e) Final approval will expire one (1) year after the City Council action granting approval of any plat unless the plat has been filed for record.

(f) After final approval has been obtained prior to the recording of the plat, two (2) prints of the corrected plat shall be furnished the city planning commission at the developer's expense.

(Ord. No. 245, art. III, § 2(E), 11-8-76)

Sec. 17-121. Recordation.

After final approval and proper endorsement have been obtained and all requirements of this chapter have otherwise been complied with, the plat, and all other instruments that may be required to be recorded, may be recorded with the county clerk. No changes, erasures, modifications or revisions shall be made in any plat of a subdivision or to any required instruments after approval has been given by the planning commission and certified to the City Council in writing, unless such change,

modification, or revision is first submitted to and approved by the planning commission.
(Ord. No. 245, art. III, § 3, 11-8-76)

Secs. 17-122--17-140. Reserved.

ARTICLE IV. DESIGN STANDARDS

Sec. 17-141. General principles of acceptability.

(a) The subdivision shall conform to the comprehensive plan and any separately adopted parts thereof.

(b) The subdivision layout shall make reasonable provisions for development of adjacent land.

(c) Duplication of subdivision names shall be prohibited.

(d) The legal description of location of the subdivision shall be sufficient for the requirements of title examination.

(e) The name of the owner must be included; if owner is a company or corporation, the name of a responsible individual such as president or vice-president must be given.

(f) For the preliminary plat, the name of the person preparing the plat must be shown. For the final plat, the name of registered engineer or surveyor certifying the plat must be shown.

(Ord. No. 245, art. IV, § 1, 11-8-76)

Sec. 17-142. Streets and alleys.

(a) *General.* The street pattern of a neighborhood should provide adequate circulation within the subdivision and yet discourage excessive through traffic on minor or local streets. The arrangement, character, extent, width, grade, and locations of all streets shall conform to the comprehensive plan and shall be considered in their relation to existing and planned streets, to topographical conditions,

to public safety and convenience, and in their appropriate relation to the proposed uses of the land to be served by such streets. If any portion of a collector or major street, as shown in the major street plan adopted as a part of the comprehensive plan, traverses any part of the land being subdivided, that portion of the major or collector street as planned at the proposed right-of-way width shall be incorporated in the subdivision plan and shall be dedicated to the appropriate government. The street layout shall be devised for the most advantageous development of the entire neighborhood development and shall conform to connecting streets in land adjacent to the new subdivision. Provision shall be made within the subdivision to provide street access to adjacent undeveloped acreage in such a way as to assure adequate circulation for future development. Dead-end streets and those which do not conform to adjacent established streets are to be avoided whenever possible. Where a subdivision abuts or contains an existing or proposed major street (as indicated in the comprehensive plan or separately adopted part thereof), reverse frontage lots may be required. When reverse frontage lots are required, access shall be denied to the major street, and screen planting or a screening device shall be required along the rear property line abutting such existing or proposed major street. Paved alleys shall be provided in commercial and industrial developments, except where other definite and assured provision is made for service access, such as off-street loading, unloading, and parking consistent with and adequate for the uses proposed. The street system layout shall be so designed insofar as practicable to preserve natural features such as trees, brooks, hilltops, scenic views and other features. The street system layout shall provide for the acceptable disposal of stormwater and provision shall be made by the developer to handle stormwater to comply with provisions elsewhere in this chapter.

(b) *Right-of-way requirements.* All industrial and commercial streets shall have a minimum right-of-way width of seventy (70) feet. All residential streets shall have a minimum right-of-way width of sixty (60) feet, with fifty-foot width exceptions granted streets with an ultimate length of less than seven hundred (700) feet, where the plat is inside the city limits and where only single-family residential lots abut such streets. Where proposed streets are extensions of existing or planned streets designated in the comprehensive plan, or revisions thereto, having a right-of-way width greater than sixty (60) feet, the proposed streets shall be the same width as the existing or planned streets. Alleys, where provided, shall not be less than twenty (20) feet wide. Intersecting alleys shall have corner cut-offs of at least twenty (20) feet on a side. Alleys with only one (1) point of access shall have a turnaround with a minimum radius of twenty (20) feet at their closed ends.

