

Chapter 70 - SUBDIVISIONS^[1]

Footnotes:

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Cross reference— Joint hearings of city council and planning and zoning commission, § 2-256 et seq.; numbering of buildings, § 18-361 et seq.; flood damage prevention, § 42-31 et seq.; flood hazard reduction standards for subdivisions, § 42-88; zoning, ch. 90.

State Law reference— Regulation of subdivisions and property development, V.T.C.A., Local Government Code § 212.001 et seq.

ARTICLE I. - IN GENERAL

Sec. 70-1. - Jurisdiction, authority and purpose of chapter.

Under the authority of V.T.C.A., Local Government Code § 212.001 et seq., which is made a part of this chapter, the city council does hereby adopt the regulations of this chapter to control the subdivision of land within the corporate limits of the city and in the extraterritorial jurisdiction of the city to:

- (1) Implement the city comprehensive plan through the regulation of subdivision development;
- (2) Provide for the orderly development of the city and its extraterritorial jurisdiction;
- (3) Ensure adequate provision for streets, alleys, parks, water and wastewater lines, storm drainage and other facilities indispensable to the community;
- (4) Ensure adequate fire protection and adequate access and egress for fire and other emergency services;
- (5) Ensure access to adequate amounts of light and air; and
- (6) Ensure the overall health, safety and general welfare of the community.

This chapter is also governed by the 2012/2015 International Fire Code including appendixes A, B, C, D and I.

(Ord. No. 726, § 3.01, 3-13-95)

Sec. 70-2. - Definitions and exceptions.

- (a) The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Commission means the city planning and zoning commission.

Plat means a map or chart of the subdivision or the act of mapping or charting the subdivision. It shall include plan, plat or replat, in both singular and plural.

- (1) *Minor plat* means a plat involving four or fewer lots fronting on an existing street and not requiring the creation of any new street or the extension of municipal facilities.
- (2) *Replat* means the division of an existing subdivision, together with any change of lot size therein, or with the relocation of any street lines.

Subdivision means the division of a tract or parcel of land into two or more parts for laying out suburban, building or other lots and 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, owners, renters or other users of such partitions of the tract or lots fronting thereon or adjacent thereto for the purpose, whether immediate or future, of sale, lease or building development.

- (b) Divisions of land otherwise within the scope of this chapter are an exception to the definition of subdivision when each of the subdivided tracts are 5 acres or larger in area and where the extension or installation of streets and/or utilities and the dedication of streets, alleys, squares, parks or other parts of the tract to public use is not involved.

(Ord. No. 726, §§ 2.02, 2.03, 2.05, 3-13-95)

Cross reference— Definitions generally, § 1-2.

Sec. 70-3. - Penalty for violation of chapter.

Any person violating this chapter or any portion of this chapter shall, upon conviction, be punished according to the provisions of section 1-15.

(Ord. No. 726, § 5.13, 3-13-95)

Sec. 70-4. - Approval of plats required prior to public utility installation.

No subdivision plat shall be filed or recorded, and no lot in a subdivision inside of the corporate limits or within the extraterritorial jurisdiction of the city shall be improved or sold until the plat shall have been approved as required in this chapter. The city shall have the authority to prohibit the installation of public utilities and to deny the issuance of building, plumbing, electrical and mechanical permits, as applicable, in unapproved subdivisions.

(Ord. No. 726, § 3.02, 3-13-95)

State Law reference— Plat required, V.T.C.A., Local Government Code § 212.004.

Sec. 70-5. - Conformance with the general plan.

Plats approved under this chapter shall be considered based on any plans for roads, streets, and public highways with the city and in the extraterritorial jurisdiction; taking into account access to and extension of sewer and water mains and instrumentalities of public utilities. Plats may be considered for approval based on Capital Improvement Plans, Park Plan, Comprehensive Plan, or any other planning document in existence at time of Plat submission. This chapter shall govern every person, firm, association or corporation owning any tract of land within the corporate limits and extraterritorial jurisdiction of the city who proposes to divide the tract into two or more parts for the purpose of laying out any subdivision of land or any addition to the city, or for laying out suburban, building or other lots, and 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, owners, renters or other users of such partitions of the tract or lots fronting thereon or adjacent thereto.

(Ord. No. 726, § 1, 3-13-95)

State Law reference— Standards for approval, V.T.C.A., Local Government Code § 212.010.

Sec. 70-6. - Guarantee of performance.

- (a) *Construction inspection and certification.* All plans and actual construction of required improvements shall be inspected by the City Manager, or his/her qualified designee; however, the City may obtain 3rd party review services as it deems necessary for technical and professional review. No plans or completed construction will be considered for approval or acceptance by the council without certification from the City Manager, or his/her qualified designee or 3rd party reviewer that such plans

and calculations and such construction is complete and that they are in accordance with specifications and standards contained or referenced in this chapter, including the city detail specifications, and/or with plans previously approved for the subject subdivision. The City Manager, or his/her qualified designee shall make frequent field inspections during the construction period and arrange for testing and compliance in accordance with the adopted City of Lampasas Standard Details and Specifications. The costs of such tests shall be paid by the subdivider prior to approval of the final plat. The City Manager, or his/her qualified designee shall submit periodic progress reports to the council during the construction period. The final responsibility for the adequacy and acceptability of all construction shall rest with the subdivider. The subdivider shall retain the services of a professional engineer, licensed in the State of Texas, whose seal shall be placed on each sheet of the construction drawings; if required, and who shall be responsible for the inspection of the drainage, roads, and streets, and sewer and water facilities within the subdivision.

