Chapter XX SUBDIVISIONS

ARTICLE I. IN GENERAL

Sec. XX-1. Authority.

(a) This chapter is adopted under the authority of the state Constitution and laws, particularly V.T.C.A., Local Government Code ch. 212, "Municipal Regulation of Subdivision and Property Development"; other applicable chapters of this Code; and any other authority provided by law, or as such statutes may be amended.

(b) Regulation of the subdivision of land and the attachment of reasonable conditions to land subdivision is an exercise of valid police power delegated by the state to the city.

Sec. XX-2. Purpose.

(a) The purpose of this chapter is to provide for orderly, safe and healthful development to promote the health, safety and general welfare of the community. From and after the passage of this chapter, all plats and subdivisions of land within the corporate limits of the city, and all tracts within the city's extraterritorial jurisdiction, shall conform to the following rules and regulations.

(b) The system of improvements for thoroughfares, water and wastewater services, other utilities, drainage, public facilities and community amenities determine in large measure the quality of life enjoyed by the residents of the community. Health, safety, economy, amenities, environmental sensitivity and convenience are all factors which influence and determine a community's quality of life and character. A community's quality of life is of public interest. Consequently, the development of land, as it affects a community's quality of life, is an activity whose regulation is a valid function of municipal government.

(c) This chapter is designed and intended to achieve the following purposes, and shall be administered so as to:

(1) Assist orderly, efficient, and coordinated development within the city's jurisdiction.

(2) Provide neighborhood conservation and prevent the development of slums and blight.

(3) Harmoniously relate the development of the various tracts of land to the existing community and facilitate the future development of adjoining tracts.

(4) Provide that the cost of improvements to minimum standards which primarily benefit the tract of land being developed be borne by the owner or developers of the tract, and that the cost of improvements to minimum standards which primarily benefit the whole community be borne by the whole community.

(5) Provide the best possible design for each tract being subdivided.

(6) Provide the most attractive relationship between the land as developed and the circulation of traffic throughout the municipality, having particular regard to the avoidance of congestion in the streets and highways, and the pedestrian traffic movements appropriate to the proposed development, and to provide for the proper location and width of streets and building lines.

(7) Prevent pollution of the air, streams, and ponds; to assure the adequacy of drainage facilities; to safeguard both surface and groundwater supplies; and to encourage the wise use and management of natural resources throughout the municipality in order to preserve the integrity, stability, and beauty of the community and the value of the land.

(8) Preserve the natural beauty and topography of the municipality and ensure appropriate development with regard to these natural features.

(9) Establish adequate and accurate records of land subdivision.

(10) Ensure that public or private facilities are available and will have a sufficient capacity to serve proposed subdivisions and developments within the city's jurisdiction.

(11) Standardize the procedure and requirements for developing property and submitting plans for review and approval.

(12) Protect and provide for the public health, safety and general welfare of the community.

(13) Protect the character and the social and economic stability of all parts of the community and encourage the orderly and beneficial development of all parts of the community.

(14) Protect and conserve the value of land throughout the community and the value of buildings and improvements upon the land.

(15) Guide public and private policy and action in providing adequate and efficient transportation systems, public utilities, and other public amenities and facilities.

(16) Encourage the development of a stable, prospering economic environment.

(17) To provide for parkland, open spaces and park facilities within neighborhoods.

(e) Subdivision design should be of a quality to carry out the purpose and spirit of the policies expressed in the comprehensive plan and in this chapter.

(f) The tree preservation standards adopted herein are reasonable and necessary to preserve trees as an important public resource enhancing the quality of life and the general welfare of the city and enhancing its unique character and physical, historical and aesthetic environment.

Sec. XX-3. Definitions.

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. Words not defined in this chapter shall have the meaning prescribed in Merriam Webster's Collegiate Dictionary, Eleventh (11th) Edition. Words used in the present tense include the future tense. Words used in the plural number include the singular, and words in the singular include the plural. The word "shall" is always mandatory. The word "may" is optional. The word "herein" means in this chapter. The word "regulations" means the provisions of any applicable ordinance, rule, regulation or policy. The word "person" means any human being or legal entity and includes a corporation, a partnership, and an incorporated or unincorporated association. The words "used or occupied" as applied to any land or building shall be construed to include the words intended, arranged, or designed to be used or occupied.

Abutting means adjacent; joining at a boundary.

Access means a way of approaching or entering a property.

Administrator means the city manager or the person designated by the city manager to administer the regulations and provisions of this chapter.

Alley means a minor right-of-way, dedicated to public use, which gives a secondary means of vehicular access to the back or side of properties otherwise abutting a street, and which may be used for public utility purposes.

Allowable density means the number of residential building units allowed per acre of land that is or would be developed for residential purposes.

Applicant means a person applying for plan or plat approval under this chapter.

Approval authority means the entity that reviews an item in this chapter and makes a recommendation or consideration (action) as prescribed in this chapter.

As-built plans means a set of certified construction plans specifying how the public improvements required for the subdivision were actually constructed. These must be sealed by a professional engineer registered in this state.

Berm means a mound or wall of earth or sand created by manmade action.

Block means a unit of land bounded by streets or a combination of streets and public land, railroad rights-of-way, waterways, or any other barrier to the continuity to development.

Bluff means an abrupt vertical change in topography of more than 40 vertical feet with an average slope steeper than four feet of rise for one foot of horizontal travel.

Bond means any form of security including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the city.

Buffer zone means a vegetated area adjacent to a creek, river, or natural drainageway.

Building means any structure intended for shelter, housing or enclosure for persons, animals, property, or chattel.

Building permit means a permit issued by the city which is required prior to commencing construction, "finish-out," or reconstruction or modification of a structure.

Building setback line means a line beyond which a building must be set back from the property line in accordance with the zoning code.

Business days means the number of city working days specified, excluding Saturday, Sunday, a legal city holiday, and days where the city hall has been ordered closed by the city manager, mayor, or city council.

Calendar days means the number of days specified in a yearly calendar, unless the last day falls on Saturday, Sunday, legal city holiday, or days where the city hall has been ordered closed by the city manager, mayor, or city council.

Caliper means the diameter of a tree measured at diameter breast height (dbh).

Cemetery means a place where the remains of dead people or animals are buried or otherwise interred.

Central sanitary sewer system means a system owned by a municipality or other public entity.

Certificate of serviceability means a document issued at no charge by the city engineer, certifying that a proposed plat can be adequately served with water and sewer according to the urban services element of the general plan.

City means the City of Holland, Texas.

City engineer means a duly qualified and licensed engineer under the provisions of the Texas Engineering Registration Act hired by the city to plan review and inspect items within the chapter. In the event the city does not have an engineer, his duties herein shall be performed by the administrator with recommendations of consulting engineers as needed.

City limits. See *Corporate limits.*

Commission means the planning and zoning commission of the city.

Comprehensive plan means the overall development plan for the community which has been officially adopted by council and updated from time to time to provide long-range development policies including all specified individual elements thereof.

Concept plan means a generalized plan that meets the requirements of this chapter and that indicates the boundaries of a tract or tracts under common ownership, general lot or parcel layout, community use or public areas, and street alignments.

Construction standards means a library of city-approved drawings and technical data representing typical drainage, transportation, erosion and sedimentation control, utility appurtenances, and other items to be constructed for city approval within a subdivision.

Contiguous means adjacent property whose property lines are shared or are separated by only an access strip, street, alley, easement, or right-of-way.

Corporate limits means within the incorporated boundaries of the city.

Council means the city council of the City of Holland, Texas.

County means, with respect to land located in Bell County, Texas.

Cul-de-sac means a street having one end open to vehicular traffic and having one closed end terminated by a permanent turnaround. The turnaround constitutes an intersection for the purpose of roadway design.

Dead-end street means a street, other than a cul-de-sac, with only one end open to vehicular traffic and having one closed end terminated by a cessation of improved surface and/or a barrier.

Dedication means the grant of an interest in property for public use.

Department means the city development services department.

Design storm means a probable rainfall event the frequency of which is specified in periods of years, and which is used to design drainage facilities and determine flood elevations.

Developer means an individual, partnership, corporation, or governmental entity undertaking the subdivision, platting, or improvement of land and other activities covered by this chapter, including the preparation of a plat showing the layout of the land and the public improvements involved therein. The term "developer" is intended to include the term "subdivider" even though personnel in successive stages of the project may vary.

Development means any manmade change in improved and unimproved real estate, including but not limited to buildings, utilities, access, roads or other structures, mining, dredging, filling, grading, clearing or removing vegetation, paving, deposit of refuse, deposit of waste, deposit of fill, or excavation for the purpose of constructing permanent structures on the real estate; development does not include lawn and yard care, including mowing of tall weeds and grass, gardening, tree care and maintenance, removal of trees or other vegetation damaged by natural forces, and ranching and farming shall not constitute development. Utility, drainage, and street repair, and any construction maintenance and installation which does not require land disturbance or result in additional impervious cover shall also not constitute development.

Development agreement means a voluntary contract between the city and a person who owns or controls property, detailing the obligations of both parties and specifying the standards and conditions that will govern development of the property.

Development density means the number of dwelling units per acre.

Development, mixed-use means a project that incorporates single-family dwellings, two-family dwellings, multifamily dwellings, and nonresidential into a single unified development on a lot.

Diameter breast height (DBH) means the area where a tree is at four and one-half feet above ground level; measurements shall be taken in inches. If the tree is a single trunk it is measured at DBH. If the tree splits into multiple trunks at DBH, each trunk is measured at the DBH for an amalgamated total. Any fractional numbers shall be dropped from the measurement.

Driveway means any vehicular driving surface connecting a drive approach.

Driveway approach means a paved surface connecting the street to a front lot line.

Dwelling, multiple family means attached dwelling units designed to be occupied by three or more families living independently of each other on one lot; this definition shall include apartments and condominiums.

Dwelling, single-family means a detached or attached dwelling unit designed to be occupied by one family on one lot; this definition shall include townhomes.

Dwelling, two-family means attached dwelling units designed to be occupied by two families living independently of each other on one lot.

Dwelling unit means a unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

Easement means a grant of one or more of the property rights by the property owner to and/or for the use by the public, corporation, or another person or entity.

Environment means the aggregate of social and physical conditions that influence the life of the individual and/or community.

Extraterritorial jurisdiction means territory outside the corporate limits which is within the extraterritorial jurisdiction of the city as defined by state statute, or which is subject to the city's authority due to an agreement with another municipality or property owner.

Filing date means, with respect to plats and plans, the date that plans or plats are determined to be complete and are accepted for review by the city.

Fire chief means the fire chief for the city or his/her designated representative.

Flood means a general and temporary condition of partial or complete inundation of normally dry land areas from the unusual and rapid accumulation or runoff of surface waters from any source.

Floodplain means channel of a waterway and the adjacent land area subject to inundation during the design storm.

Frontage means the width of a lot or parcel abutting a public right-of-way measured at the property line.

Grade means the slope of a road, street, other public way or utility line specified in terms of percent; the topographic relief of a parcel of land; the average elevation at ground level of the buildable area of a lot or parcel of land.

Grading means any stripping, cutting, filling or stockpiling of earth or land, including the land in its cut or filled condition.

Home owners' (HOA) association means a community association, other than a condominium association, which is organized in a development in which individual owners share common interests in open space or facilities.

HUD code manufactured home means a structure constructed according to the rules of the United States Department of Housing and Urban Development and that was constructed after June 15, 1976, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems. This does not include a recreational vehicle.

HUD code manufactured home-park means a site with required improvements and utilities for the long-term parking of HUD code manufactured home for residential purposes.

Impervious cover means construction limiting the absorption of water by covering the natural land surface; this shall include, but not be limited to, all streets and pavement within the development.

Improvements means any street, alley, roadway, barricade, sidewalk, bikeway, pedestrian way, water line system, wastewater system, storm drainage network, public parkland, landscaping, or other facility or portion thereof for which the local government may ultimately assume responsibility for maintenance and operation, or which may affect an improvement for which local government responsibility is established.

Irrigation specialist means a duly qualified and licensed irrigation specialist under the provisions of state law who designs and maintains irrigation systems for vegetative environments.

Landscape architect means a duly qualified and licensed landscape architect under the provisions of state law who designs and maintains outdoor vegetative environments.

Letter of credit means a letter from a bank or other reputable creditor acceptable to the city that guarantees to the city that upon failure of the sub-divider to fulfill any improvement requirements that at the city's request, funds will be provided to the city to complete the specified improvements.

Living unit equivalent (LUE) means the typical flow that would be produced by a single-family residence.

Lot means a parcel of real property shown as a distinct and separate parcel on a plat, record of survey, parcel map, or subdivision map recorded in the office of the county clerk; or a parcel of real property exempted from the requirement to plat under zoning or subdivision regulations.

Lot area means the total area within the lot lines of the lot excluding any street rights-of-way.

Lot, corner means a lot or parcel of land abutting upon two or more streets at their intersection, or upon two parts of the same street forming an interior angle of less than 135 degrees.

Lot, corner through means a lot or parcel of land abutting upon three or more streets at their intersections.

Lot depth means the distance measured from the front lot line to the rear lot line.

Lot, flag means a piece of land shaped like a flag with a narrow strip providing access to a street with the bulk of the property containing no frontage.

Lot, interior means a lot or parcel of land abutting only one street.

Lot line means a line of record bounding a lot which divides one lot from another lot or from a public or private street, right-of-way or any other public space.

Lot, through means a lot or parcel of land abutting upon two or more streets on opposite ends of a lot line.

Master development plan means a graphic representation and narrative description of a large area of land intended for eventual development in phases involving a single parcel or a number of contiguous parcels associated with the planned development district (PDD) zoning category.

Multifamily means any use of lots or tracts on which are built three or more dwelling units within one building.

Official county records means, with respect to land located in Bell County, the Official Records of Bell County, Texas.

Off-site improvements means any required improvement which lies outside of the property being developed.

One hundred (100) year floodplain means that flood which has a probability of occurring once in a 100-year period or a one percent chance in any given year.

Parkland means greenspace that is required by this chapter and is to be used for passive and/or active recreation.

Performance fiscal means that a financial guarantee, as allowed by this chapter, which can be drawn down upon and ensures that physical improvements, as approved with the subdivision construction plan, are constructed to standards as shown in the subdivision construction plans.

Person means any individual, association, firm, corporation, governmental agency, political subdivision or other legal entity.

Planning and Zoning Commission means the City Council of Holland.

Planned development district (PDD) means a development provided for by the zoning ordinance of the city wherein certain yards, areas and related standards may be varied (or exceptions granted). This is also accompanied by a graphic representation and narrative description of land intended for eventual development in phases involving a single parcel or a number of contiguous parcels.

Plat means a map representing a tract of land, showing the boundaries and location of individual properties and streets in accordance with V.T.C.A., Local Government Code ch. 212, as amended.

Plat, amending means as defined in V.T.C.A., Local Government Code § 212.016, as amended. This term shall not include the term plat, replat.

Plat, final means a map of a formal land subdivision prepared in a form suitable for filing of record with necessary affidavits, dedications and acceptances, and with complete bearings and dimensions of all lines defining lots and blocks, streets, alleys, public areas and other dimensions of land.

Plat, preliminary means a map of a proposed land subdivision showing the character and proposed layout of the property in sufficient detail to indicate the suitability of the proposed subdivision of land.

Plat, re-plat means a map of a formal land subdivision prepared in a form suitable for filing of record showing the alteration of any part or all of any lot, block or tract of a previously platted subdivision, this term shall not include the term plat, amending.

Plat, short-form means a proposed subdivision with four or fewer lots, with said lot(s) fronting on an existing street, and not requiring the creation of any new street (or portion thereof), public improvement (i.e. drainage facility, etc.), or the extension of infrastructure facilities.

Plat, vacating as defined in V.T.C.A., Local Government Code § 212.013, as amended.

Pre-construction meeting means a meeting between a developer, a developer's representatives, and the city held after approval of the construction plans for the purposes of exchanging information and identifying potential problems with the schedule and process of a proposed development.

Pre-development conference means a conference between a developer and the city, held prior to application for a plat or plan, for the purposes of exchanging information and identifying potential problems with a proposed development.

Reciprocal access means refers to connectivity between contiguous nonresidential or multifamily properties to allow for the connection of or access to drive lanes, fire lanes, driveways, or parking lots between such properties.

Resubdivision means the division of an existing subdivision, together with any change of lot size therein, or with relocation of any street lines.

