

SUBDIVISIONS

GENERAL PROVISIONS

Title.

This Ordinance and subsequent regulations of the City of Glen Rose, Texas shall be known as, and may be cited and referred to as, the "Subdivision Ordinance."

Authority.

This Subdivision Ordinance and subdivision regulations are adopted pursuant to the authority granted by the U.S. Constitution, the Texas Constitution, and the laws of the State of Texas, specifically including Chapter 212 of the Texas Local Government Code. All property subdivided into lots, blocks, or streets, or property to be re-subdivided, within the City Limits or within its Extraterritorial Jurisdiction (ETJ) shall hereafter be laid out subject to the approval of the City as outlined within this Subdivision Ordinance.

Purpose.

These regulations shall be administered so as to achieve the following specific purposes:

A. Specific Purposes of the Subdivision Ordinance.

1. Provide for the orderly, safe and healthful development of the area within the City and its Extraterritorial Jurisdiction (ETJ) and provide for adequate public facilities;
2. Promote the health, safety and general welfare of the community;
3. Establish orderly policies and procedures to guide development of the City;
4. Provide for the establishment of minimum specifications for construction and engineering design criteria for public infrastructure reduce inconveniences to residents of the area, and to reduce related unnecessary costs to the City for correction of inadequate facilities that are designed to serve the public;
5. Ensure that development of land and subdivisions shall be of such nature, shape and location that utilization will not impair the general welfare;
6. Protect against the dangers of fires, floods, erosion, landslides, or other such menaces;
7. Provide proper utilities and services for adequate drainage, water supply, and disposal of sanitary and industrial waste; to furnish adequate sites, convenient to schools, parks, playgrounds, and other community services, respecting topography and existing vegetation so that the natural beauty of the land shall be preserved;
8. Coordinate new development realistically and harmoniously with existing development;

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9. Protect and conserve the value of land throughout the City;
 10. Provide the most beneficial circulation of vehicle and pedestrian traffic throughout the City, and to provide for the proper location and width of streets;
 11. Establish reasonable standards of design and procedures for the development and redevelopment, provide for the orderly layout and use of land;
 12. Ensure proper legal descriptions and documentation of subdivided land;
 13. Ensure public facilities with sufficient capacity to serve the proposed subdivision are available for every building site, and to provide public facilities for future development;
 14. Ensure the adequacy of drainage facilities; and encourage the wise use and management of natural resources throughout the City in order to preserve the integrity, stability, and beauty of the community;
 15. Preserve the topography of the City and ensure appropriate development with regard to natural features;
 16. Ensure that new development adequately and fairly participates in the dedication and construction of Public Improvements and infrastructure that are necessitated by or attributable to the development or that provide value or benefit that makes the development feasible; and
 17. Address other needs necessary for ensuring the creation and continuance of a healthy, attractive, safe and efficient community that provides for the conservation, enhancement and protection of its human and natural resources.

Applicability.

- A. *General.* It is hereby declared to be the policy of the City to consider the subdivision and development of land, as subject to the control of the City, in order to carry out the purpose of the Comprehensive Plan, and to promote the orderly, planned, efficient and economical development of the City.
 - B. *Subdivision and Development of Land Policies.*
 1. Land shall not be subdivided or developed until proper provision has been made for drainage, water, wastewater, transportation and other facilities required by these regulations.
 2. All public and private facilities and improvements shall be of at least the capacity necessary to adequately serve the development and shall conform to and be properly designed in accordance with the Comprehensive Plan of the City.
 3. These regulations shall supplement, and facilitate the enforcement of, provisions and standards contained in the Zoning Ordinance and building codes adopted by the City.
 - C. *Requirement to Plat.* Platting is required for the following purposes:
 1. To create a building site on a single lot or tract;
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2. To construct or enlarge any exterior dimension of any building, structure, or improvement on land without an existing Plat;
 3. To subdivide land to divide a lot or tract into two or more parcels for development of the parcels;
 4. To combine lots or tracts;
 5. To amend a Plat; or
 6. To correct errors on an approved and recorded Plat.