- (b) *Maintenance guarantee.* Prior to final acceptance for maintenance of the completed improvements, the subdivider shall file with the City Manager, or his/her qualified designee a bond or other such guarantee acceptable to the council, executed by a bank or a surety company holding a license to do business in the state, and acceptable to the council, in an amount equal to ten (10%) percent of the estimated construction cost of the improvements required, as estimated by the subdivider and approved by the City Manager, or his/her qualified designee, conditioned that the subdivider will maintain such improvements in good condition and without cost to the city for a period of two years after acceptance of completed construction. Such money in escrow or bond shall be approved as to form and legality by the city attorney.
- (c) *Construction guarantee.* Prior to approval of the final plat, the subdivider shall file with the City Manager a performance bond executed by a corporate surety licensed to do business in the State of Texas, in an amount equal to the cost of the uncompleted and unaccepted improvements required by this Ordinance, as approved by the City Manager, conditioned that the subdivider will complete such improvements within two (2) years from the date of final plat approval.
- (d) City Council at sole discretion may accept alternative guaranteed and warranty of Public Infrastructure constructed by subdivider.
- (e) *Acceptance of construction.* The City Manager, or his/her qualified designee shall inspect such improvements upon completion of construction and shall notify the subdivider and the city attorney in writing as to his acceptance or rejection of the construction. He shall reject such construction if it fails to comply with the city's standards and specifications for construction of subdivision improvements. If he rejects such construction, the city attorney shall, on direction of the council, proceed to enforce the guarantees provided in this chapter.

Prior to final acceptance for maintenance of the completed improvements by the City Council, the subdivider shall file with the City Manager or his designee the following:

1. Three (3) sets of reproducible "record drawings" for each project, which further contains or has attached certification from a professional engineer that all improvements comply with this Ordinance.
 2. An affidavit from the subdivider stating that to the best of his information and belief, the contractor has complied with the regulations contained in this Ordinance.
- (f) *Extension of time to complete construction.* Where good cause exists, the council may extend the period of time for completion under this section for an additional period of time not to exceed six months if the subdivider has not completed the required site improvements or completed such improvements in compliance with this chapter. No such extension shall be granted unless security and maintenance guarantees as required herein have been provided by the subdivider covering the extended period of time.
 - (g) *Use of security and maintenance guarantees.* Security and/or maintenance guarantees shall not be released by the city until all the requirements for approval and acceptance of improvements have been met. If it becomes apparent that the subdivider is not going to complete the construction of any or all of the required improvements in accordance with the previously approved plans and chapter

requirements, or provide the necessary maintenance within the stipulated two-year period (or any extension thereof granted under this section), the City Manager, or his/her qualified designee shall so inform the council in writing, and the council shall take necessary action against the guarantees and security posted by the subdivider to complete such construction or maintenance at no cost to the city. The council may also file appropriate proceedings in district court against the subdivider and his security as set forth in this section.

(Ord. No. 726, § 4.04, 3-13-95)

Sec. 70-7. - Conformance with chapter; exceptions and/or modifications.

Alternative Method of Compliance

- a) The Planning and Zoning Commission, City Council may grant or approve through the Platting process a justified exception or modification from this chapter. An "Alternate Method of Compliance" application shall accompany all requests for a modification(s) to this chapter.
 - (1) Exception means the basis for non-application of a particular standard in these regulations or related codes, approved at the discretion of the Planning Commission, City Council as part of the application process, and based on general circumstances and criteria specified in these regulations.
 - (2) Modification means an [alteration](#) or [adjustment](#) to a particular standard in these regulations or related codes, as an Alternate Method of Compliance approved at the discretion of the Planning Commission, City Council as part of the application process, and based on general circumstances and criteria specified in these regulations.
- (b) *Required.* Any subdivision within the corporate city limits or the extraterritorial jurisdiction of the city shall be governed by these regulations as well as any Interlocal Cooperative agreements with Burnet or Lampasas County for administration of subdivision regulations.
- (c) *Exceptions.* Subdivisions meeting all of the following criteria may be exempt from the curb and gutter and street width requirements:
 - (1) Each lot, tract or parcel of land within the subdivision must contain a minimum of one acre.
 - (2) Each lot, tract or parcel of land within the subdivision must contain a minimum frontage of 150 feet, excluding tracts located in a cul-de-sac.
 - (3) Each lot, tract or parcel must be subject to the mandatory prohibition against further subdivision of any lot, tract or parcel into a lot, tract or parcel containing less than one acre.
- (d) *Streets.* The specifications for streets exempted under subsection (c) of this section shall:
 - (1) Meet the city-adopted construction specifications for the design of drainage, subgrade, compacted base and asphalt applications for paving.
 - (2) Drainage shall be designed by a registered professional engineer of the state, and drainage designs submitted must be approved by the City Manager, or his/her qualified designee prior to city acceptance.
 - (3) Crushed limestone flexible base shall be used and conform to the city construction specifications for design and installation requirements. On-site materials may be substituted in lieu of flexible base provided the materials meet either the State Department of Transportation standard #248 or are approved in writing by the City Manager, or his/her qualified designee prior to placement.

- (4) Streets shall be a minimum of 26 feet unobstructed paved width of approved two course rock and asphaltic overlay application, HMAC; of approved concrete in accordance with acceptable street construction standards.
- (5) Compacted based shoulders, as specified in subsection (c)(3) of this section, shall be installed extending four feet on both sides of the paved surface and consist of crushed limestone flexible base material compacted at least six inches in depth to a minimum of 95 percent proctor density.

(Ord. No. 726, § 5.10, 3-13-95; Ord. No. 791, § 1, 1-16-97)

Secs. 70-8—70-40. - Reserved.

ARTICLE II. - ADMINISTRATION²

Footnotes:

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Cross reference— Administration, ch. 2.

DIVISION 1. - GENERALLY

Sec. 70-41. - Compliance with chapter provisions required prior to construction.

- (a) Construction plans and specifications shall be submitted after approval of the final plat and 30 days prior to any construction. Such plans and specifications shall comply with all city ordinances, and must be approved or disapproved by the City Manager, or his/her qualified designee in writing within 30 days after submitted.
- (b) All construction of improvements shall be inspected while in progress by the appropriate city department, and a final approval shall be required.
- (c) The city may refuse to issue any building, repair, plumbing or electrical permits, and may refuse to provide any public utility services to any improvement within any subdivision for which a final plat has not been approved and filed for record, or for any structure on a lot within a subdivision in which the standards required by this chapter or any other city requirement has not been complied with in full.