Secretary means the secretary of the city planning and zoning commission, or the authorized representative of the secretary.

State means the State of Texas.

State health department means the Texas State Department of Health.

Street means any public or private right-of-way which affords the primary means of vehicular access to abutting property.

Street, arterial means [a street which] primarily provides circulation which continues, or is intended to continue, across the city and which serves to connect remote parts of the city and other municipalities. These may also be a principal connecting street with state or federal highways. These may be further sub-classified into major and minor.

Street, collector means [a street which] primarily provides circulation within neighborhoods, to carry traffic from local streets to arterial streets, or to carry traffic through or adjacent to commercial or industrial areas. These may be further sub-classified into major and minor.

Street, local means a street which primarily provides for access to abutting property. A local street does not include roadways that carry through traffic, but will generally be intersected frequently by street, collectors.

Street, width means that distance within street right-of-way (ROW*).*

Subdivision means the division of any lot, tract, or parcel of land into two or more lots or sites for laying out an addition within the city limits or extraterritorial jurisdiction, purpose of sale, building development, or transfer of ownership, whether immediate or future. The term includes plat, resubdivision, and re-plat of land or lots.

Subdivision administrator. See *Administrator.*

Subdivision construction plans means the maps, drawings, plans and specifications indicating the proposed location and design of improvements to be installed as subdivision improvements. They shall be sealed by a professional engineer, landscape architect, or other professional as necessary.

Subdivision variance (variance) means a grant of relief to a person from the requirements of the subdivision ordinance when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited or otherwise deviates from the subdivision ordinance.

Surveyor means a licensed state land surveyor or a registered public surveyor, as authorized by state statute to practice the profession of surveying.

Traffic impact analysis (TIA) means a study that provides information on the projected traffic generated by a proposed development, assesses the effect of the proposed development on a roadway(s) near the development, identifies a potential traffic operational problem(s) or concern(s) and recommends solutions/actions to address the problems/concerns and assesses the potential vehicular trips generated by other undeveloped sites in the established study boundary. These shall incorporate approvals from the necessary jurisdictions of connecting roadways (i.e. private roadway owner, city, neighboring city as applicable, county and state).

Tree means any self-supporting woody plant species.

Tree, drip line means a point on the ground where water will drip off the widest-reaching branches of a tree.

Tree, heritage means native tree(s), as defined by Texas A&M Forest Service, which are a minimum of 20 caliper inches and greater. This shall not include any noxious or invasive species as defined by the state or any non-native species.

Tree, protection zone means a zone established around a tree whereby no construction, trimming, or fill activity can occur. This zone is a measurement from the diameter breast height of a tree trunk to the furthest drip line which forms a concentric circle around the tree based on this measurement (i.e. the furthest measurement from a trunk to drip line is 25 feet, therefore a 25-foot concentric circle from the trunk will be shown).

Tree, significant means native tree(s), as defined by Texas A&M Forest Service, which are a minimum of eight caliper inches to 19 caliper inches. This shall not include any noxious or invasive species as defined by the state or any non-native species.

Tree, survey means a scaled drawing accurately showing the location, caliper, and tree protection zone of trees in relation to the property boundaries.

Urban services element means an element of the general plan for the city as adopted and amended by the city council.

Wireless communications facility means an unstaffed facility for the transmission and/or reception of wireless telecommunications services, usually consisting of an antenna array, connection cables, and equipment facility, and a tower structure or other structure used to achieve the necessary elevation.

Yard, back means an area at the rear of a principal residential building.

Sec. XX-4. Jurisdiction.

Territorial limits of regulations. The territorial jurisdiction under this chapter shall include all land located within the corporate limits of the city and all land lying within the extraterritorial jurisdiction of the city as defined by statute and as from time to time extended. Also, any additional area outside these areas as permitted by law and which has been approved by the council.

Sec. XX-5. Application of chapter.

(a) *Conflict of code provisions within chapter.* If any provision of this chapter is in conflict with any other provision in this chapter or any other provision in the code of ordinances, the most strict or restrictive provision shall apply. If a provision in this chapter is not more restrictive but is different from any provision in this chapter or the code of ordinances, the administrator shall determine what provision should be followed.

(b) *City improvements to be withheld.* The city will make no improvements, nor will the city maintain any streets or furnish any public utility service in any addition or subdivision for which approved plats, traffic impact analysis (TIA), or drainage plans are not on file with the city and the county clerk concerning any plats.

(c) *Building permits and postal addressing withheld unless chapter complied with.* No postal addressing and no building permit shall be issued for the construction of any building on any piece of property subdivided after the date hereof, unless said plat has been recorded with the county.

(d) *Certificate of occupancy.* No certificate of occupancy for a building permit shall be issued unless as-builts are approved by the city and appropriate non-city entities.

(e) *Sale or transfer of property prohibited without recording.* No owner or owner's agent of any parcel of land located in a proposed plat shall transfer or sell any part of the parcel before a plat is duly recorded with the county clerk.

(f) *Construction before final plat and subdivision construction plan approval prohibited.* No construction shall take place before the final plat and subdivision construction plans have been approved by the approval authority.

Sec. XX-6. Exemption.

(a) The provisions of this chapter shall not apply to the following:

(1) The division of land into parcels of ten acres or more, unless any such subdivision of ten acres or more includes the planning or development of a new street(s), easement(s), or other improvement(s) as defined in the city construction standards.

(2) The acquisition of land by the city, county or state for public facilities.

(3) The acquisition of land by a public utility for the purpose of providing or housing needed infrastructure in order to provide utility service to an immediate area.

(4) Testamentary division of property.

(5) Partnership division of property upon dissolution.

(6) Division of property between two or more owners of an undivided interest by court order.

(7) Cemeteries.

(8) Wireless communication facility.

Sec. XX-7. Fees.

(a) *Fees mandatory.* Fees shall be collected by the city at the time of the filing of any application for a plat or plan as described in this chapter. No action by the administrator, the commission, or council shall be valid until such fees are paid.

(b) *Refunding of fees.* No filing fees shall be refunded because any application is later withdrawn or disapproved. This shall not apply to any parkland fees, sidewalk-in-lieu fees, or other similar fees.

(c) The fees to be charged shall be established in the city's fee schedule.

Sec. XX-8. Enforcement of regulations.

(a) *Code violation.* It is a violation of this code to construct, subdivide, or replat any land within the corporate limits of the city or its extraterritorial jurisdiction without complying with the requirements of this chapter, or to offer for sale, or to sell or lease, any property within a subdivision that has not been subdivided in accordance with the provisions of this chapter and V.T.C.A., Local Government Code, ch. 212.

(b) *Parties liable for violations.* If a corporation is found to be in violation of this chapter, each of its officers, agents, and/or employees who were in any way responsible for such violation shall be individually and severally liable for penalties herein prescribed.

(c) *Criminal penalty by court.* Within the city's corporate limits or its extraterritorial jurisdiction, any individual who intentionally, knowingly, recklessly or criminally negligently violates any provision of this chapter, is guilty of a class C misdemeanor and upon conviction shall be subject to a fine of not less than $1.00 and not more than $2,000.00. Each day of such violation may constitute a separate offense. Such penalty is cumulative and not exclusive of any other rights or remedies the city may have.

(d) *Civil penalty by court.* In addition to the criminal penalties set out above, the city may institute a civil action, in law and/or equity, in a court of competent jurisdiction against any individual who violates any provision of this chapter; and the city may seek such equitable relief or monetary relieve that may be available under the statutes, common law, and constitutions of the state and federal governments.

(e) In addition to the remedies set forth above, the city may enforce compliance with the requirements of this chapter by:

(1) Refusing to approve or accept improvements;

(2) Withholding building permits or certificates of occupancy;

(3) Not allowing connection to or disconnection of utility service; or

(4) Issuing a stop work order.

Sec. XX-9. Responsibility of applicant.

Notwithstanding the approval of any item in this chapter by the city, the developer and the professional that prepares and submits such items shall be and remain responsible for the adequacy of the design and nothing in this chapter shall be deemed or construed to relieve or waive the responsibility of the developer or his/her engineer for or with respect to any item submitted in accordance with this chapter.

Sec. XX-10. Applicant to retain certain professionals.

(a) *Responsibilities of engineer.* The applicant shall retain the services of an engineer, registered in the state, whose seal shall be placed on each sheet of the drawings, or cover sheet of studies, unless denoted below in subsections (b) and (c), and who shall be responsible for the design and inspection of the drainage, roads and streets, and sewer and water facilities within the subdivision. The services performed by the engineer shall be as designated in the most recent addition of the "Manual of Professional Practice — General Engineering Service," published by the state society of professional engineers, and shall include both design and inspection as defined therein.

(b) *Responsibilities of landscape architect.* If filing preliminary plats or subdivision construction plans, the applicant shall retain the services of a landscape architect, registered in the state, whose seal shall be placed on each sheet involving tree surveys, tree preservation, tree mitigation, tree planting, and any schematics of involving tree barriers, staking, root barriers, or any addition of fill within the drip lines of the trees and shall include both design and inspection as defined therein.

(c) *Responsibilities of irrigation specialist.* If filing subdivision construction plans, the applicant shall retain the services of an irrigation specialist, registered in the state, whose seal shall be placed on each sheet involving irrigation of any preserved or installed trees and shall include both design and inspection as defined therein.

Sec. XX-11. Approval of subdivision infrastructure.

Approval of the subdivision infrastructure occurs only when the as-builts or record drawings have been approved by the city and a concurrence letter has been provided by the project engineer of record. In addition, the developer must provide a certificate of completion. Signature of the certificate of completion by the city and any other applicable non-city entities constitutes completion and approval of the infrastructure.

Sec. XX-12. Acceptance of subdivision infrastructure.

(a) *Infrastructure acceptance.* Acceptance of subdivision infrastructure will occur once as-builts or record drawings have been approved by the city and a certificate of completion has been provided by the developer. Acceptance only occurs when infrastructure improvements are accepted by the city in writing.

(b) *Conditions of city acceptance of infrastructure improvements.* The city shall not own, repair, or maintain infrastructure improvements in any subdivision unless maintenance fiscals are in place in accordance with the requirements of this chapter.

(c) *Minimum timeframe for maintenance fiscals.* These must have a minimum timeframe of two (2) years from the appropriate authority sign offs in section XX-11.

Secs. XX-13—XX-24. Reserved.

ARTICLE II. PROCESSING PROCEDURE

Sec. XX-25. Pre-application meeting.

(a) *Required meeting.* A pre-application meeting is required prior to the submittal of concept plans, preliminary plats only requiring subdivision construction plans, final plats only requiring subdivision construction plans, re-plats only requiring subdivision construction plans, subdivision construction plans, and variances. All other processes not listed in this subsection are not required to meet for a pre-application meeting.

(b) *Recommended attendees.* Attendance should include the owner, the applicant, the applicant's designated engineer, other professionals as required by the applicant, the administrator and any other members of the city staff as may be appropriate.

(c) *Required items to be brought to meeting.* Plans and documentation, depending on the application, must be fully completed and brought to the meeting. Failure to provide this information or fully complete documentation at the time of meeting is grounds for cancelation and rescheduling.

Sec. XX-26. Application standards.

(a) *Applications required and determination of official filing date.* Requests for approval of concept plans, plats, subdivision construction plans, variances, as-builts, and appeals must be filed with the city, in writing, on a form prescribed by the city. An application shall not be deemed to be officially filed until a complete application package has been filed with the city. A complete application package is as denoted below:

(1) Completion of a required pre-application meeting;

(2) Fully complete and signed application form;

(3) All other certificates, plans, documents and instruments required by this chapter to be submitted with subsection (2); and

(4) All associated fees in accordance with the fee schedule have been paid.

Sec. XX-27. Establishment order for platting of land.

Generally, the subdivision process is comprised of several individual steps as denoted below:

(1) *Lack of performance fiscal filed with the city:*

a. Concept plan filing and approval;

b. Preliminary plat filing and approval;

c. Final plat filing and approval;

d. Subdivision construction plans filing and approval;

e. As-builts filing and approval;

f. Final plat recording;

g. Acceptance of subdivision improvements filing.

(2) *Performance fiscal filed with the city:*

a. Concept plan filing and approval;

b. Preliminary plat filing and approval;

c. Subdivision construction plans filing;

d. Final plat filing and approval;

e. Posting of performance fiscal;

f. Final plat recording;

g. Subdivision construction plans approval;

h. As-builts filing and approval;

i. Acceptance of subdivision improvements filing.

(3) Each step of the development process has established deadlines and expirations that must be met in order for the application and any approval(s) granted to remain valid, in effect, and eligible to continue to the next step of, or to complete, the development process.

Sec. XX-28. Processing procedures.

(a) *Final action by planning and zoning commission.* The commission shall hear and take final action on the following subdivision procedures:

(1) Concept plan;

(2) Preliminary plat;

(3) Final plat;

(4) Re-plat;

(5) Vacating plat;

(6) Subdivision variance;

(b) *Final action by the administrator.* The administrator shall hear and take final action on the following subdivision procedures:

(1) Short form plat;

(2) Amending plat;

(3) Subdivision construction plans—Including modifications;

(4) As-builts;

(5) Updating of a commission or council approved tree preservation plan regarding tree sizes only.

Sec. XX-29. Concept plan.

(a) *Purpose.* The purpose of the concept plan is to demonstrate conformance with the comprehensive plan, compatibility of the proposed development with this and other applicable city ordinances, its interaction with neighboring parcels, and the coordination of improvements within and among individually platted parcels, sections, or phases of a development, prior to the consideration of a preliminary plat.

(b) *Applicability.* A concept plan shall be required for all subdivisions of land that are 20 acres or more in size and require building of any improvements approvable through the subdivision construction plan process, except for any property zoned planned development district (PDD) within the city limits.

(c) *Format, content, documentation, and certifications on plan.* See concept plan application packet. The applicant is responsible for full completion of the concept plan application packet.

(d) *Completeness review.* The administrator shall initiate a completeness review of all information submitted within subsection (c) within ten business days of the application submission. Submittal of the application for a completeness review is not regarded as an official filing of the application.

(e) *Completeness review process.* If deemed compliant by the administrator, it will enter the first submittal review phase in subsection (f). If deemed noncompliant by the administrator, the applicant will be notified in writing of the reasons for noncompliance. The applicant shall have one opportunity to submit information within six calendar months of the date. Failure to meet the deadline date or address all administrator issues within the one opportunity shall expire the application.

(f) *Submittal review process.* Submittal review is as outlined below:

(1) *First submittal.* The city engineer shall review the first submittal within 30 calendar days of the compliant sufficiency review and submit comments to the applicant in writing by the end of this timeframe.

(2) *Response of applicant.* The applicant shall address all individual comments from the city engineer by copying each open comment(s) and providing response(s) to each open comment on official letterhead. This shall also include revised documentation showing the comments have been addressed by the applicant.

(3) *Second and third submittals.* The second and third submittals, if needed, shall be reviewed by the city engineer within 30 calendar days of the applicant's submittal to the city. For these submittals, response shall be required as stated in subsection (2).

(4) *Scheduling of public hearing.* Upon the closing of all city engineer comments or reaching the third submittal by the applicant, the plan will be scheduled for a public hearing.

(g) *City engineer review requirements.* The city engineer shall review the plan for consistency with the comprehensive plan, construction standards manual, traffic impact analysis, other public plans, city codes, policies and plans during the submittal review process and then release comments and concerns to the applicant.

(h) *Noticing requirements.* Noticing shall be as follows:

(1) *Written notice to property owners.* Written notice shall be given by the city to owners of real property located within 200 feet of the boundaries of the property under the plan. Such notice shall be mailed, certified, at least 11 calendar days prior to the date set for the public hearings to all owners who appear on the last approved county tax rolls. The notice shall state that a concept plan request is pending and shall include the date, time, and place of the public hearings and a description of the matter under consideration. The city shall complete and certified mail the individual notices.

(2) *By publication.* The city shall publish at least one notice of the proposed public hearings in a newspaper of general circulation in the city, at least 16 calendar days prior to the date on which the hearing is to occur. The notice shall include the date, time, and place of the public hearings and a description of the matter under consideration.

(3) *Signs on-premises.* At least 15 calendar days prior to the date on which the hearing is to occur, the city shall place signs on the property. At least one sign shall be placed on the property where there is an adjacent right-of-way. If the property has no adjacent right-of-way, a sign shall be placed off-premise at the closest opened right-of-way. All required signs shall remain on the property until final disposition of the action is determined.