D. *Plat Required.*

1. Subdivision Plats Required per Texas Local Government Code (TLGC) 212 Subchapter A (i.e., All plats except Development Plats).
 - a. In accordance with TLGC Section 212.004, the owner of a tract of land located within the city limits or in the Extraterritorial Jurisdiction (ETJ) who divides the tract in two (2) or more parts to lay out a subdivision of the tract, including an addition to a municipality, to lay out suburban, building, or other lots, or to lay out streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts must have a Plat of the subdivision prepared.
 - b. A division of a tract under this subsection includes a division regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method.
 - c. A division of land under this subsection does not include a division of land into parts greater than five (5) acres, where each part has access and no Public Improvement is being dedicated.
2. Development Plats Required per TLGC 212 Subchapter B.
 - a. Any person who proposes the development (i.e., any new construction or the enlargement of any exterior dimension of any building, structure, or improvement) of a tract of land located within the limits or in the ETJ of the City shall have a Development Plat of the tract prepared in accordance with TLGC 212 Subchapter B and this Subdivision Ordinance. (See Section 4.11 Development Plat of this Ordinance for requirements for Development Plats.)
 - b. Whenever a property owner proposes to divide land within the City or its ETJ into two (2) or more tracts, and claims exemption from TLGC 212 Subchapter A for the purposes of development, that results in parcels or lots all greater than five (5) acres in size, a Development Plat shall be required.
 - c. In the event that development of any tract of land is intended, and where no Public Improvement is proposed to be dedicated, the Applicant shall first obtain approval of a Development Plat.

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- d. No Development Plat is required when the land has an approved Final Plat, Minor Plat, Replat, or Amending Plat.
 - E. *Exemptions to the Requirement to Plat.* The following are exemptions to the platting requirements found in Section C above:
 - 1. Use of existing cemeteries complying with all State and local laws and regulations;
 - 2. Dedication of an easement or Right-of-Way by a separate document recordable in the county records if approved by the City; and
 - 3. Divisions of land created by order of a court of competent jurisdiction.

Compliance required.

Compliance with the latest version of all City ordinances, policies, and plans pertaining to the subdivision and development of land, as listed below, as well as applicable State and Federal regulations, shall be required prior to the approval of any Application pursuant to this Subdivision Ordinance:

- 1. Comprehensive Plan (including all associated maps and plans);
- 2. Subdivision Ordinance;
- 3. iSWM Criteria Manual for Site Development and Construction (except for Section 3.2 Water Quality Protection);
- 4. Zoning Ordinance;
- 5. International Family of Building Codes;
- 6. International Fire Code;
- 7. Thoroughfare Plan;
- 8. Other applicable portions of the Code of Ordinances; and,
- 9. NCTCOG Public Works Construction Standards.

Public improvements required.

- A. *Requirements.* The subdivider shall furnish, install and/or construct the Public Improvements (e.g., water and wastewater systems and the street and drainage facilities, including any offsite Public Improvements or private improvements) necessary for the proper development of the subdivision. All such facilities shall be designed and constructed in accordance with the requirements of this Subdivision Ordinance and Section 1001.407 “Construction of Certain Public Works” of the Texas Occupation Code, and any other standards, specifications, and drawings as may be hereafter adopted and approved by the City Council.
- B. *Facilities Sizing.* The subdivider may be required to furnish, install, and/or construct public improvements of greater size or capacity than required by this Subdivision Ordinance

should the City deem such necessary or advisable to provide for future growth and expansion and agree to pay for all the costs associated with the increase in size or capacity.