(Ord. No. 726, § 5.12(1)—(3), 3-13-95)

Sec. 70-42. - Enforcement of chapter; issuance of permits and services.

Enforcement Responsibility

- This Ordinance shall be administered and enforced by the City Manager

Remedies and Enforcement Powers

1. Violations

Any person, firm or corporation violating this provision shall be deemed guilty of a misdemeanor and, upon conviction in the municipal court of the City of Lampasas, Texas, shall be subject to a fine not to exceed the sum of five hundred dollars (\$500.00) for each offense, except however, where a different penalty has been established by state law for such offense the penalty shall be that fixed by state law,

and for any offense which is a violation of any provision of law that governs fire safety, zoning, or public health and sanitation, including dumping of refuse, the penalty shall be a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense; and each and every day said violation is continued shall constitute a separate offense.

2. Stop Work

Whenever any construction work is being done contrary to the provisions of this Ordinance, the Building Official may order the work stopped by notice in writing served on the owner or contractor doing or causing such work to be done, and such person shall forthwith stop such work until authorized by the Building Official to proceed with the work.

3. Inspections

The Building Official Officer shall have the right to enter upon any premises at any reasonable time for the purpose of making inspections of buildings or premises necessary to carry out his duties in the enforcement of this Ordinance.

Enforcement Procedures

1. Notice

The Building Official shall give written notice by certified mail to the owner of land on which a violation exists. The notice shall state the nature of the violation.

2. Notice of Criminal Penalty

In no case shall any person acting on behalf of the City seek a criminal penalty for violation of this Ordinance without giving thirty (30) days prior notice of the violation, specifying the action necessary to correct the violation and avoid criminal prosecution.

3. Other Enforcement Powers

In addition to the enforcement powers specified in this Ordinance, the City may exercise any and all enforcement powers granted to it by Texas law, as it may be amended from time to time.

4. Continuation

Nothing in this Ordinance shall prohibit the continuation of previous enforcement actions, undertaken pursuant to previous, valid resolutions, ordinances and laws.

Grandfather Clause- Issuance of permits and services. This chapter shall not in any way be construed to prohibit the issuance of permits or utility services for any lots upon which improvements were in existence prior to March 13, 1995, if such subdivision in which the lot is located was filed for record before March 13, 1995, or if such subdivision complied with the city Ordinance No. 284, which ordinance was known as a subdivision ordinance and was repealed and superseded by this chapter.

(Ord. No. 726, § 5.12(4), (5), 3-13-95)

Secs. 70-43—70-65. - Reserved.

DIVISION 2. VARIANCES WITHIN PLAT

Sec. 70-66. – Definitions.

- (a) Variance means an adjustment in the application of the specific regulations of the Zoning Ordinance to a particular parcel of property which, because of special conditions or circumstances of hardship peculiar to the particular parcel, is necessary to prevent the property from being deprived of rights and privileges enjoyed by other parcels in the same vicinity and zoning district. Variances shall be noted for individual lots on the final plat and shall be subject to approval process as outlined in this chapter.

(Ord. No. 726, § 5.11(2), 3-13-95)

Sec. 70-69. - Application; fees.

- (a) *Application.* All requests for variances must be made in writing and should be submitted at the earliest possible date at which the subdivider identifies the need for a variance. In any case, a request for variances shall be submitted and noted on preliminary plat.

(Ord. No. 726, § 5.11(3), (4), 3-13-95)

Secs. 70-70—70-100. - Reserved.

ARTICLE III. - PLATS

DIVISION 1. - GENERALLY

Sec. 70-101. - Preapplication conference.

A preapplication conference with the City Manager, and/or his/her qualified designees shall be required for all subdivisions. The subdivider shall provide a sketch of the proposed layout showing general road patterns and lot configuration at which time the City Manager, and/or his/her qualified designees shall review the layout for compliance with the general subdivision requirements. The City Manager, and/or his/her qualified designees shall note special design considerations that might apply to the subdivision as are evident to him/her at the time of preapplication. The preapplication conference shall be for information purposes only and shall not be construed as a formal approval or commitment by the city.

(Ord. No. 726, § 4.01, 3-13-95)

Sec. 70-102. - Administrative approval of amending plats, minor plats and replats.

- (a) *Administrative approval.* The administrative approval procedure may be followed for the approval of applicable amending plats or, minor plats, if the land proposed for subdivision or re-subdivision meets the conditions and requirements, in accordance with the Local Government Code, Section 212.0065, as follows:
 - (1) Is an amending plat described in the Local Government Code, Section 212.016 that result in five or fewer adjoining/contiguous lots; or

- (2) Is a minor plat or replat such that it results in four or fewer adjoining/contiguous lots, each of which is fronting on an existing street that does not require the creation of any new street or the extension of any municipal infrastructure or facilities, or
- (b) *Amendment of certain nonconforming plats.* The city manager or manager's designee may, at his sole discretion, utilize the administrative approval procedure for the approval of amendments to legally nonconforming plats, without voiding the nonconforming status of the plats involved, when the amendment:
- (1) Does not increase density in the subdivision; and
 - (2) Results in a plat that more closely conforms to the current Code, even if full conformance is not achieved, and
 - (3) Results in four or fewer adjoining/contiguous lots.
- (c) Plats noted above in (a) (1)(2) and/or (b)(1)—(3) may be administratively processed and approved by the city manager, or his/her qualified designee, without review or approval action of the municipal planning commission and/or the city council. The city manager or the manager's designee shall have full and sole discretion to elect to present the plat in question to the municipal planning commission or city council, or both, for approval or denial, for any reason determined by the city manager or the manager's designee. The city manager or the manager's designee shall not deny the plat, but rather, if unable or unwilling to approve the plat, shall refer such plat to the municipal planning commission for action within 30 days from the date of filing of the administratively complete plat application.
- (d) The city manager or manager's designee shall have final authority to determine whether a subdivision qualifies to be processed administratively, based on the information presented at the preapplication conference.
- (e) The filing fees for plat approvals under this section are in the amounts listed in appendix A of this Code, or any fee that may be subsequently adopted by the city council in the annual budget fee schedule.
- (f) Administrative approval for residential development across interior lot lines.
- (1) Definitions applicable only to this subsection (f):

The following definitions shall apply in the interpretation and enforcement of this subsection (f).