(i) *Findings of fact.* The approval authority shall base their decision on whether the plan is in general conformance with the comprehensive plan, whether it is in compliance with any applicable development agreements, whether there is adequate water, sewer and roadway capacity to serve the proposal, and whether it is compatible to any development patterns in relation to contiguous parcels.

(j) *Decision options.* The approval authority has the option to approve, approve with conditions, deny, or continue the item upon concurrence of the applicant. Upon denial, the application expires. Plan approval does not ensure approval of a preliminary plat failing to meet specific requirements of this chapter, and approval does not comprise any vesting of development rights or any assurance that permits of any kind will be issued.

(k) *Appeals.* An appeals application must be filed with the department within ten business days from the commission hearing date. The appeal will be heard by the city council in a public hearing format with public notice as stated in subsection (h). The council shall affirm or reverse the commission based on their interpretation of subsection (i). The appeal will be heard by the council within 30 calendar days of filing.

(l) *Approval expiration.* The plan shall expire two years after approval by the approval authority, unless a preliminary plat on all, or a portion of, the land is approved prior to such expiration date and additional preliminary plats are approved in not greater than two-year intervals from approval of the previous preliminary plat until all of the land within the plan is included within approved preliminary plats. These plats must include a minimum ten percent of land area in the concept plat.

(m) *Modification to approved concept plans.* Any proposed changes to the approved concept plan shall require a modification to that approved plan which follows this section. Any applications relating to preliminary plats shall not be accepted until such time as the concept plan modification has been approved.

(n) *Tree preservation standards.* The protection of significant and heritage trees in general, shall be considered in the layout of streets, drainage improvements, utilities, and lots. The approval authority may call for the relocation of any improvement to save a significant or heritage tree as shown on a tree survey. Tree removal shown shall constitute the city's approval to remove a significant or heritage tree. Tree protection zones shall be shown on the plans for any preserved significant or heritage trees.

Sec. XX-30. Preliminary plat.

(a) *Concept plan approval.* Concept plans must be approved before any preliminary plats can be filed with the city unless otherwise exempted by the section.

(b) *Format, content, documentation, and certifications on plan.* See preliminary plat application packet. The applicant is responsible for full completion of the preliminary plat application packet.

(c) *Completeness review.* The administrator shall initiate a completeness review of all information submitted within subsection (b) within ten business days of the application submission. Submittal of the application for a completeness review is not regarded as an official filing of the application.

(d) *Completeness review process.* If deemed compliant by the administrator, it will enter the first submittal review phase in subsection (e). If deemed noncompliant by the administrator, the applicant will be notified in writing of the reasons for noncompliance. The applicant shall have one opportunity to submit information to address the noncompliance within six calendar months of the date. Failure to meet the deadline date or address all administrator issues within the one opportunity shall expire the application.

(e) *Submittal review process.* Submittal review is as outlined below:

(1) *First submittal.* The city engineer shall review the first submittal within 30 calendar days of the compliant sufficiency review and submit comments to the applicant in writing by the end of this timeframe.

(2) *Response of applicant.* The applicant shall address all individual comments from the city engineer by copying each open comment(s) and providing response(s) to each open comment on official letterhead. This shall also include revised documentation showing the comment has been addressed by the applicant.

(3) *Second and third submittals.* The second and third submittals, if needed, shall be reviewed by the city engineer within 30 calendar days of the applicant's submittal to the city. For these submittals, response shall be required as stated in subsection (2).

(4) *Scheduling of public hearing.* Upon the closing of all city engineer comments or reaching the third submittal by the applicant, the plat will be scheduled for a public hearing.

(f) *City engineer review requirements.* The city engineer shall review the plan for consistency with the comprehensive plan, concept plan, construction standards manual, zoning ordinance, traffic impact analysis, other public plans, city codes, policies and plans during the submittal review process and then release comments and concerns to the applicant. Within the city limits the zoning of the tract shall permit the uses proposed by the plat, or a zoning amendment necessary to permit the proposed uses shall be required prior to approval of the plat.

(g) *Noticing requirements.* There shall be no required notice.

(h) *Findings of fact.* The approval authority shall base their decision on whether the plan is in general conformance with the concept plan, comprehensive plan, city code, whether there is adequate water, sewer, and roadway capacity to serve the proposal, whether appropriate protections where made for significant and heritage trees, and whether it is compatible to any development patterns in relation to contiguous parcels.

(i) *Decision options and vesting.* The approval authority has the option to approve, approve with conditions, deny, or continue the item with concurrence of the applicant. Upon denial, the application expires. Preliminary plat approval does not ensure approval of a final plat failing to meet specific requirements of this chapter, and approval does not comprise any vesting of development rights or any assurance that permits of any kind will be issued.

(j) *Appeals.* An appeals application must be filed with the department within ten business days from the commission hearing date. The appeal will be heard by the city council in a format with public notice as stated in subsection (g). The council shall affirm or reverse the commission based on their interpretation of subsection (h). The appeal will be heard by the council within 30 calendar days of filing.

(k) *Approval expiration.* The approval of a plat shall expire two years after approval by the approval authority, unless a final plat on all, or a portion of, the land is approved prior to such expiration date and additional final plats are approved in not greater than two-year intervals from approval of the previous preliminary plat until all of the land is included within the approved preliminary plat. These additional final plats must include a minimum ten percent of land area in the preliminary plat.

(l) *Modification to approved preliminary plat.* Any proposed changes to the approved preliminary plat shall require a modification to that approved plat which follows this section. Any applications relating to final plats shall not be accepted until such time as the preliminary plat modification has been approved.

(m) *Tree preservation standards.* The protection of significant and heritage trees, in general, shall be considered in the layout of streets, drainage improvements, utilities and lots. The approval authority may call for the relocation of any improvement to save a significant or heritage tree as shown on a tree survey. Tree removal shown shall constitute the city's approval to remove a significant or heritage tree. Tree protection zones shall be shown on the plans for any preserved significant or heritage trees.

(n) *Potential mitigation for significant or heritage tree removal.* The removal of heritage and significant trees shall require mitigation using the calculations and procedures defined below. Mitigation may be achieved through replacement trees planted on-site or payment-in-lieu of replacement trees. A payment-in-lieu can only be utilized when replacement is not possible or practical.

(1) Mitigation shall be required at a 1:1 caliper inch basis for significant trees between ten and 14 caliper inches and a removal fee per caliper inch.

(2) Mitigation shall be required at a 2:1 caliper inch basis for significant trees that are between 15 caliper inches and 19 caliper inches and a removal fee per caliper inch.

(3) Mitigation shall be required at a 3:1 caliper inch basis for heritage trees and a removal fee per caliper inch.

(4) A payment-in-lieu of replacement trees in accordance with the fee schedule, the fee shall be per caliper inch of replacement tree.

(5) Replacement trees shall be a minimum of two caliper inches and identified by Texas A&M Forest Service as a native tree.

Sec. XX-31. Final plat.

(a) *Preliminary plan approval.* Preliminary plat must be approved before any associated final plats can be filed with the city.

(b) *Format, content, documentation, and certifications on plat.* See final plat application packet. The applicant is responsible for full completion of the final plat application packet.

(c) *Completeness review process.* The administrator shall initiate a completeness review of all information submitted within subsection (b) within ten business days of the application submission. Submittal of the application for a completeness review is not regarded as an official filing of the application. If deemed compliant by the administrator, it will enter the first submittal review phase in subsection (d). If deemed noncompliant by the administrator, the applicant will be notified in writing of the reasons for noncompliance. The applicant shall have one opportunity to submit information within six calendar months of the date. Failure to meet the deadline date or address all administrator issues within the one opportunity shall expire the application.

(d) *Submittal review process.* Submittal review is as outlined below:

(1) *First submittal.* The city engineer shall review the first submittal within 30 calendar days of the compliant sufficiency review and submit comments to the applicant in writing by the end of this timeframe.

(2) *Response of applicant.* The applicant shall address all individual comments from the city engineer by copying each open comment(s) and providing response(s) to each open comment on official letterhead. This shall also include revised documentation showing the comment has been addressed by the applicant.

(3) *Second and third submittals.* The second and third submittals, if needed, shall be reviewed by the city engineer within 30 calendar days of the applicant's submittal to the city. For these submittals, response shall be required as stated in subsection (2).

(4) *Scheduling of public hearing.* Upon the closing of all city engineer comments or reaching the third submittal by the applicant, the plat will be scheduled for a public hearing.

(e) *City engineer review requirements.* The city engineer shall review the plan for consistency with the comprehensive plan, concept plan, construction standards manual, traffic impact analysis, zoning ordinance, other public plans, city codes, policies and plans during the submittal review process and then release comments and concerns to the applicant.

(f) *Noticing requirements.* There shall be no noticing requirements.

(g) *Findings of fact.* The approval authority shall base their decision on whether it is in compliance with the preliminary plat and city code.

(h) *Decision options.* The approval authority has the option to approve, approve with conditions, deny, or continue the item with concurrence of the applicant. Upon denial, the application expires.

(i) *Appeals.* An appeals application must be filed with the department within ten business days from the approval authority hearing date. The appeal will be heard by the council in accordance with subsection (f). The council shall affirm or reverse the commission based on their interpretation of subsection (g). The appeal will be heard by the council within 30 calendar days of filing.

(j) *Approval expiration.* The approval of a final plat shall expire two years after approval by the approval authority, unless the final plat is recorded with the county.

Sec. XX-32. Re-plat.

(a) *Format, content, documentation, and certifications on plat.* See re-plat application packet. The applicant is responsible for full completion of the re-plat application packet.

(b) *Completeness review, completeness review process, submittal review process, city engineer review requirements.* In accordance with section XX-31.

(c) *Noticing requirements.* Noticing shall be as indicated in section XX-29(h), except that noticing shall state that a re-plat request is pending and shall include the date, time, and place of the public hearings and a description of the matter under consideration. The city shall complete and certified mail the individual notices.

(d) *Findings of fact, decision options, appeals, approval expiration, recording of the plat.* In accordance with section XX-31, except that noticing requirements in section XX-29(h) must be followed in cases of appeals.

Sec. XX-33. Amending plat.

(a) *Format, content, documentation, and certifications on plat.* See amending plat application packet available at the city. The applicant is responsible for full completion of the amending plat application packet.

(b) *Completeness review.* The administrator shall initiate a completeness review of all information submitted within subsection (a) within ten business days of the application submission. Submittal of the application for a completeness review is not regarded as an official filing of the application.

(c) *Completeness review process.* If deemed compliant by the administrator, it will enter the first submittal review phase in subsection (d). If deemed noncompliant by the administrator, the applicant will be notified in writing of the reasons for noncompliance. The applicant shall have one opportunity to submit information to address the noncompliance within six calendar months of the date. Failure to meet the deadline date or address all administrator issues within the one opportunity shall expire the application.

(d) *Submittal review process.* Submittal review is as outlined below:

(1) *First submittal.* The city engineer shall review the first submittal within 30 calendar days of the compliant sufficiency review and submit comments to the applicant in writing by the end of this timeframe.

(2) *Response of applicant.* The applicant shall address all individual comments from the city engineer by copying each open comment(s) and providing response(s) to each open comment on official letterhead. This shall also include revised documentation showing the comment has been addressed by the applicant.

(3) *Second and third submittals.* The second and third submittals, if needed, shall be reviewed by the city engineer within 15 calendar days of the applicant's submittal to the city. For these submittals, response shall be required as stated in subsection (2). The administrator shall approve if no outstanding

comments remain and deny if there are outstanding comments after the applicant has submitted for the third submittal.

(e) *City engineer review requirements, noticing requirements, findings of fact.* In accordance with section XX-31.

(f) *Decision options.* The approval authority has the option to approve, approve with conditions, or deny. Upon denial, the application expires.

(g) *Appeal.* An appeals application must be filed with the department within ten business days from the date of hearing by the council. The council shall affirm or reverse the approval authority based on their interpretation of section XX-31(g). The appeal will be heard by the council within 30 calendar days of filing.

(h) *Approval expiration.* The approval of a plat shall expire one year after approval by the approval authority.

(i) *Recording of the plat.* In accordance with section XX-31.

Sec. XX-34. Short form plat.

(a) *Format, content, documentation, and certifications on plat.* See short form application packet. The applicant is responsible for full completion of the short form application packet.

(b) *Completeness review, completeness review process, submittal review.* In accordance with section XX-33.

(c) *City engineer review requirements, noticing requirements, decision options, and findings of fact.* In accordance with section XX-31.

(d) *Appeal, approval expiration.* In accordance with section XX-33.

(e) *Recording of the plat.* In accordance with section XX-31.

Sec. XX-35. Plat vacation.

(a) *Format, content, documentation, and certifications on plat.* See plat vacation application packet available at the city. The applicant is responsible for full completion of the plat vacation application packet.

(b) *Completeness review and completeness review process.* In accordance with section XX-33.

(c) *Submittal review, city engineer review requirements, noticing requirements, findings of fact, decision options, and appeal.* In accordance with section XX-31.

(d) *Approval expiration.* The approval of a vacation shall expire one year after approval by the approval authority, unless the vacation is recorded with the county.

(e) *Recording of plat.* In accordance with XX-31.

Sec. XX-36. Subdivision construction plans, certificate of completion, and as-builts/record drawings.

(a) *Purpose.* Construction plans consisting of detailed specifications and diagrams illustrating the location, design, and composition of all improvements required by this chapter shall be submitted to the city. In addition, any project that necessitates the construction, reconstruction or modification of existing city infrastructure shall also require subdivision construction plan approval by the city. The plans shall be kept by the city as a permanent record of required improvements in order to:

(1) Provide better records that facilitate the operation and maintenance of, and any future modifications to existing city infrastructure.

(2) Provide data for evaluation of materials, methods of construction and design.

(3) Provide documentation of approved public improvements to ensure that all such improvements are built to the city construction standards for city improvements and the applicable construction manual for non-city related improvements.

(b) *Content.* Plans shall include all on- and off-site improvements required to serve the proposed development as indicated on the approved preliminary plat and in compliance with applicable ordinances, codes, standards and policies of the city, and other applicable governmental entities.

(c) *Preliminary plat approval required.* A construction plan cannot be filed with the city unless a preliminary plat for the area has been approved by the approval agency.

(d) *Construction plan standards in place before recording a final plat or re-plat.* A final plat or re-plat cannot be recorded until construction plans are approved by the city, improvements are in place in accordance with plan to the satisfaction of the city, all necessary inspections have been passed by the city, and as-builts have been received and approved by the city. If allowed by the city, a performance fiscal, in accordance with section XX-51, can be provided by the applicant in order to allow for recording.

(e) *Format, content, documentation, and certifications on plan.* See subdivision construction application packet available at the city. The applicant is responsible for full completion of the subdivision construction application packet.

(f) *Completeness review.* The administrator shall initiate a completeness review of all information submitted within subsection (e) within ten business days of the application submission. Submittal of the application for a completeness review is not regarded as an official filing of the application.

(g) *Completeness review process.* If deemed compliant by the administrator, it will enter the first submittal review phase in subsection (h). If deemed noncompliant by the administrator, the applicant will be notified in writing of the reasons for noncompliance. The applicant shall have one opportunity to submit information to address the noncompliance within six calendar months of the date. Failure to meet the deadline date or address all administrator issues within the one opportunity shall expire the application.

(h) *Submittal review process.* Submittal review is as outlined below:

(1) *First submittal.* The city engineer shall review the first submittal within 30 calendar days of the compliant sufficiency review and submit comments to the applicant in writing by the end of this timeframe.

(2) *Response of applicant.* The applicant shall address all individual comments from the city engineer by copying each open comment(s) and providing response(s) to each open comment on official letterhead. This shall also include revised documentation showing the comment has been addressed by the applicant.

(3) *Second and third submittals.* The second and third submittals, if needed, shall be reviewed by the city engineer within 30 calendar days of the applicant's submittal to the city. For these submittals, response shall be required as stated in subsection (2). The city engineer shall approve if no other outstanding comments remain and deny if there are outstanding comments after the applicant has submitted for the third submittal.

(i) *City engineer review requirements.* The city engineer shall review the plan for consistency with the concept plan, preliminary plat, construction standards manual, traffic impact analysis, other public plans, city codes, policies and plans during the submittal review process and then release comments and concerns to the applicant.