(c) *Curves.* Secondary streets shall have a minimum centerline radius of six hundred (600) feet or more for reverse curves. Minimum tangent between points of curvature shall be fifty (50) feet.

(d) *Offsets.* Street offsets must be offset a minimum distance of one hundred twenty-five (125) feet on centerline. Offset distance shall be indicated on the final plat.

(e) *Intersections.* Intersections shall conform to the following:

- (1) All streets and alleys are to intersect at a ninety-degree angle with variations of ten (10) degrees subject to approval upon evidence of good cause.
- (2) Acute angle intersections approved by the planning commission are to have thirty-foot radii at acute corners.
- (3) Street or alley intersections with or extending to meet an existing street or alley will be tied to the existing street or alley on centerline, with dimensions and bearings to show relationship.

(f) *Cul-de-sac streets.* Cul-de-sacs shall conform to the following:

- (1) Turnarounds are to have a minimum right-of-way radius of fifty (50) feet for single-family use and sixty (60) feet for apartment, commercial or other uses.
- (2) Maximum length of cul-de-sac streets shall be:
 - (i) One thousand (1,000) feet for single-family developments.
 - (ii) Eight hundred (800) feet for multifamily and commercial developments.
- (3) Temporary turnarounds, conforming to the minimum radii requirements, are to be used where curb and gutter are not installed at the end of a street more than four hundred (400) feet long which will be extended in the future. (The following note shall be provided on the final plat when a temporary turnaround is used: "Cross-hatched area is temporary easement for turnaround until street is extended (direction) in a recorded plat.")

(g) *Partial or half-streets.* Partial or half-streets shall conform to the following:

- (1) Partial or half-streets should be avoided but may be provided inside the city limits where the planning commission feels that a street should be located on a property line to permit reasonable development.
- (2) Any such dedication of a partial or half-street shall require that the following note be shown on the final plat:

"This _____-foot strip is dedicated as an easement for all utility purposes including storm and sanitary sewers and shall automatically become dedicated for street purposes when and insofar as a _____-foot strip adjacent to it is so dedicated."

- (3) Whenever a partial or half-street has already been provided adjacent to a tract to be subdivided, the remaining half or width necessary to meet the minimum requirements for full right-of-way shall be platted within such subdivision.

(h) *Provisional reserves.* A provisional one-foot reserve may be used along the side or end of streets and along the side of partial or half-streets that abut undeveloped acreage tracts; when used, the following note shall be shown on the face of the final plat:

"A one-foot strip is reserved as a buffer separation along and between the side or end of all streets in this subdivision plat where such streets abut adjacent tracts. At such time as the adjacent property is subdivided in a recorded plat, the one-foot reserves at such locations that abut land in adjoining tracts that has been dedicated to the public for street right-of-way purposes and is shown for such purpose on a recorded plat shall thereupon become vested in the public for street right-of-way purposes."

(i) *Street names.* The names of proposed streets shall conform to the names of existing streets of which they may be or become extensions, or shall not duplicate or conflict with the recognized name of any other street located in the area subject to these regulations.

(Ord. No. 245, art. IV, § 2, 11-8-76)

Cross reference(s)--Streets and sidewalks, ch. 16.

Sec. 17-143. Easements and utilities.

(a) *Drainage.* Where conditions require, there shall be provided a stormwater drainage easement adequate for the purpose, as determined by the city engineer in accordance with the comprehensive plan or separately adopted part thereof. Where such easement is adjacent to lots, tracts, or reserves, the easement shall be noted on the face of the final plat as follows:

"This easement shall be kept clear of fences, buildings, planting, and other obstructions to the operation and maintenance of the drainage facility, and abutting property shall not be permitted to drain into this easement except by approved means."