C. *Development Agreement.*

1. Cases that Require a Development Agreement.
 - a. The Subdivider shall be required to enter into a Development Agreement with the City that shall govern the Subdivision if there are any public improvements, pro rata payments, escrow deposits or other future considerations, or variances are granted to this Subdivision Ordinance, or if the City participates in the cost of any public improvements, or if there are nonstandard development regulations.
 - b. This Development Agreement shall be based upon the requirements of this Subdivision Ordinance, and shall provide the City with specific authority to complete the improvements required in the Development Agreement in the event of failure by the developer, and to recover the full costs of such measures.
2. The Development Agreement shall be a legally binding agreement between the City and the Subdivider and shall specify the individual and joint responsibilities of both the City and the Subdivider.
3. The Development Agreement shall contain:
 - a. As appropriate, provisions for pro rata payments, City participation in community facilities, escrow deposits or other payments for future facilities, variances granted to this chapter, and other particular aspects of the proposed Subdivision;
 - b. Authority for the City to withhold building permits, put a hold on construction and inspections in the event of breach by the Subdivider;
 - c. Provisions for financial security (see 5.05.D Security for Completion of Improvements);
 - i. Insurance requirements in accordance with the City's requirements for public works projects; and
 - ii. An indemnification clause by which the Subdivider shall agree to hold the City harmless against any claim arising out of the proposed Subdivision or any actions taken therein.
4. The City may provide a standard-form Development Agreement that may be approved by the City Administrator. In the event that either party desires not to enter into the standard-form Development Agreement, then a Subdivision-specific Development Agreement will be negotiated and will be subject to City Council approval before execution.

Special provisions for enforcement.

A. *Provisions.*

1. *Plat Filing Requirement.*

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- a. A Subdivision Plat shall not be filed or recorded until it has been approved by the City and all Public Improvements have been accepted by the City, and any such actual recording shall be void unless such approval shall be endorsed on the face of the Plat as hereinafter provided.
 - b. Subsection “a” above shall not apply to a Minor Plat or an Amending Plat.
 - c. No lot shall be sold or transferred until a Plat is approved or recorded.
 2. *Water and Wastewater (Sanitary Sewer) System Requirement.* No building permit shall be issued by the City for any structure on any lot without connection to the City's existing or proposed wastewater facilities or without a City approved water source. See sections 6.12 and 6.14 for exemptions.
 3. *Final Plat or Development Plat Required for Building Permits.* No building permit shall be issued by the City for any structure on a lot in a Subdivision for which a Final Plat or Development Plat has not been approved and filed for record, nor for any structure on a lot within a Subdivision that the standards contained herein or referred to herein have not been complied with in full.
 4. *Compliance with Standards Required.* The City shall not authorize any other person to nor shall the City itself repair, maintain, install or provide any streets or public utility services in any Subdivision for which the standards contained herein or referred to herein have not been complied with in full.
 5. *Dedications.*
 - a. Refusal or denial of a Plat by the City Council shall be deemed a refusal by the City to accept the offered dedications shown thereon.
 - b. Approval of a Plat shall not impose any duty upon the City concerning the maintenance or improvement of any such dedicated parts until the proper authorities of the City have actually appropriated the same by final acceptance.
 - c. Any such dedication, before or after actual appropriation may be vacated by the Council in any manner provided by law.
 6. *Services Prohibited to Subdivision.* The City shall not authorize any other person to, nor shall the City itself sell or supply any utility service such as water, gas, electricity, telephone, cable, communication or wastewater service within a Subdivision for which a Final Plat has not been approved or filed for record, nor in which the standards contained herein or referred to herein have not been complied with in full.
 7. *Action in a Court.* On behalf of the City, the City Attorney shall, when directed by the City Council, institute appropriate action in a court of competent jurisdiction to enforce the provisions of this Subdivision Ordinance or the standards referred to herein with respect to any violation thereof which occurs within any area subject to all or a part of the provisions of this Subdivision Ordinance.
 8. *Abutting Owner or Lessee Action.* In addition thereto, any abutting owner or lessee or other person prejudicially affected by the violation of the terms of this Subdivision

Ordinance may resort to any court of competent jurisdiction for any writ or writs, or to obtain such relief, either in law or equity, as may be deemed advisable in these premises.