(j) *Texas Department of Licensing and Regulation (TDLR) review requirements.* All plans must comply with the Texas Accessibility Standards administered by TDLR and the Americans with Disabilities Act of 1990, as amended. The developer shall submit applicable portions of the subdivision improvement construction plans

to the TDLR for review. The city will not approve public improvements until the applicant provides evidence that the plans have been reviewed and approved by the TDLR.

(k) *Noticing requirement.* There shall be no required notice.

(l) *Appeals.* There shall be no appeals standards.

(m) *Approval expiration.* The approval of a plan shall expire two years after approval by the approval authority.

(n) *Modification to approved plan.* Any proposed changes to the approved plans shall require a modification to that approved plan which follows this section. Any modifications to plans may necessitate filing of additional applications, in which they must be approved before a plan modification can be approved by the city.

(o) *Approval of construction plans.* Once the city engineer has signed off all comments in accordance with subsection (h), the administrator, city engineer, and other applicable non-city utilities will sign the plans in accordance with standards in subsection (e). This shall constitute approved construction plans.

(p) *Pre-construction meeting required.* A pre-construction meeting is required after approval of construction plans, attendance should include the owner, the applicant, the applicant's designated engineer, other professionals as required by the applicant, the administrator and any other members of the city staff as may be appropriate. Required items to be brought to meeting is in accordance with the city's agenda for the meeting. Failure to provide this information at the time of meeting is grounds for cancelation and rescheduling.

(q) *Inspections of improvements.* Inspections shall occur as below:

(1) *Inspections list and inspections required.* The city shall inspect all required improvements, including but not limited to, street, drainage, water, wastewater and re-vegetation improvements and erosion controls used during construction to ensure compliance with city requirements and the approved plans. A list of applicable inspections shall be more fully covered during the pre-construction meeting and electronically on the city's permitting system.

(2) *Setting up inspections, payment, and timeframes.* An applicant shall contact the city to set up any required inspections and pay any required fees. Any fees must be paid before the city will set up the inspection. The city shall inspect the improvement within three business days of contact to the city.

(3) *Right of entry and inspection.* The city shall have the right to enter upon the construction site for the purpose of conducting inspections. The city shall conduct inspections of the public improvements during construction to ensure general conformity with plans and specifications as accepted. If the city finds upon inspection that any of the improvements have not been constructed in accordance with this chapter, then the applicant shall be responsible for making the necessary changes to ensure compliance.

(4) *City response to inspection.* The city shall issue written approval or denial of an improvement. If denied a checklist will be created that lists all deficiencies to be corrected. The applicant will be responsible for rescheduling an inspection in accordance with subsection (2).

(5) *Disclaimer and responsibility of applicant.* Inspection by the city, or a failure of the city to inspect construction as required herein, shall not in any way impair or diminish the obligation of the applicant to install improvements in the subdivision in accordance with the city's construction standards manual or to the standards of the city engineer.

(r) *As-built or record drawings and certificate of completion.* Once construction is complete in accordance with the approved subdivision construction plans the applicant shall provide a certificate of completion from the developer. They shall also submit as-builts or record drawings and a concurrence letter from the engineer of record. When ready these entities will sign the plans, which approves the as-builts. A digital plan set shall also be provided to the city to incorporate into their GIS system.

Sec. XX-37. Subdivision variance.

(a) *Format, content, documentation, and certifications.* Shall be as follows:

(1) See subdivision variance application packet. The applicant is responsible for full completion of the subdivision variance application packet.

(2) Approved variances shall be placed within the notes on any plat.

(3) A variance must be approved before any plat can be approved by the city.

(b) *Completeness review.* The administrator shall initiate a completeness review of all information submitted within subsection (a) within ten business days of the application submission. Submittal of the application for a completeness review is not regarded as an official filing of the application.

(c) *Completeness review process.* If deemed compliant by the administrator, it will enter the first submittal review phase in subsection (d). If deemed noncompliant by the administrator, the applicant will be notified in writing of the reasons for noncompliance. The applicant shall have one opportunity to submit information to address the noncompliance within six calendar months of the date. Failure to meet the deadline date or address all administrator issues within the one opportunity shall expire the application.

(d) *Submittal review process.* Submittal review is as outlined below:

(1) *First submittal.* The city engineer shall review the first submittal within 30 calendar days of the compliant sufficiency review and submit comments to the applicant in writing by the end of this timeframe.

(2) *Response of applicant.* The applicant shall address all individual comments from the city engineer by copying each open comment(s) and providing response(s) to each open comment on official letterhead. This shall also include revised documentation showing the comment has been addressed by the applicant.

(3) *Second and third submittals.* The second and third submittals, if needed, shall be reviewed by the city engineer within 30 calendar days of the applicant's submittal to the city. For these submittals, response shall be required as stated in subsection (2).

(4) *Scheduling of public hearing.* Upon the closing of all city engineer comments or reaching the third submittal, the application will be scheduled for a public hearing.

(e) *City engineer review requirements.* The city engineer shall review the plan for consistency with the comprehensive plan, other public plans, city codes, policies and plans during the submittal review process and then release comments and concerns to the applicant.

(f) *Noticing requirements.* In accordance with section XX-29(h), except that noticing shall state that a subdivision variance request is pending and shall include the date, time, and place of the public hearings and a description of the matter under consideration. The city shall complete and certified mail the individual notices.

(g) *Findings of fact.* In considering, the approval authority may prescribe such conditions that it deems necessary or desirable in the public interest. No variance shall be granted unless the approval authority finds:

(1) That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this chapter would have a substantial adverse impact on the applicant's reasonable use of his land;

(2) That the granting of the variance will not be detrimental to the public interest, health, safety or welfare, or injurious to other property in the area;

(3) That the granting of the variance is 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 served; and

(4) That the proposed hardship is not caused by the owner and/or is not for economic reasons.

(h) *Decision options.* The approval authority has the option to approve, approve with conditions, continue upon concurrence of the applicant, or deny. Upon denial, the application expires.

(i) *Compliance with variance.* The applicable plat must comply with all conditions and requirements of the variance where these vary with this chapter.

(j) *Appeals.* An appeals application must be filed with the department within ten business days from the approval authority hearing date. The appeal will be heard in a public hearing format with public notice as stated in subsection (f). The council shall affirm or reverse the approval authority based on their interpretation of subsection (g). The appeal will be heard by the council within 30 calendar days of filing.

(k) *Approval expiration.* The approval shall expire two years after approval by the approval authority.

Secs. XX-38—XX-50. Reserved.

ARTICLE III. GENERAL REQUIREMENTS AND STANDARDS

DIVISION 1. GENERALLY

Sec. XX-51. Standards and usage of performance fiscal.

(a) *Options for performance fiscal.* The city may waive the requirement that the applicant complete all improvements required by this chapter prior to the recording of the approved final plat, contingent upon securing from the developer a guarantee for completion of all required improvements, including the city's cost for collecting the guaranteed funds and administering the completion of improvements, in the event the developer defaults. Such guarantee shall take one of the following forms:

(1) *Performance bond.* The developer shall post a performance bond with the city in an amount equal to 125 percent of the estimated construction costs for all remaining required improvements, using the standard city form.

(2) *Escrow account.* The developer shall deposit cash, or other instrument readily convertible into cash at face value, either with the city, or in escrow with a financial institution. The use of any instrument other than cash shall be subject to the approval of the city. The amount of the deposit shall equal 125 percent of the estimated construction costs for all remaining required improvements. In the case of any escrow account, the developer shall file with the city an agreement between the financial institution and the developer guaranteeing the following:

a. That the funds of said escrow account shall be held in trust until released by the city and may not be used or pledged by the developer as security in any other matter during that period.

b. That in the case of a failure on the part of the developer to complete said improvements, the financial institution shall immediately make the funds in said account available to the city for use in the completion of those improvements.

c. Such escrow account agreement shall be prepared using the standard city form.

(3) *Letter of credit.* The developer shall provide a letter of credit from a financial institution. This letter shall be submitted to the city and shall certify the following:

a. That the creditor does guarantee funds equal to 125 percent of the estimated construction costs for all remaining required improvements.

b. That, in the case of failure on the part of the applicant to complete the specified improvements within the required time period, the creditor shall pay to the city immediately, and without further action, such funds as are necessary to finance the completion of those improvements, up to the limit of credit stated in the letter.

c. That this letter of credit may not be withdrawn, or reduced in amount, until approved by the city.

d. Such letter of credit shall be prepared using the standard city form.

(4) *Cost estimates and approval of cost estimates.* A professional engineer licensed to practice in the state shall furnish estimates of the costs of all required improvements to the city engineer who shall review the estimates in order to determine the adequacy of the guarantee instrument for insuring the construction of the required facilities. The city engineer shall approve these cost estimates.

(5) *Surety acceptance.* The bank, financial institution, insurer, person or entity providing any letter of credit, bond or holding any escrow account, pursuant to this chapter, shall meet or exceed the minimum requirements established by the city and shall be subject to approval by the city.

(6) *Sufficiency.* Such surety shall comply with all statutory requirements and shall be satisfactory to the city attorney as to form, sufficiency, and manner of execution as set forth in this chapter. All such surety instruments shall be both a payment and performance guarantee.

(b) *Failure to complete improvements.* In those cases where a performance fiscal has been required and improvements have not been completed, the city may declare the developer and/or performance surety to be in default and require that all the improvements be installed within a given timeframe. The applicant shall be liable for the cost that exceeds the amount of fiscal security, if any.

(c) *Reduction of performance fiscal.* This is as denoted below.

(1) A performance fiscal may be reduced, upon actual construction of required improvements by a ratio that the improvement bears to the total public improvements required for the subdivision, as determined and approved by the city engineer.

(2) Before the city shall reduce said performance fiscal, the developer shall provide a new surety instrument in an amount equal to 125 percent of the estimated cost of the remaining required improvements, and such new surety instrument shall comply with this chapter.

(3) The substitution of a new surety instrument shall in no way change or modify the terms and conditions of the performance surety instrument or the obligation of the developer as specified in the performance surety instrument.

(4) In no event shall a surety instrument be reduced below 25 percent of the principal amount of the original estimated total costs of improvements for which surety was given, prior to completion of all required improvements.

(d) *Release of performance fiscal.* The performance fiscal security shall be released only upon the city's approval of the as-builts and certificate of completion is provided by the developer.

Sec. XX-52. Maintenance fiscal.

(a) *Requirement.* A maintenance fiscal shall be required when facilities are requested for city acceptance.

(b) *Minimum amount and statement of construction value.* Shall be in an amount equal to 20 percent of the cost of improvements for the first two calendar years. A statement of construction value as sealed by the applicant's engineer and approved by the city engineer shall be provided to the city to support fiscal amount.

(c) *Use of fiscal.* In an instance where a fiscal has been posted and a defect or failure of any required improvement occurs within the period of coverage, the city may call said bond or surety instrument in accordance with its terms and complete or repair the improvements.

(d) *Extension of fiscal time frame and new fiscal required when defect/failure occurs.* Whenever a defect or failure of any required improvement occurs within the period of coverage and less than one full year of coverage remains, the city shall require that a new fiscal be posted for a period of one full calendar year sufficient to cover the corrected defect or failure.

Sec. XX-53. Roadway adequacy standards.

(a) *Purpose and intent.* The purpose and intent of these regulations are as below:

(1) An adequate network of collector and arterial streets must support new development within the urban area.

(2) Collector and arterial streets are an essential component of the city's street network and are necessary to accommodate the continuing growth and development of the city.

(3) It is necessary and desirable to obtain rights-of-way for off-site, abutting and internal collector and arterial streets to support new development at the time of planning and/or platting.

(4) There must be a rough proportionality between the traffic impacts created by a new development and requirements placed on the property owner to dedicate and improve off-site, abutting and internal collector and arterial streets to city standards.

(5) The city desires to assure both that development impacts are mitigated through contributions of collector and arterial street rights-of-ways and improvements and that a development project contribute not more than its fair share of collector and arterial street costs.

(6) It is the city's intent to institute a procedure to assure that mandatory dedication of collector and arterial street rights-of-ways and construction requirements are proportional to the traffic demands created by a new subdivision.

(b) *Minimum road standards.*

(1) *Applicability and definition of "adjacent streets."* All development shall provide for adequate roads to support proposed development through compliance with the following minimum standards governing dedication and improvement of internal and adjacent streets. For purposes of this section, "adjacent streets" shall include streets abutting the proposed subdivision, whether located within the boundaries of the subdivision or within public rights-of-way.

(2) *Standards and specifications.* The property owner shall dedicate and improve all required rights-of-way for internal and adjacent arterial and collector streets required by these regulations.

(3) *Dedication and improvement of internal and adjacent thoroughfares.* For adjacent arterial and collector streets, the property owner shall dedicate and improve one-half of the right-of-way necessary to meet the specifications in this chapter. The city may require additional land and improvements for rights-of-way for arterial and collector streets where necessary to achieve adequacy of the road network and where such additional land and improvements are proportional to the traffic impacts generated by the proposed development, depending on factors such as the impact of the development on the thoroughfare, the timing of development in relation to need for the thoroughfare, and the likelihood that adjoining property will develop in a timely manner. In the case of adjacent frontage or service roads for state and federally designated highways, the property owner shall dedicate sufficient right-of-way and make authorized improvements in order to provide an adequate road network to serve the subdivision.

(4) *Substandard street improvements.* Where an existing arterial or collector street does not meet the city's right-of-way or design standards abuts a proposed new development, the city may require the property owner to dedicate the right-of-way for a standard thoroughfare width, and to improve the street according to the dimensions and specifications in these regulations, depending on factors such

as the impact of the development on the collector or arterial street, the timing of the development in relation to need for the thoroughfare, and the likelihood that adjoining property will develop in a timely manner.

(5) *Capital improvement plan for roads.* A road improvement may be considered adequate if the required improvement is included, funded, and approved in the city's, county's, or state's capital improvement plan for roads, provided that the applicant agrees to phase development to conform to such scheduled improvement. This section shall not be construed to prevent the city from requiring dedication of rights-of-way for such roads, or from assigning trips to such roads in a traffic impact study to determine a development project's proportionate costs of improvements.

(6) *City participation in costs of improvement.* The city may participate in the costs of improvements required by this section in order to achieve proportionality between the traffic impacts created by the proposed development and the obligation to provide adequate roadways. In such cases, the property owner shall be responsible for the entire initial costs of road improvements, including design costs. Reimbursement of the city's agreed share of the costs shall be made as funds become available. The construction of improvements and the provisions for participation in costs by the city shall be included in a development agreement.

(c) *Traffic impact analysis.*

(1) *Submittal standards.* Every development that will require subdivision construction plans and generates traffic in excess of 50 average daily trips shall be accompanied by a traffic impact analysis based the latest edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual, prepared in accordance with standard transportation engineering practices for purposes of determining the adequacy of the street network to serve the proposed development, and whether off-site road dedication and improvements should be made to mitigate the effects of the development proposed. In the event that land uses for the development are not specified at the time of application, the daily trip generation rate shall be computed based upon the maximum land use intensity allowed for the development.

(2) *Submission.* An initial traffic impact analysis shall be submitted with the concept plan or preliminary plat when a concept plan is not required. An updated traffic impact analysis shall be submitted with each final plat submitted for approval and shall be generally consistent with the initial traffic impact analysis. The initial traffic impact analysis shall be updated whenever the concept plan or preliminary plat is modified to authorize more intensive development.

(3) The traffic impact analysis shall determine:

a. Trips to be generated by the proposed development;

b. Assignment of such trips to the road network analyzed;

c. The capacity of affected arterial and collector streets before and after the proposed development;

d. Specific recommendations for arterial and collector street improvements (including but not limited to turn lanes, acceleration/deceleration lanes, additional lanes, controlled access) and traffic-control modifications needed to mitigate the traffic from the proposed development; and

e. The development project's proportionate share of the costs of such improvements and modifications.

(4) *Standards.*

a. The city engineer shall determine the geographic area to be included in a TIA.

b. A TIA must be performed under the supervision of a state licensed registered professional engineer.

c. A TIA must describe the study methodology, the data used, and the study findings and provide recommendations based on the results.

d. A TIA must be signed/sealed by a registered professional engineer (State of Texas) or other qualified individual responsible for the supervision of the study and preparation of the TIA.

e. The TIA must meet the requirements of the city, county, and state for internal and adjoining arterials and collector streets. A scoping document shall be agreed upon by all parties prior to submitting the document. All parties, as applicable, must approve the document to consent approval by the city.