 - (A) "Interior lot lines" shall mean property lines that separate one or more tracts of land (i.e., lots) owned by one property owner in a platted subdivision, interior lot lines are not, by definition, the boundary lines that form any part of the perimeter of the tract(s) in question.
 - (B) "Development" shall mean construction, erection or fabrication of any structure which is allowed to occur on tracts within a subdivision, in accord with provisions of the city's Zoning Code, applicable to the tracts in question.
 - (C) "Development across interior lot lines" shall mean the partial placement of a primary or accessory building across a portion of the interior lot line located on the property. Placement of a primary building on one lot and the associated accessory building entirely on the separate lot, with an interior lot line between the two structures will not be permitted, even if drives and walkways connect them and cross the interior lot lines.
 - (2) *Development across interior lot lines.*
 - (A) Development across interior lot lines may only be approved in cases when there is one owner for the lots proposed to be developed as a single development tract.
 - (B) A request for approval by the city manager for development across interior lot lines may be made for property located in any residential zoning district, as long as the proposed building(s) and site plans meet all other requirements of the applicable zoning district and applicable City Codes.

- (C) The developer shall be required to record, in the Lampasas Real Property Records, documentation related to the development across the interior lot lines, which documentation shall warrant that no separate conveyance of the tracts involved will be permitted in the future, by either the developer or any future heir, assign, buyer or owner, so long as the improvements across the interior lot lines exists.
- (D) The development will not be permitted if the city manager determines, in his sole judgment, that it may have a negative or adverse effect on any property in the platted subdivision, the surrounding area, or on the values or uses of adjacent properties.

(3) *Application process.*

- (A) A development packet related to the requested residential development across interior lot lines must be provided for the city manager's review. To be considered for approval, the packet shall include copies of:
 - (1) A site plan of the proposed development across the interior lot lines.
 - (2) Documentation demonstrating ownership of all lots involved.
- (B) The city manager may contact the applicant to set a time to review the application prior to making a final decision on the request.
- (C) Approval of the request is within the sole discretion of the city manager and the city manager reserves the right to require a replat of the development, if all conditions are not met or if doing so is in the best interest of the city or the adjacent property owners.
- (D) No development shall be initiated until the city manager approves that portion of the building permit governing the site plan.

(Ord. No. 726, § 4.05, 3-13-95; Ord. No. 1317, § 1, 4-25-2011; Ord. No. 1423, § 1, 8-25-2014)

Secs. 70-103—70-125. - Reserved.

DIVISION 2. - PRELIMINARY PLAT

Sec. 70-126. - Required.

A preliminary plat of any proposed subdivision, prepared by a registered engineer or registered public surveyor and bearing his seal, shall be submitted to the city for approval before the subdivider proceeds with the final plat for record, and shall be drawn to a scale of 100 feet to the inch. Scale variances may be granted by the City Manager, or his/her qualified designee.

- (1) The City Manager, or his/her qualified designee may make the determination that the preliminary plat and final plat may be combined/submitted as one submission under the following conditions:
 - a. All related conditions of this chapter are met and;
 - b. The subdivision is or would result in 15 or fewer lots
 - c. The City Manager, at sole discretion may require a preliminary plat for subdivisions of 15 or fewer lots

(Ord. No. 726, § 4.02, 3-13-95)

Sec. 70-127 - Existing features inside subdivision.

The existing features inside the subdivision to be shown on the preliminary plat are as follows:

- (1) The existing boundary lines of the land to be subdivided. Boundary lines shall be drawn sufficiently wide to provide easy identification.

- (2) The location of existing watercourses (including the 100-year floodplain), railroads, and other similar drainage and transportation features.
- (3) The location and width of existing streets, alleys, easements, buildings, structures and other improvements.
- (4) Topographical information with contour lines at two-foot intervals or closer.
- (5) Accurate location of land by reference to the volume and page of the deed records of the county or counties in which such land is located, including record access.
- (6) All zoning designations applicable to the land to be subdivided and the boundaries of such zoning districts.
- (7) The city limit line, extraterritorial jurisdiction boundary or other political boundaries that pass through the land to be subdivided.
- (8) Cemeteries, landfill sites, junkyards or other significant past or present uses.

(Ord. No. 726, § 4.02(1), 3-13-95)

Sec. 70-128. - Existing features outside subdivision.

Existing features outside of a subdivision to be shown on the preliminary plat are as follows:

- (1) The name and property lines of adjoining property owners.
- (2) The name and location of adjacent subdivisions, streets, easements, pipelines, watercourses, etc.
- (3) All zoning designations applicable to the land adjacent to the land to be subdivided and the boundaries of such zoning districts.
- (4) The city limit line, extraterritorial jurisdiction boundary or other political boundaries that pass within 200 feet of the land to be subdivided. All lines outside of subdivision boundaries shall be dashed.

(Ord. No. 726, § 4.02(2), 3-13-95)

Sec. 70-129. - New features inside of subdivision.

New features inside of the subdivision to be shown on the preliminary plat are as follows:

- (1) The proposed name of the subdivision.
- (2) The location, right-of-way width and names of proposed streets.
- (3) The approximate width and depth of all lots. If the side lines are not parallel, the approximate distance between them at the building line and at the narrowest point should be given.
- (4) The location of building lines, alleys and easements.
- (5) The location and approximate size of sites for schools, churches, parks and other special land uses.
- (6) The approximate acreage of the property to be subdivided.