(b) *Utilities.* Easements for utilities shall meet the following requirements:

- (1) When not located in alleys having a width of not less than twenty (20) feet, the location and width of other necessary utility easements shall be determined by the public and private utility companies and shall connect with easements established in adjoining properties. Each easement shall be shown on the plat and appropriately dedicated and in no event shall be less than twenty (20) feet in width.
- (2) There also shall be shown on the plat and dedicated for utilities unobstructed aerial easements and guy wire easements as shall be required by the planning commission.
- (3) Easements as set forth in any applicable city, county or regional plan for the location of future sewerage or utility facilities shall be provided and indicated upon the plat.

(Ord. No. 245, art. IV, § 3, 11-8-76)

Cross reference(s)--Utilities, ch. 19.

Sec. 17-144. Block length.

(a) Maximum block length for single-family residential development shall be one thousand four hundred (1,400) feet, measured along the center of the block, when the lots are the minimum required area of seven thousand (7,000) square feet. If the lots are larger than seven thousand (7,000) square feet minimum, the block length shall be reasonable but shall not exceed two thousand (2,000) feet.

(b) Maximum block length along a major thoroughfare, railroad, body of water, or similar barrier shall be two thousand three hundred (2,300) feet, except under special conditions and upon approval by the planning commission.

(Ord. No. 245, art. IV, § 4(A), 11-8-76)

Cross reference(s)--Buildings and building regulations, ch. 4.

Sec. 17-145. Lots.

(a) *General.* The lot design should provide for lots of adequate width, depth and shape to provide open area, to eliminate overcrowding, and to be appropriate for the location of the subdivision and for the type of development and use contemplated. Lots should have the side lot lines at right angles to the streets on which the lot faces or radial to curbed street lines.

(b) *Rear and side driveway access.* Rear and side driveway access to major thoroughfares or freeways shall be prohibited.

(c) *Double frontage lots.* Double frontage lots are prohibited except when they back on major thoroughfares or freeways.

(d) *Minimum requirements for residential lots.* Residential lots shall meet the following minimum requirements:

(1) Single-family and duplexes:

(i) Minimum width at building setback lines, seventy (70) feet. (At a distance not greater than thirty-five (35) feet from the front lot line.)

(ii) Minimum width at front lot line, forty (40) feet.

(iii) Minimum area of lots within city limits, seven thousand (7,000) square feet.

- (iv)** Corner lots siding on minor streets shall have a minimum width at the building setback line of not less than seventy (70) feet.
- (v)** Corner lots siding on a major thoroughfare or freeway shall have a minimum width at the building setback line of not less than seventy-five (75) feet.
- (vi)** Minimum length of lots shall be one hundred (100) feet except lots facing or backing on a major thoroughfare or freeway shall be not less than one hundred twenty (120) feet deep.
- (vii)** Septic tanks. If a residential subdivision outside the city limits proposed to contain only single-family or duplex dwelling units is not to be served by a public sanitary sewer system and septic tanks are to be used, lot sizes shall be adequate to accommodate the size of drain field as necessary because of soil type to effectively absorb the effluent without creating a health hazard or a nuisance. The minimum reasonable lot sizes shall be for each proposed development, as set forth by the city engineer, but in no event shall the minimum lot size be less than seven thousand (7,000) square feet.

(2) Townhouses:

- (i)** Only one (1) townhouse may be constructed per lot.
- (ii)** Must be served by sanitary sewer.
- (iii)** Minimum width, twenty (20) feet, except the end unit or unit which occupies a corner lot shall provide an additional ten (10) feet for side yard.
- (iv)** Minimum area, two thousand (2,000) square feet.
- (v)** Minimum number of lots in a townhouse project, three (3).
- (vi)** A townhouse project shall have not less than five hundred (500) square feet of open space per dwelling unit in addition to lots and parking areas for

recreational and/or courtyard use.

(3) Multifamily and apartments:

- (i)** No lot to be used for multifamily or apartment purposes shall contain an area of less than six thousand (6,000) square feet plus an additional one thousand five hundred (1,500) square feet for each dwelling unit in excess of two (2) dwelling units within structures to be constructed or occupied upon such a lot. Each plat shall contain a restriction in accordance with the above as approved by the city attorney.
- (ii)** Each lot containing a multifamily complex or apartment must be served by an approved sanitary sewer.