9. *Non-Compliant Subdivision or Subdivision without a Final Plat.* If any Subdivision exists for which a Final Plat has not been approved or in which the standards contained herein or referred to herein have not been fully complied with, the City Council shall pass a resolution reciting the facts of such non-compliance and failure to secure Final Plat approval, and reciting the fact that the provisions of this Section will apply to the Subdivision and the lots therein.
 - a. The City Secretary shall, when directed by the City Council, cause a certified copy of such resolution under the corporate seal of the City to be filed in the Deed of Records of the County.
 - b. If full compliance and Final Plat approval are secured after the filing of such resolution, the City Secretary shall forthwith file an instrument, in the Deed of Records of the County stating that the provisions of this section no longer apply.

Extraterritorial jurisdiction (ETJ).

- A. *Subdivision Regulations Extend into the ETJ.* Subdivision Regulations as they now exist or may hereafter be amended, are hereby extended to all of the area lying within the extraterritorial jurisdiction of the City and the rules and regulations within said Subdivision Regulations governing Plats and Subdivision of land shall be applicable to such area within said extraterritorial jurisdiction from and after the date of final passage of this Subdivision Ordinance.
- B. *Subdividing.* No person shall subdivide or plat any tract of land into two or more parcels of land within the extraterritorial jurisdiction of the City except in conformity with the provisions of this Subdivision Ordinance.

Violations and fines.

- A. *Subdivision Violations.* Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of the Subdivision Ordinance shall be fined not more than five-hundred dollars (\$500.00) for each violation. Each day that a violation is permitted to exist shall constitute a separate offense.

Summary of general subdivision procedure.

Any owner or Developer of any lot, tract, or parcel of land located within the corporate limits of the City or within its extra-territorial Jurisdiction (ETJ) who wishes to subdivide such land shall conform to the following procedure.

- A. *General Overview of the Platting Process.*
 1. Pre-Application Meeting between the Applicant and City Staff (Optional).

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2. Preliminary Plat Submittal.
 3. Construction Plans Approval.
 4. Construction of Improvements.
 5. City Inspection of Subdivision.
 6. Final Document Submittal.
 7. Final Plat Approval.
 8. City Signs the Final Plat.
 9. Final Plat Filed with County.
 10. Final Plat Approval without Construction, See Section 5.05.
 11. City Issuance of "Letter of Final Acceptance" for Improvements (if improvements fail to meet City standards, then the City will enforce the developer's guarantees).
 12. Issuance of Building Permit.
- B. *Detailed Steps.* The detailed steps within each phase of the Subdivision development procedure are covered in Section 3, Section 4, and Section 5.



SECTION 2. DECISION-MAKER AUTHORITY

City council.

- A. *Establishment.* The City's Code of Ordinances establishes the standards governing the City Council.
- B. *Responsibilities.* Table 1 is a summary of the City Council's responsibilities within the Subdivision Ordinance.

Table 1: City Council Responsibilities	
4.05.J.4.b	Approving/Denying an Appeal of the Commission's Decision on a Preliminary Plat Extension
4.06.O.4.b	Approving/Denying an Appeal of the Commission's Decision on a Final Plat

	Extension
4.10.E	Approving/Denying a Plat Vacation
7.01.C.1.b	Approving/Denying an Appeal of a Minor Subdivision Waiver Decision
7.01.C.2	Approving/Denying a Major Subdivision Waiver
7.02	Approving/Denying a Subdivision Proportionality Appeal
7.03.F.4	Approving/Denying a Decision by City Council on a Subdivision Vested Rights Petition
7.03.F.5	Approving/Denying an Appeal to the Council of a Decision on Subdivision Vested Rights Petition

Planning and zoning commission.

- A. *Establishment.* The City's Code of Ordinances establishes the standards governing the Planning and Zoning Commission.
- B. *Responsibilities.* Table 2 is a summary of the Planning and Zoning Commission's responsibilities within the Subdivision Ordinance.