(Ord. No. 726, § 4.02(3), 3-13-95)

Sec. 70-130. - Key map.

A key map showing the relation of the subdivision to well-known streets in all directions to a distance of at least one mile shall be included in the preliminary plat.

(Ord. No. 726, § 4.02(4), 3-13-95)

Sec. 70-131. - Date, graphic scale, north point, title, etc.

The date, graphic scale, north point and title under which the plat is to be recorded, with the name of the owner and the registered professional engineer or registered public surveyor platting the tract, shall be included in the preliminary plat.

(Ord. No. 726, § 4.02(5), 3-13-95)

Sec. 70-132. - Restrictions.

A copy of proposed restrictions, if any, must accompany the preliminary plat.

(Ord. No. 726, § 4.02(6), 3-13-95)

Sec. 70.133 Exceptions, Modifications and Variances

All requested exceptions, modifications, and variances, if any, shall be listed on the preliminary plat.

Sec. 70-134. - Submission.

The planning and zoning commission and City Manager, or his/her qualified designee shall be furnished with three legible prints of the preliminary plat and with three copies of a letter of transmittal stating briefly the type of street surfacing, drainage, sanitary facilities and water supply proposed, and the name and address of the owner, the subdivider if different from the owner, and the engineer, ten days or more before the regular planning commission meeting. These documents shall be filed in the office of the City Manager, or his/her qualified designee in the city hall.

(Ord. No. 726, § 4.02(7), 3-13-95)

Sec. 70-135. - Approval.

The planning and zoning commission shall approve, conditionally approve or disapprove within 30 days any preliminary plat submitted to it. Within 30 days after action by the planning and zoning commission, the city council shall approve, conditionally approve or disapprove such preliminary plat. Approval of the preliminary plat shall not constitute final acceptance of the final plat. Preliminary approval will expire six months after the approval by the city council, except if the subdivider applies in writing prior to the end of such six-month period, stating reasons for needing an extension. This period may then be extended for successive six-month periods.

(Ord. No. 726, § 4.02(8), 3-13-95)

Sec. 70-136. - Fee.

A filing fee in an amount established by the city and listed in appendix A of this Code (or as hereafter established upon adoption of the annual fee schedule), except for minor plats, shall be paid to the city at the time of filing the preliminary plat. The preliminary plat shall not be considered filed until such fee has been paid. The filing fee for minor plats and the resubmittal of plats previously disapproved is in an

amount established by the city and listed in appendix A of this Code (or as hereafter established upon adoption of the annual fee schedule).

(Ord. No. 726, § 4.02(9), 3-13-95)

Secs. 70-137—70-155. - Reserved.

DIVISION 3. - FINAL PLAT

Sec. 70-156. - Required.

After approval of a preliminary plat by the city council, a final plat prepared by a registered engineer or registered public surveyor and bearing his seal shall be submitted to the city prior to filing with the county clerk, by filing in the office of the city secretary. Such plat shall have all changes and alterations made on it that were required on the previously submitted preliminary plat. Also required is the preparation of the plat of the subdivision in a format that is compatible with that of the city for purposes of submitting and entering the final plat into the city geographic information system.

(Ord. No. 726, § 4.03, 3-13-95)

Sec. 70-157. - Sheet size and scale.

All final plats shall be drawn on mylar sheets, 18 x 24 and to a scale of one inch equals 100 feet. Variances of scale and size may be granted for good cause.

(Ord. No. 726, § 4.03(1), 3-13-95)

Sec. 70-158. - Existing features inside subdivision.

The existing features inside the subdivision to be shown on the final plat are as follows:

- (1) The existing boundary lines with accurate distances and bearings of the land to be subdivided. Boundary lines shall be drawn sufficiently wide to provide easy identification.
- (2) The location of existing watercourses (including the 100-year floodplain), railroads, other similar drainage and transportation features and utilities installations.
- (3) True bearings and distances to the nearest established street lines, official monuments, or subdivision corner, which shall be accurately described on the plat, and with at least one bearing and distance to the nearest subdivision corner or original patent survey corner.
- (4) The location and width of existing streets, alleys, easements, right-of-way, buildings and structures to be retained.
- (5) An accurate location of the subdivision in reference to the deed records of the county which shall include the volume and page of the deed of the property to be subdivided.
- (6) Topographical information with contour lines at two-foot intervals or closer. Such information may be presented by separate plat filed with the subdivision plat if an overlay is also provided. For purposes of preparation, contour intervals may be interpolated and verified through representative spot checking.

(Ord. No. 726, § 4.03(2), 3-13-95)

Sec. 70-159. - Existing features outside subdivision.

The existing features outside the subdivision to be shown on the final plat are as follows:

- (1) The name and property lines of adjoining subdivisions and of the adjoining property owners, together with the respective plat or deed references.
- (2) The names and location of adjacent streets, alleys, easements, watercourses, subdivisions, etc. All lines outside of subdivision boundaries to be dashed.

(Ord. No. 726, § 4.03(3), 3-13-95)

Sec. 70-160. - New features inside subdivision; streets, alleys, easements and utilities.

The lines and names of all proposed streets or other ways or easements shall be dedicated to public use, with the following engineering data:

- (1) *Streets.* Length and bearings of all tangents, dimensions from all angle points of curve to an adjacent side lot line shall be shown on the centerline or on each side of streets, and showing bearing and distance for chords of all curves.
- (2) *Watercourses and easements.* Distances to be provided along the side lot lines from the front lot line or the high bank of a stream. The 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.
- (3) *Utilities.* The locations and sizes of all proposed utility lines and appurtenances, including manholes, fire hydrants, flush assemblies, lift stations, sewer and water lines, sewer force mains, valves, cleanouts, etc. All utility sheets shall be accompanied by profiles and details showing conformance to the city detail design criteria.

(Ord. No. 726, § 4.03(4), 3-13-95)

Sec. 70-161. - Lots and blocks.