(4) Cluster developments. Each lot:

- (i)** Must be served by an approved sanitary sewer.
- (ii)** Minimum width at front lot line, twenty-five (25) feet.
- (iii)** Lots may be of various sizes and widths, but in no event may the minimum area of an individual lot be less than three thousand (3,000) square feet.
- (iv)** Minimum number of lots in cluster development, twenty (20).
- (v)** For every square foot of each lot less than seven thousand (7,000) square feet in the subdivision there shall be designated for public open space purposes the same quantity of square feet.
- (vi)** No residential lot may be designated other than for single-family residential purposes.
- (vii)** The average density of population per acre shall not be greater for the entire subdivision than that for single-family and duplexes under subsection (d)(1) above using one (1) family per seven thousand (7,000) square feet as standard criteria.

(viii) Within all cluster developments platted within a forest or adjacent to a lake, stream, bayou, or beach, the area that shall be dedicated for public open space purposes shall be an area within the forest or adjacent to the lake, stream, bayou, bay or beach.

(5) Condominiums:

(i) All residential condominium projects or condominium projects containing residential uses as well as a combination of any other use or uses must be served by a sanitary sewer system.

(ii) Only one (1) condominium regime may be established per lot as recorded by the master deed, master lease, or declaration as found in the appropriate records of the county.

(iii) The minimum size of the master lot from which all the residential units and other sub-units are to be conveyed shall be the sum of the totals of the minimum square feet of each type residential unit specified in this section multiplied by the respective number of units for that category. For each use other than residential wherein there is no minimum lot area provided by this chapter the planning commission shall add a minimum number of square feet to be consistent with the zoning ordinance, fire ordinance, or any parking regulations established by the city and shall insure that there is proper buffering if necessary between contrasting uses in the condominium.

(iv) No condominium lot shall be platted in a floodplain.

(e) *Lots adjacent to or on floodplains.* Lots adjacent to the floodplain shall be so arranged so as to place rear or side yards adjacent to the floodplain except on lots over an acre. Lots for residential uses shall not be platted within an existing or natural floodplain, tidal marsh or swamp of an area less than one-half acre each and unless restricted in the private restrictions to be recorded with the plat to prohibit residential use of any structure unless that structure is constructed so that the lower floor thereof is not less than one (1) foot in elevation above the elevation of the floodplain as such elevation may have been established by the United States Corps of Engineers, United States Geological Survey or the United States Department of Agriculture. Lots for recreational, commercial or industrial purposes in tracts of twenty-

five (25) acres or more may be platted in the floodplain if the city planning commission finds that such subdivision would not increase the flood potential of this area or adjacent areas to these tracts.

(Ord. No. 245, art. IV, § 4(B), 11-8-76)

Cross reference(s)--Buildings and building regulations, ch. 4.

Sec. 17-146. Building setback lines.

For subdivisions for single-family and two-family dwellings, building setback lines adjacent to streets shall be shown and labeled on all plats, both preliminary and final. For such dwellings and all residential lots the building setback line shall not be less than twenty-five (25) feet from a front lot line and ten (10) feet from a side lot line that is also a street right-of-way line on a corner lot. Building setback lines in single-family and two-family dwelling subdivisions, and all residential lots except as specifically provided elsewhere, from side lot lines, except for corner lots as set forth above, shall be not less than seven and one-half (7 1/2) feet from a side lot line, and in the case of subdivisions shall be so noted on the plat. Building setback lines for apartment or multifamily developments shall be not less than ten (10) feet from any side or rear lot lines. Such shall be noted on all plats as a condition to the use of any portion of the property for multifamily or apartment purposes. Building setback lines for lots in cluster developments shall not be less than ten (10) feet from any street. If proposed subdivision is a townhouse development where community sidewalls are to connect adjoining structures on separate lots, no side yard is required. The minimum setback line for a townhouse lot shall be ten (10) feet.

(Ord. No. 245, art. IV, § 5, 11-8-76)

Cross reference(s)--Buildings and building regulations, ch. 4.

Secs. 17-147--17-165. Reserved.

ARTICLE V. IMPROVEMENTS

Sec. 17-166. Procedure; general requirements.