(5) *Exceptions through a development agreement; approval of development agreement.* The city may allow a developer to negotiate payment of fees to offset roadway impacts through a development agreement instead of a TIA. This negotiation may include a fixed fee based on the linear footage of development along a roadway, fixed fee based on the number of lots in a development, fixed fee based on each peak hour trip that the proposed development will generate, fixed fee based on vehicle miles traveled for each land use in the development, or any other means of measurement as agreed upon by the city and developer. This is a voluntary process initiated between the city and the developer. Any development agreement though this section must be approved by the council.

(6) *Development agreement in place before plan or plat approval.* Any development agreement through this section must be approved by the council before any concept plan, or preliminary plat in cases where no concept plan is required, can be considered by the commission.

(d) *Criteria for decisions regarding TIA.*

(1) *City denial by overburden.* The city may deny a TIA if it demonstrates that a proposed development may overburden a private, city, county, or state arterial or collector system.

(2) *City denial by reducing desirable operation levels of service or endangers public safety.* The city may deny a TIA if it demonstrates the projected traffic generated by the project, combining with the existing traffic, reduces the existing operating level of service on a private, city, county, or state arterial or collector system within the study area or endangers the public safety.

(3) *City approval by mitigating adverse traffic conditions.* The applicant has satisfactorily mitigated any adverse traffic conditions on a private, city, county, or state arterial or collector system within the study area to the satisfaction of the city.

(4) *City approval by proving insignificant effect on systems.* The projected additional traffic from a project has an insignificant effect on a private, city, county, or state arterial or collector system within the study area to the satisfaction of the city.

Sec. XX-54. Other adequacy facility standards.

No subdivision construction plan shall be approved if there are inadequate facilities, as determined by the city engineer, to serve the proposed subdivision. These facilities include but are not limited to on- and off-site water, wastewater, drainage, street, power, and communication facilities. The plans for improvements to provide adequate facilities shall be part of the subdivision construction plans. Adequate facility improvements may include but are not limited to the extension of off-site water and wastewater lines; construction of off-site water storage, off-site lift stations, off-site drainage easements and improvements.

Sec. XX-55. Naming of subdivisions.

A subdivision name shall be unique, shall not imply a type of development or land use, and shall not duplicate the name of any other subdivision in the city or county in which it is located.

Sec. XX-56. Tree preservation.

(a) *Approval of tree preservation plan required.* No significant or heritage trees shall be removed until a tree preservation plan has been approved by the city through the preliminary plat.

(b) *Removal in accordance with tree preservation plan.* Significant and heritage trees may be removed only in accordance with the approved tree preservation plan, and trees must be protected during construction activities on the property in accordance with the approved tree preservation plan.

(c) *Update to a tree preservation plan due to age; approval authority.* The city may require a developer to submit an update to an approved tree preservation plan if four or more years has elapsed between approval of the original tree preservation and a proposed new application as required by this chapter. This may be approved by the administrator.

Sec. XX-57. Verification of installation and active non-city utilities.

All utilities that are non-city-owned and are necessary for the function of the subdivision, including but not limited to, electric, phone, internet, gas, propane and water, must provide a letter of certification indicating that all lines have been installed in accordance with their standards and are active. It shall be provided at the time of as-built submittal to the city. All utilities shall be placed underground, no overhead utilities shall allowed unless otherwise approved by the administrator.

Sec. XX-58. Subdivision walls.

(a) *Walls required.* Where subdivisions are platted so that the back yards of residential lots are adjacent to a collector street, arterial street, or railroad, the developer shall construct walls between said back yards and said street or railroad.

(b) *Standards.* All walls shall conform to the following minimum standards:

(1) *Professional standards.* Where applicable, materials and installation of walls shall comply with the most recent edition of "Selected ASTM Standards for Fence Materials and Products." Such plans and specifications are to be submitted at the same time as other construction plans.

(2) *Materials.* Walls shall be constructed of the following materials: Brick, natural stone, simulated stone, split-faced or architectural concrete masonry unit (CMU), decorative reinforced concrete.

(3) *Height and design.* Walls shall be eight feet in height. The materials, color and design of walls shall be uniform within an approved preliminary plat. A finished side of all walls shall face the arterial or collector street.

(4) *Distance from utilities.* All walls shall be placed at least five feet from any existing or proposed water line, reuse water line or wastewater line.

(5) *Placement.* All walls required herein shall be placed along the property line between the right-of-way and the adjoining private property and outside any easements.

(c) *Miscellaneous provisions.* Shall be as stated below.

(1) Detail plans for walls and associated landscaping including irrigation shall be submitted with the subdivision construction plans.

(2) Prior to the city's acceptance of the public improvements the developer must complete all walls required herein.

(3) Any wall and associated landscaping and irrigation approved with subdivision construction plans shall be maintained by an owner's association and will not be maintained by the city.

(4) Proper spacing to allow for non-automobile and pedestrian access may be placed within the wall to the satisfaction of the city.

Sec. XX-59. Driveways and accessways.

(a) *Single- and two-family development only.* Driveways are permitted on local streets and are prohibited on collector or arterial streets unless the city determines no other access is possible.

(b) Multifamily and nonresidential development. Driveways are permitted on all streets; however, the driveways must have a minimum of 200 feet spacing between driveways on arterial streets and from the street centerline at an intersection unless the city determines that existing lot condition or other governmental regulations makes this impossible.

(c) *Reciprocal access for nonresidential or mixed use development.* In order to internalize traffic flows between developments it shall be required that developers interconnect with other lots to the determination of the city. The developer shall record any legal documents and provide documentation of existence before the city approves any final plat.

Sec. XX-60. Postal delivery service.

(a) *Requirement.* A developer shall provide neighborhood delivery and collection box units for postal service to lots within a dwelling single-family and dwelling two-family subdivision. The neighborhood delivery and collection box units shall meet the minimum lot requirements and design standards for such facility as determined by the United States Postal Service ("postal service").

(b) *Neighborhood delivery and collection box units.* The developer shall provide for neighborhood delivery and collection box unit locations within the right-of-way or on lots as shown on the preliminary and final plats in accordance with this section. The preliminary and final plats shall show the neighborhood delivery and collection box unit locations as approved by the postal service. Approved neighborhood delivery and collection box unit locations shall also be shown on construction plans.

(c) *Location of neighborhood delivery and collection box units on streets.* Neighborhood delivery and collection box units shall be placed in a location that is convenient, accessible, safe, and efficient to all lots in the subdivision. The developer shall abide by the standards established by the postal service. In addition, the following city standards shall be followed:

(1) Is allowed in the local street right-of-way for developments consisting of 24 lots or less as approved with the concept plan or preliminary plat when a concept plan is not required;

(2) Is prohibited in the local street right-of-way for developments consisting of 25 or more lots as approved with the concept plan or preliminary plat when a concept plan is not required;

(3) Is prohibited in a collector or arterial street right-of-way of any subdivision;

(4) Is allowed only on a lot for developments consisting of 25 or more lots as approved with the concept plan or preliminary plat when a concept plan is not required.

(d) *Parking requirements for neighborhood delivery and collection box units.*

(1) A minimum of one parking space shall be provided for each eight individual postal boxes for the first 32 postal boxes excluding package boxes. One additional space shall be provided for each 16 individual

postal boxes thereafter excluding package boxes. Parking lot standards shall be in accordance with the city zoning code and city construction standards.

(2) Parking spaces for neighborhood delivery and collection box units may be in rights-of-way as allowed in subsection (c)(1). Parking spaces shall not reduce the pavement width below city standards.

Secs. XX-61—XX-76. Reserved.

DIVISION 2. STREETS AND LIGHTING

Sec. XX-77. Naming.

(a) *Duplication or close duplication prohibited; disapproval on names.* Proposed street names shall not duplicate or closely duplicate (i.e. Main St. versus Seagrove Main Blvd.) with existing applicable county and city street names. The disapproval of a proposed street name may be based on but is not limited to the following: Close pronunciation to another street name, street name is too difficult to pronounce, street names with undesirable meanings or connotations, street names with language translation problems, or street names that may cause the theft of a street sign.

(b) *Extension of name into other subdivisions and developments.* Where an extension of a street occurs across an intersection or into another subdivision or development, the street extension shall retain the same name as the original street segment.

(c) *Approved names shown on final plat.* Approved street names shall be shown on the final plat.

(d) *Assignment of street addresses.* Street addresses shall be assigned by the department within the city limits. Within the extraterritorial jurisdiction it shall be the applicable government entity tasked with assigning addressing.

Sec. XX-78. Arrangement and connectivity.

(a) *Stub streets required; maintain stub sizes into other future developments.* All streets that are stubbed out into the subject subdivision boundary shall be extended into the subdivision. The developer shall integrate the stubbed streets into the existing traffic system of streets in a logical manner. When the neighboring properties develops, the same street classification of the stub street in the present development shall extend into their proposed development.

(b) *Street placement in accordance with comprehensive plan.* The subdivision shall provide for the extension of streets and existence of proposed streets within the subject subdivision boundary as identified in the comprehensive plan.

(c) *Street classification and locations ultimately determined by city.* The classification and location of streets internal to the subdivision shall be determined and required by the administrator as necessary to provide adequate circulation.

(d) *Local-arterial access prohibited, exceptions.* Local streets shall not intersect with arterial streets unless turning movements are physically constrained to a right in/right out condition, and only when approved by the city engineer.

(e) *Required minimum connectivity.* At the time of concept plan, or preliminary plat when a concept plan is not required, all subdivisions shall have a minimum number of connections to existing streets and a minimum number of stub streets where necessary to connect to future subdivisions on adjacent tracts of land as follows:

(1) Thirty lots or less: One connection to an existing street.

(2) For 31—60 lots: Two connections to an existing street.

(3) For 61—150 lots: Two connections to an existing street and one stub street.

(4) For 151—300 lots: Two connections to an existing street and two stub streets.

(5) For 301—550 lots: Three connections to an existing street and two stub streets.

(6) For 551—750 lots: Four connections to an existing street and three stub streets.

(7) For 751—999 lots: Five connections to an existing street and four stub streets.

(8) For 1,000 lots and more: One additional connection to an existing street and one additional stub street for each additional 200 lots.

(f) *Exceptions to required minimum connectivity.* A subdivision may provide fewer connections to existing streets or provide fewer stub outs than required where specific features or constraints of the land being subdivided make strict compliance impossible or impractical. Such features, shall include but are not limited to, the following:

(1) Important cultural or archeological features such as historic landmarks or burial grounds;

(2) Incompatible land uses adjacent to the proposed subdivision;

(3) Adjacent subdivisions which do not provide stub streets or other opportunities to connect to the proposed subdivision;

(4) Situations where intersection and driveway separation requirements prevent the ability to provide additional connections to a street;

(5) Situations where a governmental entity has already approved construction plans to modify an existing street;

(6) Situations where the development is associated with a municipal utility district (MUD) or similar district where subdivision infrastructure is not owned by the city, county, state.

(g) *Authority to grant exceptions to subsections (e) and (f).* Exceptions to subsections (e) and (f) must be granted by the administrator.

Sec. XX-79. Street design criteria.

(a) *Soils investigation.* The applicant shall, at his own expense, cause to be made a soils investigation by a qualified and independent geotechnical engineer licensed to practice in the state. The field investigation shall include test boring within the rights-of-way of all proposed streets. The number of locations of such boring shall be subject to the approval of the city engineer. Atterberg limits and moisture contents shall be determined for all significant boring samples. The method used for these determinations all be the same as those used by the state department of highways and public transportation using their latest Manual of Testing Procedures, 100-E series test methods. The results of the soil investigation shall be presented to the applicant and to the city engineer in written report form. Included as a part of the report shall be a graphical or tabular presentation of the boring data giving Atterberg limits and moisture contents, a soil description of the layers of different soils encountered in the profile of the hole, their limits in relation to a fixed surface datum, and such other information as needed to complete the soils investigation for payment design purposes. Minimum depth of soil profile boring extends 18 inches behind of the back of the curb. Minimum thickness of flexible base included in the pavement design shall be 12 inches, for local streets or meeting a design criteria of 200,000 ESAL's, or whichever is greater, 12 inches for collector streets or meeting a design criteria of 2,000,000 ESAL's, or whichever is greater and 18 inches or meeting a design criteria of 2,000,000 ESAL's, or whichever is greater for arterials unless otherwise specified by the city engineer. Minimum thicknesses of hot-mix, hot-lay asphalted concrete included in the pavement design shall be two inches for

local streets, two inches for collector streets and three and one-half inches for arterials. Street and alley pavements in commercial and industrial areas shall utilize the design criteria in the city construction standards and be constructed on concrete.

(b) *Curb and gutter requirements.* All streets shall have standard concrete curbs per the city construction standards. All valley gutters shall be of reinforced concrete and shall be six feet wide and required where water crosses and intersection along the gutter line. Where valley gutters are constructed, pavement at the curb radii shall be squared off with reinforced concrete.

(c) *Utility locations in streets and mandatory undergrounding.* Insofar as practicable, as determined by the city engineer, utilities in the street rights-of-way shall be situated behind the curb. All utility lines and other lines required to service a subdivision and structures located within the subdivision (including but not limited to water, wastewater, gas, electric, cable, internet, and propane) are required to be underground, no overhead utilities shall be allowed unless otherwise approved by the administrator.

Sec. XX-80. Width.

The following are the width requirements on various streets:

(1) Arterial streets shall have a minimum dedicated right-of-way of 90 feet and a minimum paving width of 60 feet.

(2) Collector streets shall have a minimum dedicated right-of-way of 60 feet and a minimum paving width of 40 feet.

(3) Local streets shall have a minimum right-of-way of 50 feet and a minimum pavement width of 30 feet.

Sec. XX-81. Curves.

Complete curve data (delta, length of curve, radius, point of curvature, point of reverse curvature, point of tangency) shown on the centerline or on each side of the street; length and bearings of all tangents and dimensions from all angle points of curve to an adjacent side lot line shall be provided.

(1) *Arterial streets.* Curves are to have a centerline radius of 2,000 feet or more. Exceptions to this standard may be granted only by the city.

(2) *Collector streets.* Curves are to have a centerline radius of 400 feet or more. Exceptions to this standard may be granted only by the city.

(3) *Local streets.* Curves are to have a maximum centerline radius of 150 feet and a minimum centerline radius of 60 feet.

(4) *Reverse curves.* Reverse curves are to be separated by a minimum tangent of 100 feet.

(5) *Street intersections.* Street intersections shall be no closer than 150 feet.

(6) *Street jogs.* Street jogs are prohibited.

Sec. XX-82. Intersections.

The following are the requirements at intersections:

(1) *Intersection at right angles; exceptions.* All streets shall intersect at a 90 degree angle. Variations must be approved by the city engineer.

(2) *Radius at unique intersections.* Curbs at acute angle intersections approved by the city engineer shall have 25-foot radii at acute corners.

(3) *Placement of street in relation to intersection.* Each new street intersection with, or extending to meet, an existing street, shall be tied to the existing street on centerline.

(4) *Access management of intersections; exceptions.* The centerline of intersecting streets shall be a minimum of 200 feet from other street intersections. This offset shall not apply to streets intersecting a street if a raised median is provided and no median opening is aligned with either of the offset streets. Future median openings are prohibited where two streets offset and intersect an arterial street less than 200 feet; provided, however, median openings may be allowed for one-way traffic circulation subject to the approval of the city engineer.

Sec. XX-83. Cul-de-sacs.

(a) *Dead-end streets.* Dead-end streets may be platted and where the land being subdivided adjoins property not being subdivided, in which case, the streets shall be carried to the boundaries thereof. Streets designed to be permanently dead-end, shall not be longer than 600 feet (as measured from the centerline of the nearest intersecting outlet street to the center point of the cul-de-sac) and shall be provided at the closed end with a paved cul-de-sac at least 80 feet in diameter on a street right-of-way of at least 100 feet in diameter.

(b) *Temporary turnarounds.* Temporary turnarounds are to be used at the end of a street more than 150 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 (direction) in a recorded plat.

(c) *Partial or half-streets.* Partial or half-streets may be provided where the city feels that a street should be located on a property line.

(d) *Prohibited at street stub out to an adjacent subdivision.* At no time shall a cul-de-sac be permitted where a street stub has been provided by an adjacent subdivision.