The lines and numbers of all proposed lots and blocks with complete bearings and dimensions for front, rear and side lot lines shall be shown on the final plat. All sewered lots inside the city limits shall have an area that complies/conforms with the underlying zoning. All sewered lots outside the city limits and inside the city's extraterritorial jurisdiction shall have an area of 6,500 square feet or more. Unsewered lots in areas where wastewater collection facilities are not available shall meet the minimum lot size requirements of the state department of health for onsite sewer facilities.

(Ord. No. 726, § 4.03(5), 3-13-95)

Sec. 70-162. - Reservations.

The use and property dimensions of all special reservations, including sites for schools, churches, and parks shall be shown on the final plat.

(Ord. No. 726, § 4.03(6), 3-13-95)

Sec. 70-163. - Monuments and control points.

Monuments and control points shall be indicated on the final plat as follows:

- (1) The description and location of all permanent survey monuments and control points.
- (2) Suitable primary control points to which all dimensions, bearings and similar data shall be referred. Dimensions shall be shown in feet and decimals of a foot.

(Ord. No. 726, § 4.03(7), 3-13-95)

Sec. 70-164. - Key map.

A key map showing the relation of the subdivision to well-known streets in all directions to a distance of at least one mile shall be shown on the final plat.

(Ord. No. 726, § 4.03(8), 3-13-95)

Sec. 70-165. - Date, graphic scale, north point, seal, etc.

The date, graphic scale, north point and subdivision title, name and address of subdivider, name, address, and seal of engineer or registered public surveyor shall be shown on the final plat.

(Ord. No. 726, § 4.03(9), 3-13-95)

Sec. 70-166. - Dedications and certificates.

Dedications and certificates as are applicable, or as required, shall be shown on the final plat.

(Ord. No. 726, § 4.03(10), 3-13-95)

Sec. 70-167. - Special restrictions.

Where restrictions on the use of land, other than those given in this division, are to be imposed by the subdivider, such restrictions shall be placed on the final plat or on a separate instrument filed with the plat or previously filed in the deed records.

(Ord. No. 726, § 4.03(11), 3-13-95)

Sec. 70.168 Exceptions, Modifications and Variances

All exceptions, modifications, and variances, if any, shall be listed on the final plat.

Sec. 70-169. - Tax receipt.

A certificate, showing that all city taxes, if any, have been paid, shall be submitted concurrent with the final plat.

(Ord. No. 726, § 4.03(12), 3-13-95)

Sec. 70-170. - Filing.

The planning and zoning commission and the City Manager, or his/her qualified designee shall each be furnished with three legible prints and the original tracing of the final plat. These documents shall be filed in the office of the City Manager, or his/her qualified designee in the city hall. A filing fee shall be paid to the city at the time of filing the preliminary plat as prescribed in division 2 of this article. The plat shall not be considered filed until such fee has been paid. Such fee shall be required each time a plat is submitted or resubmitted if such plat has previously been disapproved.

(Ord. No. 726, § 4.03(13), 3-13-95)

Sec. 70-171. - Review.

Within ten business days after filing, the City Manager, or his/her qualified designee, or a person designated by him, shall review the final plat as to form and content, and may return the final plat to the subdivider for correction as to form or content.

(Ord. No. 726, § 4.03(14), 3-13-95)

Sec. 70-172. - Actions by planning and zoning commission.

At the next regularly scheduled meeting of the planning and zoning commission (which shall not be more than 30 days from the date of filing), such commission shall consider the final plat and shall make a written recommendation to the city council for approval or disapproval of such plat. If the recommendation is for disapproval, there shall be stated the reasons for disapproval. If recommended for approval with variances there shall be stated the reasons why such variances are recommended to be approved. The subdivider or his representative shall meet with the planning and zoning commission at the time of consideration of the final plat.

(Ord. No. 726, § 4.03(15), 3-13-95)

Sec. 70-173. - Action by the city council.

Within 30 days after a recommendation is received from the planning and zoning commission on a final plat, the council shall consider the plat and the recommendations of the planning and zoning commission thereon. No recommendation of the commission shall be binding upon the city council, and such recommendations shall be advisory only. The council need not consider the final plat unless the subdivider or his representative is present at such meeting. The mayor or mayor pro tem as acting mayor is authorized to call a special council meeting for the consideration of the final plat if deemed necessary by him. If the city council approves the final plat as submitted, it shall be noted on such final plat that it has been approved by the planning and zoning commission and the city council. If the final plat is not approved, the council shall advise the subdivider of the reasons for disapproval and the requirements necessary in order for such final plat to be approved.

(Ord. No. 726, § 4.03(16), 3-13-95)

Sec. 70-174. - Expiration of approval.

Final approval will expire 90 days after final action by the city council's granting approval of any final plat unless the final plat has been filed for record, except that if the subdivider shall apply in writing prior to the end of such 90-day period, stating reasons for needing an extension, this period may, at the discretion of the city council, be extended for successive periods of 90 days each, not to exceed one year.

(Ord. No. 726, § 4.03(17), 3-13-95)

Secs. 70-175—70-205. - Reserved.

ARTICLE IV. - GENERAL REQUIREMENTS AND DESIGN STANDARDS

Sec. 70-206. - Streets.

- (a) *Conformity to major street plan.* The width and location of streets shall conform to such street plan as the planning and zoning commission or city council may have adopted, both as to horizontal and vertical alignment and right-of-way widths.