(a) Before beginning any construction of the improvements authorized in this article on proposed roadways, public utilities, or drainage facilities, or structures pertaining to any subdivision coming under the provisions of this chapter and within the city limits, complete plans and specifications for such improvements shall have first been completely approved by the city engineer or his designated engineer as meeting the city's standards in connection with the approval of a final plat of the proposed subdivision by the planning commission. If the subdivision is outside the city limits, the plans and specifications for such improvements shall have first been completely approved by the commissioners' court of the county. All improvements shall be designed and constructed in conformity with the provisions of this chapter.

(b) Improvements shall be installed, or a bond guaranteeing same shall be posted, within all of the area of any subdivision or portion thereof given final approval and filed or to be filed for record.

(c) The city engineer or his duly authorized representative shall from time to time inspect the construction of all utility facilities and streets in the subdivision during the course of construction to see that the same comply with the standards governing the same. In this regard, free access to the subdivision shall be accorded the city engineer and his duly authorized representative by the subdivider, his agents and employees. Inspection by the city engineer, or a failure of the city engineer to inspect construction as required herein shall not in any way impair or diminish the obligation of the subdivider to install improvements in the subdivision in accordance with plans and specifications therefor as approved by the city engineer and the planning commission and in accordance with the city's or county's standards.

(d) The standards for streets, parkways, driveway entrances and curbs and gutters are established and set forth herein. All other standards which are referred to herein may be altered from time to time by the City Council without requiring an amendment to this chapter, such standards being subject to change from time to time by motion duly adopted by the City Council. Any such changes or alterations shall be immediately noted upon such standards.

(e) After all required improvements have been completed by the owner or subdivider of the subdivision, one (1) set of as-built drawings of all underground utilities and street improvements that have been constructed shall be filed with the city manager within thirty (30) days after completion of all required improvements.

(f) In the event exigencies of construction necessitate changes in plans and specifications, approval of the changes must be made by the city engineer prior to making any revisions in the construction.

(g) Notwithstanding any provision contained herein to the contrary, on all construction projects governed by this chapter, in which trench excavation will

exceed a depth of five (5) feet, the bid documents and the contract must include detailed plans and specifications for trench safety systems that meet occupational safety and health administration standards. These plans and specifications must include a pay item for these same safety systems.

(Ord. No. 245, art. VI, § 1, 11-8-76; Ord. No. 372, § 2, 10-12-87)

Sec. 17-167. Streets and alleys.

(a) In general, all residential streets and alleys shall be constructed according to standards and specifications for roads and highways as may be adopted from time to time by the county, and shall further be topped with a hard surface consisting of either a two (2) course surface treatment or hot mix asphaltic concrete as specified in item 340, both of which are more fully described in the "Texas Highway Department Standard Specifications for Construction of Streets, Highways and Bridges," published January 3, 1972, and as amended from time to time.

(b) The developer or subdivider shall connect the proposed streets to the city's existing streets with approved connections at no cost to the city when deemed expedient by the city.

(c) All streets shall be marked at each street intersection with a street name sign as approved by the planning commission. Culverts, bridges, or other structures to span existing or proposed ditches shall be built by the subdivider.

(d) All streets shall be paved by the subdivider to the plat boundary, even though the proposed street terminates at undeveloped property and the extension of the proposed street is not dedicated to the public.

(e) Width of paving for the various types of streets and for alleys shall not be less than shown in the above standards.

(Ord. No. 245, art. VI, § 2, 11-8-76)

Sec. 17-168. Water distribution system.

(a) The subdivider shall construct within the proposed subdivision a water distribution system to serve the subdivision at every lot within the limits of the subdivision designed and constructed in a manner to provide adequate flow for domestic consumption and for adequate fire protection. Fire hydrants shall be provided as required by the city utility superintendent.

(b) The developer's engineer shall conform to the recommendations of the city engineer in the design and layout of the water distribution system. The design shall be acceptable, without penalty, to the state fire insurance commission.

(c) All materials and installations shall be in accordance with the city's standards for same.

(Ord. No. 245, art. VI, § 3, 11-8-76)

Cross reference(s)--Water, § 19-31 et seq.