(e) *Cul-de-sacs allowed on local streets only.* Only local streets may terminate in a cul-de-sac. Collectors and arterial streets may not terminate in a cul-de-sac.

(f) *Private and gated streets.* Private and gated streets are prohibited.

Sec. XX-84. Signage, striping, and signalization.

(a) *Signage and striping.* The developer shall design, install, and pay all costs for traffic control signs and pavement striping. Traffic control signs and pavement striping shall conform to the accepted construction plans and to the most recent edition of the Texas Manual on Uniform Traffic Control Devices (TMUTCD).

(b) *Signalization.* The developer shall design, install, and pay all costs for providing any required traffic signalization system identified in an approved traffic impact analysis (TIA), including all related devices, conduits, wiring, and junction boxes.

(c) *Information signage requirements for municipal utility districts (MUD)*:

(1) *Location of signs.* Signage identifying the subdivision as being within a MUD must be located in all streets entering the subdivision.

(2) *Orientation of signs.* Signage shall be oriented to be visible to anyone entering the subdivision.

(3) *Wording and colors.* In accordance with the most recent addition of the Standard Highway Design Standards for Texas, Small Guide.

(d) *Information signage requirements for public improvement districts (PID)*:

(1) *Location of signs.* Signage identifying the subdivision as being within a PID must be located in all streets entering the subdivision.

(2) *Orientation of signs.* Signage shall be oriented to be visible to anyone entering the subdivision.

(3) *Wording, colors, city approval.* Signage shall state the following: "_____ Public Improvement District. Lots owners are required to pay a special assessment" in black lettering on a white reflective sign background with sign, font, and style similar to subsection (c)(3), This sign will be as approved by the administrator.

Sec. XX-85. Street lighting.

There will be adequate lighting to provide for safety to the satisfaction of the city engineer. They shall be installed in accordance with city or utility specifications at the time of street construction.

(1) *Required locations.* Streetlights are required at the following locations:

a. Corner of any intersection with streets;

b. Intersection of a street and alley;

c. Intersection of alleys;

d. At any designated crosswalks outside of an intersection;

e. Designated crossing of any trail or golf path;

f. At the "bubble" of any permanent cul-de-sac;

g. Any curve greater than 30 degrees.

(2) *Maintenance.* Streetlights shall not be owned or maintained by the city. If the streetlights are to be maintained by and electrical bills paid by a property owner's association, mandatory fees shall be collected and made part of the property owner's association documents/covenants presented to the city with the construction plans. If the streetlights are to be owned by an electric utility, the utility's approval of the street lighting plan and electrical bill payment system shall be presented with the construction plans. An estimate approved by the electrical utility provider detailing the cost of energy for streetlights shall be included.

(3) *Height.* Maximum height of a streetlight is 25 feet, except on arterial streets where the maximum height may be 30 feet.

(4) *Shown on construction plans.* All streetlights shall be in right-of-way or easements shown on the construction plans.

(5) *Conformance standards.* Street lighting shall conform to the Illuminating Engineering Society Handbook, most current edition. Lighting levels shall be as recommended for very light traffic in residential areas; medium traffic on feeder streets; and heavy traffic on thoroughfares. All lighting shall be approved by the city engineer.

(6) *Illumination plan.* An illumination plan for all streets within the plat shall be filed with the subdivision construction plans. The plan shall show the proposed location of the streetlights and any electrical facilities within the street right-of-way or public utility easements. The street lighting facilities shall be complete and operational prior to approval of the public improvements.

Sec. XX-86. Medians and islands.

Medians and islands shall be landscaped with drought resistant grass or constructed of stamped pattern concrete, brick, stone or concrete pavers, or other engraved concrete surfaces as approved by the city. Drought resistant grass areas shall not be less than six feet in width. Any landscaping shall meet standards within chapter

@@, City Code. All medians and islands shall be bordered by standard curb and gutter, unless otherwise approved by the city engineer.

Sec. XX-87. Acceleration/deceleration lanes.

(a) *Required when indicated by traffic impact analysis (TIA).* Acceleration/deceleration lanes shall be provided along existing and proposed arterial or collector streets when required by a TIA to the satisfaction of the city engineer.

(b) *Reservation of additional right-of-way (ROW) when required.* Additional ROW shall be dedicated by plat if required to accommodate acceleration/deceleration lanes or turning lanes.

Secs. XX-88—XX-109. Reserved.

DIVISION 3. ALLEYS

Sec. XX-110. Pavement type.

All alleys shall be paved with concrete per the city construction standards.

Sec. XX-111. Width.

A minimum paved width of 14 feet and a minimum right-of-way of 20 feet shall be required for all alleys.

Sec. XX-112. Drainage.

Adequate drainage shall be provided within the concrete section or by swales to drain all lots to streets without drainage easements through lots where possible. The depth of swale shall be as required for drainage with a minimum longitudinal slope of one-half of one percent toward a street or drainage easement.

Sec. XX-113. Connectivity.

(a) Alleys shall connect to and/or be aligned with alleys in adjacent subdivisions.

(b) Alleys shall be designed that both ends terminate only at a local street.

Sec. XX-114. Ownership and easement.

(a) Alleys shall be platted as independent lots with shared access easements to be privately owned and maintained by an HOA or similar governing body.

(b) [Alleys] shall have a minimum shared access easement width of 20 feet.

Secs. XX-115—XX-137. Reserved.

DIVISION 4. SIDEWALKS

Sec. XX-138. Generally.

Sidewalks shall be provided on both sides of all streets adjacent to property zoned for residential or commercial uses. Sidewalks shall be required along streets adjacent to property zoned for industrial uses. Sidewalks shall be located in the street right-of-way, the exact location to be at the discretion of the city. Pedestrian ramps shall be required where sidewalks meet curbs.

Sec. XX-139. ADA requirement.

All sidewalks must comply with the state accessibility standards administered by the state department of licensing and regulation and the Americans with Disabilities Act of 1990, (ADA) as amended, whichever is more restrictive. The developer shall submit its sidewalk plans to the state department of licensing and regulation, or its successor, for review and upon completion, for inspection. The city will not accept sidewalks until the developer provides documentation that the sidewalk plans have been reviewed and approved by the state department of licensing and regulation or its successor.

Sec. XX-140. Sidewalk location.

Sidewalks for all street classifications shall be installed on both sides of the street right-of-way or within a sidewalk easement. Sidewalks shall be installed on the rear and front of all through lots and on the side of all corner and corner through lots. Sidewalks are also required along the street frontage of all parks. The exact location of all sidewalks shall be at the discretion of the city. This shall include all ADA ramps. The city may allow trails in lieu of sidewalks in special cases if they are in the best interest of the city. Types, sizes and locations of trails shall be at the discretion of the city.

Sec. XX-141. Design.

All sidewalks shall be a minimum of five feet in width when separated by a distance of at least three feet from the roadway curb. Sidewalks closer than three feet from the roadway curb shall be a minimum of five feet in width.

Sec. XX-142. Time of installation.

All sidewalks required by these regulations shall be completely installed and constructed by the developer, or his successors in title, before the city's approval of the as-builts.

Sec. XX-143. Payment in lieu of sidewalk installation.

The city may require a cash payment by the developer in lieu of construction of a sidewalk if the city determines that the sidewalk should not be built. An engineer shall determine the cost of the sidewalk that meets minimum standards under this Code. This determination of cost must be approved by the city engineer. The cash payment shall equal the cost of installing and construction the sidewalk. The developer shall make the cash payment prior to the approval of any subdivision improvements.

Secs. XX-144—XX-169. Reserved.

DIVISION 5. LOTS

Sec. XX-170. Area.

The area of all lots platted within the city shall conform with chapter ##, zoning, on the basis of the district in which such lots lie and the use to which they are to be put and they shall conform to the regulations of said chapter ##, including any minimum area, width, and depth requirements. All lots platted in subdivisions located outside the city limits, but within the city's extraterritorial jurisdiction shall be a minimum of 7,500 square feet unless larger is required for lots requiring septic tanks and/or water wells, and shall otherwise conform to the requirements of district R-2, contained in chapter ##. If approval by the planning and zoning commission for smaller lots in sought the development density shall be limited to the lesser of the following:

(1) A minimum lot size of 6,000 square feet; or

(2) Twice the density, expressed in dwelling units per acre, of any recorded residential subdivision lying within 200 feet of the proposed development.

Sec. XX-171. Width.

The minimum width of a lot at the front building line of all lots platted within the city shall conform to chapter ##, on the basis of the zoning district in which they lie. All lots platted in subdivision located outside the city limits, but within the city's extraterritorial jurisdiction shall conform to the requirements of district R-1, contained in chapter ##.

Sec. XX-172. Lot facing.

(a) *Street frontage.* Each lot shall be provided with the minimum frontage on an existing or proposed public street required by chapter ##, zoning.

(b) *Double front.* Double front lots are prohibited except when backing on arterial streets.

(c) *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.

Sec. XX-173. Lot numbering.

All lots shall 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 of an overall preliminary plat.

Sec. XX-174. Driveway restrictions.

Rear and side driveway access to an arterial street shall be prohibited.

Sec. XX-175. Flag lots.

Flag lots shall be prohibited.

Sec. XX-176. Shape.

Corner lots shall be a minimum ten feet wider than the average interior lot on the same block.

Sec. XX-177. Lots crossing jurisdictional lines.

Lots which cross any jurisdictional lines which include but are not limited to special districts such as municipal service districts, planned improvement districts, utility districts, emergency service district, and political boundaries such as extraterritorial jurisdiction, city or county limits shall be prohibited.

Secs. XX-178—XX-201. Reserved.

DIVISION 6. BLOCKS

Sec. XX-202. Block length.

(a) *Single-family residential standard or large lot development.*

(1) Residential blocks for collector streets shall be no longer than 1,350 feet measured along the center of the block, nor shorter than 600 feet.

(2) Maximum block length along an arterial street shall be 1,500 feet.

(b) *Two-family residential or small lot development.*

(1) Residential blocks for duplex or small lot development (lots less than 9,000 square feet) shall be designed to provide for a designed street pattern.

(2) The maximum length for a cul-de-sac designed to accommodate duplex or small lot development shall be 450 feet.

(3) The maximum length of any leg of a loop road shall be 600 feet provided the total length of the loop does not exceed 1,200 feet.

(c) *On major street.* Maximum block length along a major street shall be 1,500 feet except under special conditions and upon approval of the planning and zoning commission.

(d) *Length.* Block length shall be measured along the centerline of the street from the street's intersection with the right-of-way of any intersecting street or in the case of a cul-de-sac from the said intersecting right-of-way to the end of the cul-de-sac "bulb" right-of-way.

(e) *Non-vehicular pass thru.* All commercial and residential subdivisions shall have a minimum 15-foot wide pass through lot at mid-block or approximate to the mid-point on any block that is 1,000 feet or greater in length. The pass-through lot shall extend the depth of the block. Any pass-through lot improvements shall be owned and maintained by the HOA. For commercial subdivisions, sidewalks located along internal drives that traverse the site may be considered as a way to meet this requirement.

Sec. XX-203. 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.

Sec. XX-204. Block numbering.

Blocks shall be numbered consecutively within the subdivision and/or sections of an overall plat as recorded.

Secs. XX-205—XX-231. Reserved.

DIVISION 7. BUILDING LINES

Sec. XX-232. Setback requirements based on zoning district.

The building lines of all lots platted within the city shall conform to the setback requirements of chapter ##, on the basis of the zoning district in which such lots lie. All lots platted in subdivisions located outside the city limits, but within the extraterritorial jurisdiction shall conform to the requirements of district R-1, contained in chapter ##.

Secs. XX-233—XX-257. Reserved.

DIVISION 8. EASEMENTS

Sec. XX-258. Subdivider to dedicate and grant.

The subdivider shall dedicate or grant easements as follows:

(1) Where necessary to adequately serve the subdivision with public utilities, easements shall be retained for poles, wires, conduits, storm sewers, sanitary sewers, water lines, open drains, gas lines or other

utilities, sidewalks, trails or open space as the city may require. Including easements along the outside boundaries of any subdivision where the city deem said easements necessary.

(2) Such easements may be required across part of lots (including side lines) other than along boundary lines, if in the opinion of the city the same is needed.

(3) A minimum ten-foot public utility easement shall be provided adjacent to all public street frontages.

(4) The 100-year flood plain shall be entirely contained within a drainage easement dedicated to the public.

(5) Any public drainage easement shall have a minimum width of 15 feet depicted on the plat.

(6) Shared access easements may be required at the discretion of the city in order to ensure adequate street access and minimum driveway spacing is maintained.

Secs. XX-259—XX-279. Reserved.

DIVISION 9. DRAINAGE AND STORM SEWERS

Sec. XX-280. Purpose.

The policies and standards contained herein are to ensure adequate stormwater drainage and flood control within the city and its extraterritorial jurisdiction. Any development or improvement of property which affects stormwater runoff or flood control is subject to the provisions of this article. These minimum requirements are intended to protect public health and safety, to prevent property damage and to minimize the cost of maintaining drainage facilities.

Sec. XX-281. Definitions.

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

Storm drainage facilities means being all parts of a drainage system, consisting of streets, alleys, storm sewers, channels, culverts, bridges, swales, detention or retention facilities, and any other feature which stormwater flows over or through. The city has the right to regulate, review and approve construction plans as well as to inspect and/or enter upon any such drainage facilities by use of dedicated rights-of-way, easements or floodway easements.

(1) Design of all drainage facilities, including inlets, storm sewers, outfalls, culverts and ditches, shall conform with the specifications, codes and the stormwater drainage policy, as adopted.

(2) Design and construction of all drainage facilities shall conform to the city specifications and follow the general guidelines set forth in section XX-282.

Sec. XX-282. Hydraulic manual specifications adopted.

Definitions, formula, criteria and data as set out in the Hydraulic Manual, most recent edition of the state highway department bridge division, are hereby adopted. When site development detail plans are not available, the values to be used for the runoff coefficient: C, being as follows:

Description of Area	Runoff Coefficient: C
Public use areas (parks and open space)	0.03
Low density (residential up to six units per acre)	0.40

Medium density (residential six units up to 12 units per acre)	0.45
High density (residential over 12 units per acre)	0.50
Manufactured homes	0.45
Industrial use areas	0.70
Commercial, retail or office use	0.75

Note: The area of individual streets shall be considered a part of the adjacent properties.

Sec. XX-283. Drainage calculation and design.

Drainage calculation and design shall be based on the city comprehensive land use plan or the official zoning map, whichever produces the greater calculated runoff.

Sec. XX-284. Stormwater runoff design specifications (detention).

Engineering design using a design frequency of 2, 10, 25, and 100 years shall provide that the development or improvements to the property will not create or allow for any increase in the stormwater runoff greater than the volume which exists from such property prior to the development or improvements. Drainage design calculations shall utilize the NOAA Atlas 14 rainfall data.

Sec. XX-285. Drainage design requirements.

Drainage design requirements shall provide for protection during a storm recurrence interval where the projected storm flow is carried in the streets and drainage system in accordance with the following:

(1) Local streets, in conjunction with other drainage facilities, shall be designed to contain the runoff from a storm with a design frequency often years such that the maximum depth of water does not exceed the top of curb elevation. The runoff from a storm with a design frequency of 100 years shall be contained within the right-of-way.

(2) Collector streets, in conjunction with other drainage facilities, shall be designed to contain the runoff from a storm with a design frequency of 25 years such that the maximum depth of water does not exceed the top of curb elevation. The runoff from a storm with a design frequency of 100 years shall be contained within the right-of-way.

(3) Arterial streets, in conjunction with other drainage facilities, shall be designed to contain the runoff from a storm with a design frequency of 50 years such that at least one lane of traffic in each direction remains open. The runoff from a storm with a design frequency of 100 years shall be contained within the right-of-way.

(4) Where low points (sags) occur in streets, storm drainage facilities shall be designed to divert the runoff from a storm with a design frequency of 100 years.

(5) The developer shall be responsible for the cost of design and construction of any enlargement or reconstruction of existing drainage facilities required to serve the proposed development as directed by the city engineer.

(6) Open channels shall be designed to contain the runoff from a storm with a design frequency of 100 years and shall have a minimum of two feet of freeboard to top of bank.

(7) The highest water level of natural watercourses shall be determined from whichever of the following is highest:

a. A storm with a design frequency of 100 years.

b. The highest flood recorded plus one foot.

c. The U.S. Army Corps of Engineers standard project flood.

Sec. XX-286. High-water levels.