- (b) *Relation to adjoining street system.* The proposed street system shall extend all existing major streets and such existing secondary and local access streets as may be desirable for convenience of circulation. Where possible, the width and the horizontal and vertical alignment of extended streets shall be preserved.
- (c) *Street jogs.* Where off-sets in street alignment are, in the opinion of the planning and zoning commission, unavoidable, such off-sets may be employed, provided the distance between centerlines is not less than 125 feet.
- (d) *Large lot subdivisions.* If the lots in the proposed subdivision are large enough to suggest resubdivision in the future, or if part of the tract is not subdivided, consideration must be given to possible future street openings for access to future lots and future development of adjoining lands.
- (e) *Through traffic.* Local residential streets shall be designed so as to discourage high-speed or through traffic.
- (f) *Topography.* The street system shall bear a logical relationship to the natural topography of the ground.
- (g) *Street widths.* Street widths shall be measured from front lot line to front lot line of opposite lots as follows:
 - (1) *Local streets.* Local streets shall have a minimum right-of-way width of 50 feet.
 - (2) *Secondary streets.* Secondary or feeder streets shall have a minimum right-of-way width of 60 feet.
 - (3) *Major streets.* The right-of-way width of major streets shall be determined by the planning and zoning commission up to a maximum of 150 feet in width.
- (h) *Dead-end streets and cul-de-sacs.* Dead-end streets and cul-de-sacs shall be as follows:
 - (1) *Turnarounds.* Turnarounds are to have a minimum right-of-way radius of 50 feet for single-family and two-family use and 60 feet for other uses.
 - (2) *Maximum length.* The maximum length of a dead-end street or cul-de-sac with a permanent turnaround shall be 600 feet, except in conditions of unusual topography.
 - a) The maximum length of a dead-end street or cul-de-sac in the City's ETJ meeting the following criteria may be extended to a length of 750':
 - (1) Shall have sufficient fire protection
 - (3) *Temporary turnaround.* Temporary turnarounds are to be provided at the end of streets more than 400 feet long that will be extended in the future. The following note should be placed on the plat: "Cross-hatched area is temporary easement for turnaround until street is extended (give direction) in a recorded plat."
- (i) *Street intersections.* Street intersections shall be as follows:
 - (1) *Angle of intersection.* Except where existing conditions will not permit, all streets, major and minor, shall intersect at a 90-degree angle. Variations of more than ten degrees on minor streets and more than five degrees on major or secondary streets must first be approved by the planning and zoning commission.
 - (2) *Radius at acute corners.* Acute angle intersections approved by the planning and zoning commission shall have 25-foot or greater radii at acute corners.
 - (3) *Centerline tie with existing streets.* Each new street intersecting with or extending to meet an existing street shall be tied to the existing street on the centerline, with dimensions bearings to show the relationship.
- (j) *Partial or half streets.* Partial or half streets may be provided where the planning and zoning commission finds that a major street should be located on a property line. The pavement width for partial or half streets shall be at least 30 feet. A proportionate amount of right-of-way based on the

full future street width and the full future right-of-way width shall be dedicated, also. Partial or half streets shall not be allowed for local streets or local collectors.

- (k) *Reserve strips; ingress/egress.* Reserve strips are prohibited, as are ingress/egress rights into the subdivision from property outside the subdivision via the use of dead-end streets.
- (l) *Street names.* New streets shall be named so as to provide continuity of name with existing streets and so as to prevent conflict with identical or similar names in other parts of the city. All street names are subject to approval of the city.
- (m) *Private streets.* Private streets are prohibited.
- (n) *Conformity of improvements with city design criteria.* All improvements shall be in conformance to the City Design Criteria for Public Works Construction.

(Ord. No. 726, § 5.01, 3-13-95)

Cross reference— Street construction, § 66-36 et seq.; site visibility triangle for street intersections, § 66-91 et seq.; excavations in public streets, § 66-126 et seq.

Sec. 70-207. - Lots.

- (a) *Conformance with zoning.* On the basis of the district in which they lie and the use to which they are to be put, all lots inside the city limits must conform to the regulations of the zoning ordinance, including minimum area, width and depth. In case of a conflict between zoning ordinance requirements and the requirements listed in this section, the more restrictive shall govern.
- (b) *Size.* All sewered lots inside the city limits shall have an area that complies/conforms with the underlying zoning. All sewered lots outside the city limits and inside the city's extraterritorial jurisdiction shall have an area of 6,500 square feet or more. Unsewered lots in areas where wastewater collection facilities are not available shall meet the minimum lot size requirements of the state water commission and county health department for onsite wastewater disposal systems.
- (c) *Minimum width.* The minimum width (sewered inside the city limits) shall be as required by the zoning ordinance. The minimum width (sewered outside the city limits) shall be 60 feet at the building line. The minimum width (unsewered) shall be 100 feet at the building line.
- (d) *Minimum depth.* The minimum depth shall be 100 feet.
- (e) *Minimum area.* The minimum area (sewered inside the city limits) shall comply/conform with the underlying zoning. The minimum area (sewered outside the city limits) shall be 6,500 square feet. The minimum area (unsewered) shall be one-half acre or more based on requirements for on-site wastewater disposal systems established by the state department of health.
- (f) *Corner lots.* Corner lots shall comply/conform to the underlying zoning requirements.
- (g) *Lot shape.* Lots should be rectangular insofar as practicable. Sharp angles between lot lines should be avoided. The ratio of depth to width should not ordinarily exceed 2½ times.
- (h) *Lot lines.* Side lot lines should be perpendicular or tangent to street frontage, and the following note may be used in lieu of bearings: "All side lot lines are either perpendicular or tangent to street frontage unless otherwise noted."
- (i) *Lot facing.* Lot facing shall be as follows:
 - (1) *Street frontage.* Each lot shall be provided with adequate access to an existing or proposed public street by frontage on such street.
 - (2) *Double front.* Double front lots are lots, other than corner lots, that front upon more than one street; such lots are prohibited except when backed up to major thoroughfares.

- (3) *Front facing.* Wherever feasible, each lot should face the front of a similar lot across the street. In general, an arrangement placing adjacent lots at right angles to each other should be avoided.
- (j) *Lot numbering.* 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.

(Ord. No. 726, § 5.02, 3-13-95)

Sec. 70-208. - Blocks.