Sec. 17-169. Sanitary sewer system.

(a) The subdivider shall construct a sanitary sewer, if the subdivision is in the city limits, capable of serving the proposed subdivision. If the planning commission finds that due to ultimate development of the total area where the subdivision is located larger lines should be installed than is necessary to serve the proposed subdivision, the planning commission may require such oversize lines to be installed by the subdivider before approval of the plat is obtained. Costs for these oversize mains and facilities shall be in accordance with section 17-5. For all subdivisions located outside the city limits the planning commission shall endeavor to require the installation of a sanitary sewer system. Such system shall be sufficient to serve the subdivision and every lot within the subdivision. If the planning commission finds that due to ultimate development of the total area where the subdivision is located larger lines should be installed than are necessary to serve the proposed subdivision, the planning commission may require such oversize lines to be installed as are necessary by the subdivider before approval of the plat is obtained. Costs for these oversize mains and facilities shall be in accordance with section 17-5. In the event that a sanitary sewer system is unfeasible for the proposed subdivision the planning commission may permit the installation of septic tanks in accordance with appropriate provisions of this chapter.

(b) The subdivider's engineer shall conform to the recommendations of the city engineer in the design and layout of the sanitary sewer system.

(c) Manholes shall be spaced in the sewer lines at every junction and angle point; the spacing shall not exceed six hundred (600) feet.

(d) The terminus of all sewer lines must be provided with a "clean-out" or manhole.

(e) All material and installations shall be in accordance with the city's standards for same.

(Ord. No. 245, art. VI, § 4, 11-8-76)

Cross reference(s)--Sanitary sewerage system, § 19-66 et seq.

Sec. 17-170. Storm drainage system.

(a) The subdivider shall construct a drainage system to drain the proposed subdivision and every lot therein. The developer's engineer shall conform to

the recommendations of the city engineer in the design of the drainage system.

(b) Concrete culvert pipe materials and installation shall be in accordance with the city's standards for same.

(c) Where a culvert runs under a proposed roadway or within two (2) feet thereof, the subdivider shall backfill and compact the trench to a uniform density equal to or greater than that of the undisturbed earth adjacent to the trench.

(Ord. No. 245, art. VI, § 5, 11-8-76)

Cross reference(s)--Drainage commission, § 2-111 et seq.; flood prevention and protection, ch. 8; streets and sidewalks, ch. 16.

Sec. 17-171. Sediment control.

The subdivider shall provide effective sediment control measures in the planning and construction of subdivisions. Practical combinations of the following technical principles shall be applied:

(1) No more than ten (10) acres of land shall be exposed at any one (1) time during development.

(2) When land is exposed during development, the exposure shall be kept to the shortest practical period of time.

(3) Temporary vegetation and/or mulching shall be used to protect critical areas exposed during development.

(4) Sediment basins and traps shall be installed and maintained in properly designated places to remove sediment from runoff waters on land undergoing development.

(5) Provisions shall be made to accommodate the increased runoff caused by changed soil and surface conditions during and after development.

(6) The permanent final vegetation and structures shall be installed as soon as practical in the development.

(7) The development plat shall be fitted to the topography and soils so as to create the least erosion potential.

(Ord. No. 245, art. VI, § 6, 11-8-76)

Sec. 17-172. Steep slope development.

In order to prevent abnormal or excessive grading, the following additional requirements shall pertain to those areas where steep slopes exist:

(1) Development may occur within steep slope areas provided that a minimum of thirty (30) percent of the lot or parcel upon which the principal structure is to be situated, is less than fifteen (15) percent grade and contiguous to a dedicated public road so that direct access by car to the principal structure can be achieved without the necessity of cutting and filling. The extent of cutting and filling that will be permitted on any lot will be based on the soil conditions at the site and as determined by the city engineer. Construction on pilings and/or supports shall be permitted.

(2) All roads and streets shall be placed as close to the contour as possible, to minimize cutting and filling.

(3) The construction of all structures shall be preceded by the installation of storm drainage system(s) and stabilization measures.

(Ord. No. 245, art. VI, § 7, 11-8-76)