All areas below an elevation of two feet above the high-water level shall be included in the floodway easements. The high-water level shall be the highest elevation of the following:

(1) A storm with a design frequency of 100 years.

(2) The highest flood recorded.

(3) The U.S. Army Corps of Engineers standard project flood.

(4) The high bank.

Sec. XX-287. Minimum design elevation for bridges.

The minimum design elevation for bridges (bottom side or girders or stringers) shall be two feet above the high-water level. The high-water level shall be the highest elevation of the following:

(1) A storm with a design frequency of 100 years.

(2) The highest flood recorded.

(3) The U.S. Army Corps of Engineers standard project flood.

Sec. XX-288. Drainage plat review.

The following are the minimum items required for drainage plan review:

(1) Site plan showing existing and proposed contours; existing and proposed previous and impervious cover areas.

(2) Predevelopment and post-development runoff calculations using the rational, state department of transportation (TxDOT) or other widely accepted methods.

(3) Detention pond required volume calculations using widely used methods. The proposed pond shall have a volume greater than or equal to the required volume with one-foot of freeboard.

(4) Design analysis and details of outlet structure. Outlet structures shall be designed to restrict the 2-, 10-, 25- and 100-year storm rate of discharge to predevelopment rate of runoff. For small facilities it is recommended that a concrete outlet structure with a vertical slot be used instead of small pipes for maintenance reasons. Outlet structure to include a spillway for storms greater than the 100-year storm.

(5) Depth/storage/discharge table. Discharge leaving the pond and discharge leaving the entire site (in the event there is off-site drainage that does not flow into the pond, but must be accounted for in the pond calculations).

(6) Seal of a state registered professional engineer on all drawings and calculations.

(7) Finish floor slab is one foot above top of curb (TOC) or the CL (centerline) of the street.

(8) Approved TxDOT permit if required.

(9) Two copies of construction drawings.

(10) Show right-of-way line on all streets.

(11) Manholes. Manholes (inlets or junction boxes) shall be provided at all changes in grade or alignment, storm and sewer intersections, and at a maximum of 1,000 feet.

(12) Inlets. Design of inlets shall conform to the city standard specifications.

(13) Pipe. Pipe for storm drains shall be concrete pipe in sizes as shown on the approved plans. Pipe 18 inches or larger in diameter shall be reinforced concrete pipe (RCP), ASTM C76, class 3. Where, in the opinion of the city engineer, added strength of pipe is needed for traffic loads over minimum cover or for excessive height of backfill, concrete pipe. Monolithic, reinforced concrete sewers may be used for storm sewers 36 inches and larger.

(14) Major drainage ways. Design of major drainage ways through a subdivision and major structures, such as box culverts or bridges, across a major drainage channel, shall be coordinated with the floodplain coordinator.

(15) Drainage collection facilities (all on site).

a. Drainage collection facilities (all on site) shall be constructed with underground storm sewers. If it can be established by certified engineering data to the satisfaction of the city engineer that storm sewers are not physically feasible, open ditches may be used, provided that such on-site channels are lined with concrete. These structures shall be of sufficient cross section and slope as to fully contain design flows and facilitate self-cleaning. Outfalls shall enter major collector drainage ways and major streams at grade or be designed and constructed with adequate concrete aprons, energy dissipaters or similar features to prevent erosion;

b. Detention ponds and related structures may utilize either existing natural open sections which may be modified, or newly constructed facilities. If modified or newly constructed facilities are utilized, they shall be lined with permanent materials including, but not limited to: Concrete or vegetation (see subsection (15)c of this section for special conditions and exceptions for vegetation);

c. Vegetated channels be allowed only to convey off-site water through a subdivision shall have sufficient grade to provide velocities that will allow self-cleaning but will not be so great as to create erosion. Side slopes shall not be a steeper ratio than three to one (3:1) to allow for future growth and to promote slope stability. All slopes shall be hydromulched, sodded or seeded with approved grass, grass mixtures or ground cover suitable to the area and season in which they are applied.

d. Sodding shall be St. Augustine or Bermuda or as approved by the city with sufficient soil attached to sustain growth and must be alive at the time of application;

e. Hydromulch shall be applied as required by the city engineer;

f. Major streams shall not be modified without consent of applicable state and federal agencies and authorization for the director of public works and city engineer;

g. If, in the opinion of the city engineer, either conditions such as drought, excess precipitation or extreme heat or cold are unsuitable for hydromulching or sodding, such applications shall be deferred by the developer. Under these circumstances, subdivision improvements may be accepted upon the provision of a letter or credit in a form acceptable to the city attorney, in an amount of twice the city engineer's estimated cost of the sod or hydromulch application and where appropriate, surface reshaping, maintenance requirements and reapplication. If the developer is unable to meet the requirements of subsection (15)e of this section within nine months of subdivision acceptance, the letter of credit will be drawn on and the proceeds used to obtain the required vegetation cover;

h. The developer shall be required to use concrete or similar permanent cover in lieu of vegetation if the city engineer determines that future maintenance is materially impaired or where channel bends and intersections, flow dissipation or similar circumstances so warrant.

Sec. XX-289. Storm drainage inlet spacing between future driveways or street.

All storm drainage inlets shall be designed and placed to maintain a minimum of ten feet between the closest flair of the storm drainage inlet and the closest flair of a future driveway or street.

Secs. XX-290—XX-309. Reserved.

DIVISION 10. WATER, SANITARY SEWER SYSTEMS, AND FLOOD REGULATIONS

Sec. XX-365. Procedure for water system installation and maintenance.

(a) *Subdivider to provide necessary water lines.* The subdivider shall provide all water lines necessary to properly serve each lot of the subdivision and ensure that existing and/or new water facilities can supply the required demand for domestic use and for fire protection at the desired pressure. The subdivider shall install all mains and shall extend the service to all lots terminating thereon with a curbstop and meter box. The subdivider shall submit a certificate to the city certifying that the system has been designed in accordance with the requirements of the state health department, the city and rules of the state insurance commission.

(b) *Water mains.*

(1) Shall be as described in the construction standards.

(2) Water mains smaller than eight inches shall not be permitted.

(c) *Threading.* Threading on fire hydrant outlets shall be suitable for use with city fire protection equipment.

(d) *Valves.* At intersections of water distribution lines, the number of valves shall be one less than the number of radiating lines (two valves for tee connection and three for cross connection).

(e) *Oversize mains.*

(1) *Size of mains.* All water mains shall be installed in accordance with the master water and sewer plan as adopted and amended from time to time by the city. All mains shall be sized to provide adequate service to the tract to be developed. The cost of water mains up to eight inches, or of a size required to serve a tract being developed, whichever is larger, shall be paid in full by the developer.

(2) *Oversize on-site mains.* Where it is determined that an on-site main need to be of a larger size than that required to serve the tract to be developed, the city may require the developer to install such oversized main. For mains up to 16 inches the developer shall be reimbursed the incremental cost difference required for oversizing from the oversize account approved for capital improvement projects, or through reimbursement contracts. All reimbursement contracts shall contain a provision terminating the city's obligation to reimburse costs after five years from the effective date of the contract.

(3) *Oversize approach mains.* Where it is determined that an approach main needs to be of a larger size than that required to serve the tract being developed, the city may require the developer to install such oversized main. Subject to approval by the city council, the city may reimburse the developer for the incremental cost difference required for the oversizing of approach mains. Upon council approval, the reimbursement for approach mains will be paid out of the oversize account described in subsection (e)(4) of this section, from funds approved for capital improvement projects, through reimbursement contracts or any combination thereof. The manner of reimbursement shall be solely at the council's

discretion. All reimbursement contracts shall contain a provision terminating the city's obligation to reimburse costs after five years from the effective date of the contract.

(4) *Oversize account.* A special oversize account is hereby established for the purpose of reimbursing developers for the cost of oversizing water mains. The account shall be funded by a fee based on the number of living unit equivalents (LUE fee) to be added to the water system. The LUE fee will be assessed to all developers regardless of whether or not they are required to install an oversized line. In the event a developer is required to install oversized lines, the LUE fee is due prior to acceptance by the council of the utilities for maintenance. In the event a developer is not required to install oversize lines, the LUE fee for that particular plat shall be due prior to official recordation of the plat in the county clerk's office. In the event a plat is not required, the LUE fee is due when application is made for a building permit. Interest income earned from this account shall be added to the account.

(5) *Reimbursement.* To be reimbursed, a developer shall present in writing to the city, a statement of oversize credit proposed. This statement shall be presented no later than the end of the normal working day, eight days prior to the regular city council meeting, at which time acceptance of the respective oversize line is considered. The reimbursement for the cost of oversizing will be paid from available funds within ten days after the utilities are accepted by the city for maintenance and developers shall be reimbursed according to the order in which the utility lines are so accepted. In the event that sufficient funds are not available, interest will accrue at a rate established by the council. In the event two or more utility systems are accepted at the same council meeting, the respective developers shall share proportionally in the available funds. Provided, however, that no reimbursement shall be paid to any developer who is delinquent in the payment to the city of any fees or taxes.

(6) *Oversize credit.* In the event that there are sufficient funds in the oversize account to meet all previous commitments, a developer may be entitled to a credit against the living unit equivalent (LUE) fee. Provided, however, no credit will be granted to any developer who is delinquent in the payment to the city of any fees or taxes. Subject to the foregoing, a developer may reduce the amount of the LUE fee by an amount equal to the reimbursement to which he will be entitled upon utility acceptance. In the event that the utility system has not been completed and accepted by the city within three years from the date of plat approval, the LUE fee shall be immediately due and payable.

(7) *Determining LUE fee, reimbursement rate and interest rate.* Each February, or more frequently if necessary, the city council shall review and approve the LUE fee, a fixed rate of reimbursement per inch of diameter per linear foot of oversized mains installed, and the rate of interest to be paid. The fees, reimbursement rate and interest rates are on file in the city secretary's office.

(8) *Agreements by city to construct water mains.* Subject to direct authorization and approval of the city council, the city may enter into an agreement whereby the city will construct water mains required for proposed development if the council determines that the following conditions have been met:

a. The water main as proposed is in accordance with the master water and sewer plan;

b. One or more of the landowners who will benefit from the water main agree to share the cost of the construction by paying in advance their projected LUE fees as estimated by the city engineer; and

c. The city has adequate funds available either from funds approved for capital improvement projects or from other sources.

Any such advanced payments shall not be deposited in the general fund account, but shall be deposited in a special fund set aside for the construction of the specific main in question. The advanced payments shall be based on the projected number tract as determined by the city engineer from information supplied by the landowner. At the time a plat is approved for a tract for which advance payments have been made, the developer shall be entitled to a credit for each LUE fee previously paid. If at plat approval time the number of actual LUE fee's exceeds

the number as previously estimated, the landowners will either be denied a certificate of serviceability or be required to pay additional LUE fees at the then current rate. In the event that the number of LUEs is less than the number previously estimated, the landowner shall not be entitled to a refund.

(f) Fire hydrants spacing. Minimum spacing along streets in single-family or duplex areas shall be 500 feet and in predominantly multifamily or nonresidential areas spacing shall be 300 feet.

(g) *Extension of city water infrastructure to adjacent land.* The city engineer shall require water infrastructure to be extended to adjacent land when they determine it is necessary for the efficient delivery of service.

Sec. XX-366. Sanitary sewer system.

All subdivision shall be provided with a sewage disposal system approved by the state department of health.

(1) *Connection with sanitary sewer system required; exception.* Connection with the sanitary sewer system shall be required except where the city determines that such connection would require unreasonable expenditure of funds when compared with other methods of sewage disposal. Where septic tanks are installed, the subdivider shall conduct percolation tests under the supervision of the building official:

a. In order to determine the adequacy of proposed lot sizes;

b. The plans for such system must be approved by the state health department prior to approval of the final plat by the planning and zoning commission.

(2) *Subdivider to provide sewer service to each lot.* The subdivider shall install all sanitary sewer mains and lines to each lot. If the public system is not within 1,200 feet of the subdivision, those portions of the system which lie under paved areas shall be installed and capped off and temporary waste treatment will be provided in accordance with the requirement of state and county health officials.

(3) *Subdivider to submit certificate.* The subdivider shall submit a certificate to the city, certifying that the sewer system has been approved by the state health department, the county health officer and the city.

(4) *Sewer location.* Where the location of the sewer is not clearly defined by dimensions on the drawings, the sewer shall not be closer horizontally than ten feet, or vertically six feet to a water supply main or service line. Gravity sewer lines passing over water lines shall be constructed for a distance of ten feet each side of crossing with cast iron pipe with no joints within three feet of crossing or encased in concrete in accordance with regulations of the state department of health.

(5) *Materials.* Sewer lines may be of the following materials in accordance with the city standards specifications.

(6) *Construction.* Sewers shall be constructed according to the city standard specifications as to trenching, bedding, backfill and compaction.

(7) *Piping size.* Eight-inch diameter pipe shall be the minimum acceptable for sewer mains and lines.

(8) *Manholes.* Manholes shall be spaced and shall be constructed in accordance with the city standard specifications.

(9) *Force mains.* Force mains shall be constructed in accordance with the city standards specifications.

(10) *Oversize mains.*

a. *Size of mains.* All wastewater mains shall be installed in accordance with the master water and sewer plan as adopted and amended from time to time by the city. All mains shall be sized to provide adequate service to the tract to be developed. The cost of sewer mains up to eight inches, or of a size required to serve a tract being developed, whichever is larger, shall be paid in full by the developer.

b. *Oversize on-site mains.* Where it is determined that an on-site main need to be of a larger size than that required to serve the tract to be developed, the city may require the developer to install such oversized main. For mains up to 18 inches the developer shall be reimbursed the incremental cost difference from oversizing from the oversize account described in subsection (10)d of this section. For oversized mains in excess of 18 inches, the developer will be reimbursed for the incremental cost difference required for oversizing from the oversize account approved for capital improvement projects, or through reimbursement contracts. All reimbursement contracts shall contain a provision terminating the city's obligation to reimburse costs after five years from the effective date of the contract.

c. *Oversize approach mains.* Where it is determined that an approach main needs to be of a larger size than that required to serve the tract being developed, the city may require the developer to install such oversized main. Subject to approval by the city council, the city may reimburse the developer for the incremental cost difference required for the oversizing of approach mains. Upon council approval, the reimbursement for approach mains will be paid out of the oversize account described in subsection (10)d of this section, from funds approved for capital improvement projects, through reimbursement contracts or any combination thereof. The manner of reimbursement shall be solely at the council's discretion. All reimbursement contracts shall contain a provision terminating the city's obligation to reimburse costs after five years from the effective date of the contract.

d. *Oversize account.* A special oversize account is hereby established for the purpose of reimbursing developers for the cost of oversizing wastewater mains. The account shall be funded by a fee based on the number of living unit equivalents (LUE) fee to be added to the wastewater system. The LUE fee will be assessed to all developers regardless of whether or not they are required to install an oversized line. In the event a developer is required to install oversized lines, the LUE fee for that particular plat shall be due prior to acceptance by the council of the utilities for maintenance. In the event a developer is not required to install oversized lines, the LUE fee for that particular plat shall be due prior to official recordation of the plat in the county clerk's office. In the event a plat is not required, the LUE fee is due when an application is made for a building permit. Interest income earned from this account shall be added to the account.

e. *Reimbursement.* To be reimbursed, a developer shall present in writing to the director of public works, a statement of oversize credit proposed. This statement shall be presented no later than the end of the normal working day, eight days prior to the regular city council meeting, at which time acceptance of the respective oversize line is considered. The reimbursement for the cost of oversizing will be paid from available funds within ten business days after the utilities are accepted by the city for maintenance and developers shall be reimbursed according to the order in which the utility lines are so accepted. In the event that sufficient funds are not available, interest will accrue at a rate established by the council. In the event at the same council meeting, the respective developers shall share proportionally in the available funds. Provided, however, that no reimbursement shall be paid to any developer who is delinquent in the payment to the city of any fees or taxes.

f. *Oversize credit.* In the event that there are sufficient funds in the oversize account to meet all previous commitments, a developer may be entitled to a credit against the LUE fee. Provided, however, no credit will be granted to any developer who is delinquent in the payment to the city of any fees or taxes. Subject to the foregoing, a developer may reduce the amount of the LUE fee by an amount equal to the reimbursement to which he will be entitled upon utility acceptance. In the event that the utility system has not been completed and accepted by the city within three years from the date of plat approval, the LUE fee shall be immediately due and payable.

g. *Determining LUE fee, reimbursement rate and interest rate.* Each February, or more frequently if necessary, the city council shall review and approve the LUE fee, a fixed rate of reimbursement

per inch of diameter per linear foot of oversized mains installed, and the rate of interest to be paid. The fees, reimbursement rate and interest rate which are on file in the city secretary's office.

h. *Agreement by city to construct wastewater mains.*

1. Subject to direct authorization and approval of the city council, the city may enter into an agreement whereby the city will construct wastewater mains required for proposed development if the council determines that the following conditions have been met:

(i) The wastewater main as proposed is in accordance with the master water and sewer plan;

(ii) One or more of the landowners who will benefit from the wastewater main agree to share the cost of the construction by paying in advance their project LUE fees as estimated by the city engineer; and

(iii) The city has adequate funds available either from funds approved for capital improvement projects or from other sources.