- (a) *Block length.* Block length shall be as follows:
 - (1) *Residential.* Block length for residential use shall be no more than 600 feet, measured along the center of the block, provided that blocks up to 1,200 feet may be approved upon request.
 - (2) *Major streets.* Maximum block length along a major street may be 1,600 feet, except under special conditions and upon approval of the city council.
- (b) *Block width.* Blocks shall be wide enough to allow two tiers of lots of at least minimum depth, except when prevented by the size of the property or the need to back up to a major thoroughfare.
- (c) *Block numbering.* Blocks are to be numbered consecutively within the overall plat and/or sections of an overall plat as recorded.

(Ord. No. 726, § 5.03, 3-13-95)

Sec. 70-209. - Building lines.

- (a) *Front street.* The front building line shall not be less than 25 feet from the front property line.
- (b) *Side street.* The building line on the side of corner lots shall comply/conform with the underlying zoning requirements.
- (c) *Side and rear.* Side and rear building lines shall comply with the underlying zoning requirements and shall also be at least seven feet from all power lines.
- (d) *Zoning ordinances to control.* Zoning ordinances, if any, shall be controlling as to all building lines. If there should ever be a conflict between this chapter and any zoning ordinance, the zoning ordinance shall control.

(Ord. No. 726, § 5.04, 3-13-95)

Sec. 70-210. - Alleys.

- (a) *Alley width.* Where provided, alleys shall not be less than 20 feet in width.
- (b) *Cutoffs.* In case of intersecting alleys, a cutoff shall be required at each corner. Cutoffs shall be triangles having two equal sides, each of which shall be not less than ten feet in length.
- (c) *Dead-end alleys.* Dead-end alleys will not be permitted. Alleys in new subdivisions shall connect to alleys in adjacent subdivisions wherever feasible.
- (d) *Alleys required.* Alleys shall be required in all business areas and in those portions of new residential subdivisions where partial blocks are needed to complete existing blocks with alleys. All alleys must be provided with drainage and paved in the same manner as for streets.

(Ord. No. 726, § 5.05, 3-13-95)

Sec. 70-211. - Easements.

- (a) Easements shall be required as needed.
- (b) *Size.* The size of easements where alleys are not provided shall not be less than ten feet on each side or rear lot lines. The full width of an easement shall be not less than twenty feet at ground level, nor less than 20 feet above the ground.
- (c) *Use.* Where necessary, easements shall be retained for poles, wires, conduits, storm sewers, sanitary sewers, water lines, open drains, gas lines or other utilities. Such easements may be required across parts of lots (including side lines) other than as described above, if in the opinion of the city council the same is needed. If serving the subdivision with utilities requires the running of utility lines across lands not within the boundaries of the subdivision, the developer, at his sole expense, shall provide the necessary easements across the lands of others.

(Ord. No. 726, § 5.06, 3-13-95)

Sec. 70-212. - Improvements.

- (a) *Monuments.* Concrete monuments four inches in diameter and at least 15 inches long shall be placed at all corners of the boundary lines of a subdivision. The exact intersection point on the monument shall be marked with a metal marker embedded in the concrete monument. When impractical to set marker at exact corner, witness monuments may be used. Intermediate property corners, curve points and angle points shall be marked with a piece of reinforcing rod not less than one-half inch in diameter and not less than 12 inches in length, driven flush with the finished ground level, or lower if necessary, in order to keep same from being disturbed.
- (b) *Sidewalks.* Concrete sidewalks of not less than four feet in width shall be required along one side of all streets radiating from a school or area designated for future schools for a distance of two standard blocks, or a minimum of 1,000 feet.
- (c) *Curbing and guttering.* All streets shall be curbed and guttered in accordance with the city construction detail specifications, or as otherwise approved by the city council. Curbs shall be installed by the subdivider on both sides of all interior streets, and on the subdivision's side of all streets forming part of the boundary line of the subdivision.
- (d) *Paving specifications.* All streets within the subdevelopment must be paved, with preparation, base and paving materials according to specifications approved by the city council.
- (e) *Street signs.* Street signs of a type approved by the city council shall be installed at all street intersections within or abutting the subdivision by the City at the subdivider's expense.
- (f) *Streetlights.* Streetlights shall be installed at all street intersections, or as otherwise approved by the city council by the City at the subdivider's expense.
- (g) *Alleys.* Alleys serving any business or commercial tracts within the development must be paved.
- (h) *Water supply.* All subdivisions shall be provided with water supply and water distribution systems approved by the city council. Such systems shall include standard fire hydrants per specifications of the fire chief or his/her qualified designee of the city and of the state board of insurance, or as otherwise specifically approved by the city.
- (i) *Sewage disposal.* All subdivisions shall be provided with an approved sewage disposal system. Septic tanks may be approved if deemed advisable, and the subdivider shall meet all TCEQ "OSSF" requirements. Connection with the sanitary sewer system of the city shall be required when the system is within 200 feet of the subdivision boundary.

- (j) *Installation of utility lines.* All utility lines that pass under a street or alley shall be installed before the street or alley is paved at a point at least 12 inches from the curb and a minimum of 5' outside the curb where the utility crosses the road.
- (k) *Drainage facilities.* Where, in the opinion of the city, the terrain or drainage requires that special drainage structures are advisable, such drainage facility shall be designed and constructed at the cost of the subdivider. Design of all drainage facilities, including but not limited to streets, inlets, storm sewers, outfalls, culverts, ditches and channels shall conform to normally accepted engineering standards as determined by the City.
- (l) *Extension of utilities; drainage criteria.* The extension of utilities to a subdivision shall be in accordance with the city utility extension policies, as approved by the city council.
- (m) *Compliance with construction detail specifications.* All improvements shall comply with the city construction detail specifications.

(Ord. No. 726, § 5.07, 3-13-95)

Sec. 70-213. - Dedication of park land.

A subdivider may propose the dedication of park land within the area of a proposed subdivision. However, the city council is not obligated to accept such dedication.

(Ord. No. 726, § 5.08, 3-13-95)

Sec. 70-214. - Reservations of land.

Reservations of land within a subdivision are not allowed except as future phases of a multiple phase subdivision plat, in which case separate plats are required for each phase.

(Ord. No. 726, § 5.09, 3-13-95)