2. Any such advanced payments shall not be deposited in the oversize account, but shall be deposited in a special fund set aside for the construction of the specific main in question. The advanced payments shall be based on the projected number of LUEs to be placed on the particular tract as determined by the city engineer from information supplied by the landowner. At the time a plat is approved for a tract for which advance payments have been made, the developer shall be entitled to a credit for each LUE fee previously paid. If at plat approval time, the number of actual LUEs exceed the number as previously estimated, the landowners will either be denied a certificate of serviceability or be required to pay additional LUE fees at the then current rate. In the event that the number of LUEs is less than the number previously estimated, the landowner shall not be entitled to a refund.

(11) *Extension of city sewer infrastructure to adjacent land.* The city engineer shall require sewer infrastructure to be extended to adjacent land when they determine it is necessary for the efficient delivery of service.

Sec. XX-367. Reserved.

Sec. XX-368. Water meter boxes.

All water meter boxes shall be provided and installed by the developer and said water meter boxes must meet the specifications set forth by the city.

Sec. XX-369. Flood regulation.

The city shall review each proposed subdivision to ensure the following:

(1) *Proposals to minimize flood damage.* All such proposals are consistent with the need to minimize flood damage.

(2) *Public facilities to minimize flood damage.* All public utilities and facilities, such as sewage, gas, electrical and water systems are located, elevated and constructed to minimize or eliminate flood damage.

(3) *Adequate drainage to be provided.* Adequate drainage is provided so as to reduce exposure to flood hazards.

DIVISION 11. PARKLAND STANDARDS

Sec. XX-370. Parkland standards.

(a) *Prior to approval of planned development.* Prior to approval of subdivision construction plans or final plat recording, whichever is earliest, each subdivider or developer shall dedicate park land, or contribute cash or park improvements in lieu of land dedication, or any combination thereof as determined by the city.

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

Director, means the public works director.

(1) The parkland dedication requirements of this chapter apply to all residential subdivisions, except as provided in subsection (2) of this definition.

(2) The following are exempt from the requirements of this section:

a. A plat with not more than four single-family lots;

b. A resubdivision of land that does not increase the number of dwelling units.

Holding costs means any and all costs incidental to the respective tract of land borne by the respective landowner.

For the purpose of this subsection, certain words and terms are hereby defined; terms not defined herein shall be construed in accordance with this subsection and chapter ##, zoning, as amended; other codes and ordinances, or their customary usage and meaning.

(c) *Dedication of parkland required.*

(1) An applicant of a residential subdivision shall provide for the parkland needs of the residents by the dedication of suitable land for park and recreational purposes.

(2) The area to be dedicated must be shown on the concept plan and preliminary plat and the plat included in the dedication statement. Prior to recording of the plat, the applicant shall provide by deed to the city all land required by this section. The land itself must be free and clear of all mortgages and liens at the time of such conveyance. It shall not be encumbered with existing or proposed public utility easements or drainage channels that would unduly restrict the development of the site for recreational purposes, unless otherwise approved by the parks and recreation board.

(3) The amount of parkland required to be dedicated by the applicant to the city is six acres for every 1,000 residents, as determined by the following formula:

6 × (number of units) × (residents per unit)/1,000 = acres of parkland

(4) In calculating the amount of parkland to be dedicated under this section, the number of residents in each dwelling unit is based on density as follows:

Dwelling Units Per Acre	Residents in Each Dwelling Unit
Not more than 6	2.8
More than 6 and not more than 12	2.2
More than 12	1.7

(5) In calculating the amount of parkland to be dedicated under this section, density for a multifamily subdivision is assumed to be the highest permitted in the zoning district, or if the property is not zoned or the zoning does not have a density, 24 dwelling units per acre.

(6) In calculating the total any fraction must be rounded to the nearest whole number.

(7) Land located in a floodplain shall not constitute more than 50 percent of the dedication.

(8) *Location.* The specification and codes adopted by the city shall be used as a guide for location of park sites, including but not limited to the comprehensive plan and any adopted parks plan. All land intended for park purposes shall be inspected both on the plat and in the field by the city. The decision on acceptance of parkland shall be made by the director on recommendation by the parks and recreation advisory board. This can be an on-site location or an off-site location. If this is to be an off-site location it shall follow park locations as denoted in the comprehensive plan or parks plan.

(9) *Credit for private park land and facilities.* There shall be no credits given under this section for any private parks or facilities created independently of public parks and facilities.

(10) *Title insurance required.* Prior to recording the final plat, the developer shall deliver to the city a title insurance policy with the city as the holder and covering the parkland being conveyed.

(d) *Dual park and storm drainage facility.* Use of park land within the area of a storm drainage facility is prohibited, unless otherwise approved by the parks and recreation board.

(e) *Criteria for contributions in lieu of park land.*

(1) *Cash contribution in lieu of park land.*

a. If the parkland dedication is to be less than three acres within the city limits, or

b. If future parks are not indicated on the comprehensive plan, city park plans, or applicable county parks plan in the area of the subdivision and the applicant cannot purchase off-site land in accordance with subsection (c)(8), then the city may allow as an option a fee-in-lieu of the dedication.

c. The in-lieu-of-fee shall be paid prior to recording of the final plat.

(2) *Deposit of cash contributions.* All cash contributions are to be received by the city. The city shall deposit said funds into the park fund, as established by council prior to recording of plat.

(f) *Reservation of additional park land.* In the event that the park plan, specification or codes for the city specifies a larger amount of park land in a subdivision or planned development than the applicant or may be required to dedicate, the land needed beyond the respective contribution shall be reserved for subsequent acquisition by the city.

(1) City may elect to hold such land by:

a. Purchasing an option to buy the property for a period and at a price as agreed upon by the city and applicant.

b. Indemnifying the owner of the land for all holding costs for a period of time, said costs and time period to be agreed upon by the city and applicant.

c. If the city and applicant cannot agree then the city may elect to prohibit any development or improvement to the proposed park land for a period not to exceed 12 months, during which time the city shall use reasonable and diligent efforts to acquire the necessary funds or financing to purchase the subject tract.

(2) No provision herein shall in any way be construed as a limitation of the city's authority to acquire park land by eminent domain.

(g) *Park improvements.*

(1) In addition to the required dedication of park land or fees in-lieu as set forth above, the developer shall also pay a park improvements fee to the city prior to recording of a final plat or re-plat or approval of the subdivision construction plans, whichever occurs later. Such park improvements fee shall be sufficient to provide for the development of amenities and improvements on the dedicated land to meet the standards for a neighborhood park to serve the area in which the subdivision is located.

(2) In lieu of payment of the park improvements fee, the city may approve a plan from the developer to construct park improvements. If the park or any portion of the park is within areas shown in the comprehensive plan or parks plan as land to meet strategic needs for future parks and/or trails, the developer may be required to construct trails or other park amenities in lieu of payment of the park improvements fee. This plan shall meet the following standards:

a. Amenities and improvements shall include one or more children's play areas, picnic areas, game court areas, turf play fields, swimming pools, recreational buildings, trails (sidewalks, walkways or bike trails), and landscaped sitting areas.

b. The value of amenities and improvements shall be greater than or equal to parkland improvement fee.

c. All park areas and playground equipment shall be in accordance with the U.S. Consumer Products Safety Commission — Publication 325, as currently amended and in accordance with current provisions of the Americans with Disabilities Act.

(h) *Land treatment.*

(1) Upon preliminary platting of the park land from the applicant to the city, the applicant or developer shall not cause or allow any fill material or construction debris to be dumped on the land, or otherwise alter, damage or impair the land, water or vegetation on the park site, without written permission from the director of parks, recreation and special services. The city may allow the applicant to dump fill material and take other respective actions specified in this subsection when such action would be beneficial to the park land. In such cases, the director of parks, recreation and special services shall provide a letter to the applicant.

(2) The city will have the option to place the park land in a trust for use and leverage in funding as the park is developed. The city attorney shall be involved with the transfer of property to ensure the city has ownership but through the trust process does not lose the ownership of such property.

Secs. XX-371—XX-398. Reserved.

ARTICLE IV. SURVEY REQUIREMENTS

Sec. XX-399. Placement of monuments.

Monuments, consisting of one-half-inch iron pipe or one-half-inch reinforced steel or larger, 24 inches in length, shall be placed at all corners of the block lines, and at the point of intersection of curves and tangents of the subdivision.

Sec. XX-400. Benchmark.

At least one benchmark for each subdivision shall be permanently installed in an approved manner, with the location and the elevation as shown on the plat. Permanent benchmarks shall be five feet long concrete posts six inches in diameter with the top to be at least 12 inches below finished grade.

Sec. XX-401. Lot marker.

Lot markers shall be metal, at least 24 inches in length, placed at each corner of all lots, flush with the average ground elevation, or they may be countersunk, if necessary, to avoid being disturbed.

Secs. XX-402—XX-430. Reserved.

ARTICLE V. RESERVATIONS

Sec. XX-431. Permitted purposes.

No land contained in the proposed subdivision shall be reserved for any use other than a use permitted by chapter ##, zoning, for the district in which the land to be reserved is located.

Sec. XX-432. Designation on plat.

The specific use for which each piece of land is to be reserved must be shown by appropriate label or description on the subdivision plat. Provision for future abandonment of a reservation as may be appropriate must likewise be shown on said plat.

Sec. XX-433. Schools.

The location and size of schools shall be in accordance with the school plan and with the requirements of the Holland Independent School District.

Secs. XX-434—XX-483. Reserved.

ARTICLE VI. ADMINISTRATION

Sec. XX-484. Compliance with construction standards.

In addition to the specifications written in this chapter all infrastructure shall be constructed in accordance with the city's construction standards. Where or if there are conflicts between this chapter and the construction standards, the city's engineer shall make a determination as to which standard will apply.

Secs. XX-485—XX-512. Reserved.

ARTICLE VII. ACCESS REGULATIONS

Sec. XX-513. Design of ingress or egress for public streets.

All entrance and exit driveways to public streets shall be located with due consideration for traffic flow and so as to afford maximum safety to traffic on the public streets. Whenever practicable, the city requires a single

driveway on the property line between adjacent lots. All such entrances and exits shall be so located, designed, and restricted in number as to:

(1) Achieve maximum feasible distance from street intersections and from exiting and proposed access connections from adjacent properties;

(2) Minimize left-hand turns and other turning movements;

(3) Discourage the routing of vehicular traffic to and from nonresidential uses through local residential streets; and

(4) Minimize conflict with vehicular traffic.

Sec. XX-514. Design of ingress or egress for driveways.

In designing and locating entrance and exit driveways, the following regulations shall be observed:

(1) Entrance and exit driveways to all state highway routes within the city limits shall be not less than 30 feet in width, i.e., one entrance and exit lane at 15 feet each nor in excess of 45 feet (one entrance and two exit lanes at 12 feet each and a maximum nine-foot-wide landscaped median or island) in width for lots used for nonresidential purposes. For residential driveway widths shall not be less than 12 feet nor more than 24 feet. Shared driveways are permitted for nonresidential development, i.e., one common driveway serving two contiguous lots to all state highway routes within the city limits and located at/about the common property corner, not exceeding 45 feet in width, including any proposed median up to nine feet wide. For all driveways other than to all state highway routes within the city limits, entrance and exit driveways shall not exceed 24 feet and maximum 30 feet (for emergency vehicles). All access driveways to nonresidential lots shall be at 90 degrees, or within a limit of plus or minus ten degrees off 90 degrees, to the intersecting public street. Landscaped islands or medians beyond the property line are prohibited in the right-of-way without prior written approval of the state department of transportation.

(2) Access to all other public streets shall be by no more than two points of access for each 400 feet of lot frontage, or fraction thereof. Lots less than 100 feet in width shall have no more than one point of access to any one public street. In all cases, owners and developer shall provide adequate access to each proposed lot for subdivisions, so that internal traffic management is provided.

(3) The minimum separation between driveways along all state highway routes within the city limits is 100 feet. To the greatest extent possible, proposed access to all state highway routes within the city limits should align with existing driveways or public streets on the opposite side of the road. If this is not possible, then there shall be a minimum 120-foot offset, as measured from driveway edge to edge between such driveways. For all other roads or streets, the minimum distance between any two driveway entrances, whether on the same or different lots, shall be 35 feet, measured along the curb line, except for driveways on a cul-de-sac.

(4) Driveway entrances shall be set back at least 35 feet from the point of tangency of the curb at any intersecting street.

(5) Adequate culverts shall be provided under driveway entrances to prevent obstruction of drainage ways. The minimum size shall be 18 inches or equivalent approved by the city engineer.

(6) All driveways shall be designed so as to provide safe vehicular entrance and exit without the necessity of backing out into a public street.

(7) Every driveway entrance and exit shall be at roadway grade level where the driveway intersects the city's right-of-way. For access driveways to all state highway routes within the city limits, a negative slope of two percent shall be required where there is no curb and gutter for a minimum of eight feet or to the top of the culvert, and areas with curb and gutter, a positive grade will be allowed.

(8) All direct ingress and egress shall be designed so as to minimize increases in traffic flow on other streets within the city. Mutual access agreements on parking lots, driveways and adjoining properties shall be encouraged. The specific number, width and location of ingress and egress points shall be established by a professional traffic engineer, subject to city council approval.

Sec. XX-515. Access for fire apparatus.

Access roadways for fire apparatus shall be designed and adhere to the following regulations:

(1) Means of access for fire department apparatus shall consist of fire lanes, private or public streets, commercial driveways, alleys, parking lot lanes, or a combination thereof.

(2) Means of access for fire department apparatus shall be constructed of a hard, all-weather surface, concrete or asphalt, adequately designed to support the heaviest piece of fire apparatus likely to be operated on the roadway.

(3) Every cul-de-sac more than 150 feet in length shall be provided at the closed end with a turnaround, having a curb radius of not less than 50 feet.

(4) Turns or bends in streets shall maintain the minimum surface width for the designated category of street.

(5) Turns in publicly owned arterial or collector streets shall be constructed with a minimum turn radius of 100 feet to the centerline. Turns in other public or privately owned local streets shall be constructed with a minimum radius of 25 feet at the inside curb line and a radius of 50 feet at the outside curb line.

(6) Street surfaces shall not be less than 18 feet wide, provided no parking is allowed; not less than 26 feet wide if parallel parking is allowed on one side; and not less than 30 feet wide if parallel parking is allowed on both sides.

(7) Fire lanes in commercial or governmental development shall not be less than 20 feet wide, with 18 feet surface minimum.

(8) Commercial and governmental driveways and alleys shall not be less than 15 feet in surface width. Residential driveways shall not be less than 12 feet in surface width, except in areas of 25 percent grade where ten feet surface width may be used.

(9) Finished grades of all driveways shall be in accordance with the adopted International Fire Code (IFC).

(10) Fire lanes, driveways and alleys connecting to public or private streets shall be provided with flare curb cuts extending at least two feet beyond each edge of street surface.

(11) At least 13 feet six inches of nominal height clearance must be provided over the full width of public streets, private streets, fire lanes, commercial and governmental driveways.

(12) Bridges, when used for access, shall be the same surface width as for fire lanes, public or private streets, driveways, alleys or parking lot lanes, and shall be maintained in accordance with the applicable sections of the building code, using design loading sufficient to carry the imposed loads of the fire apparatus.

(13) Barriers defined as chains, gates, etc., may be provided at the entrance to residential driveways, provided they are installed according to the requirements of the city and fire district.

(14) The method of security for residential development is to be as agreed upon by the contractor and the city and shall be commensurate with the item or area needing security.