Table 2: Planning and Zoning Commission Responsibilities	
4.05.F	Approving/Denying a Preliminary Plat
4.05.J.4.a	Approving/Denying an Appeal of the Building Official's Decision on a Preliminary Plat Extension
4.06.O.4.a	Approving/Denying an Appeal of the Building Official's Decision on a Final Plat Extension
4.06.H	Approving/Denying a Final Plat
4.07.H.1.	Approving/Denying a Deferral to the Commission of a Minor Plat Decision
4.08.G	Approving/Denying a Replat
4.12	Approving/Denying a Conveyance Plat
4.08.G.2.b.i	Approving/Denying a Deferral to the Commission of a Minor Replat Decision
4.09.G.1	Approving/Denying a Deferral to the Commission of an Amending Plat Decision
7.01.C.1.b	Approving/Denying an Appeal of a Minor Subdivision Waiver Decision
7.01.C.2	Approving/Denying a Major Subdivision Waiver
7.02	Approving/Denying a Subdivision Proportionality Appeal
7.03.F.3	Approving/Denying a Decision by Commission on a Subdivision Vested Rights Petition

City Administrative Staff/Responsible Official.

- A. *Establishment.* City Administrative Staff shall consist of the City Administrator, Building Official, City Engineer, Public Works Director and other City Staff or Consultants as designated by the City Administrator.

- B. *Responsibilities.* Table 3 is a summary of the City Administrative Staff responsibilities within the Subdivision Ordinance, with the Building Official taking the lead and being the Responsible Official in most instances.

Table 3: City Administrative Staff Responsibilities	
4.05.F	Reviewing a Preliminary Plat
4.06.G	Reviewing a Final Plat
4.07.G	Approving a Minor Plat
4.08.G	Reviewing a Replat
4.08.G.2.b	Approving a Minor Replat
4.09.F	Approving an Amending Plat
4.10.D	Recommending a Plat Vacation
4.11.I	Reviewing a Development Plat
5.01	Approving Construction Plans
5.01	Approving an Extension of Construction Plans beyond Expiration Date
5.02	Attending a Pre-Construction Meeting
5.03	Approving a Construction Release
5.05.C	Recommending Development Agreements and Security for Completion
5.06.A	Scheduling and Approving Inspection of Public Improvements
7.01.C.1	Approving a Minor Subdivision Waiver (as applicable)
7.02	Reviewing a Subdivision Proportionality Appeal
7.03.F.2	Approving a Decision by the Responsible Official on a Subdivision Vested Rights Petition

SECTION 3. APPLICATION SUBMITTAL, PROCESSING AND PROCEDURES

General application processing.

A. *Initiation of Application.*

1. Initiation by Owner or Owner's Agent.
 - a. Unless provided by this Subdivision Ordinance, any petition or Application may be initiated only by the property owner, owner of an interest in the land, or by the owner's designated agent.
 - b. If the Applicant is a designated agent, the Application shall include a written statement from the property owner authorizing the agent to file the Application on the owner's behalf.
 - c. The Building Official may require submission of documents, such as an affidavit from the owner, to provide evidence of ownership or agency.
2. Initiation by City Building Official. The City Building Official can initiate any Application authorized under this Subdivision Ordinance.

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- B. *Waiver of Application Information.* The Building Official may initially waive the submission of any information in the Application and accompanying materials that are not necessary due to the scope and nature of the proposed activity.
- C. *Universal Application Contents.*
1. *Application Forms Generally.* The City is hereby authorized to prepare Application Forms that include information requirements, checklists, architectural or engineering drawing sizes, Applicant contact information, and any other information necessary to show compliance with City codes.
 2. *Information for All Applications.* All Applications shall contain the following information and shall be signed under oath stating that the Applicant believes the information contained therein is true to the best of his or her knowledge:
 - a. Identification of property owner and authorized agent;
 - b. Description of the property including state plane correlated data and the nature of the development that is the subject of the application;
 - c. Identification of all zoning classifications (inside the City only) for the property;
 - d. Identification of all pending legislative applications for the property;
 - e. Identification of decisions on all quasi-judicial or administrative Applications for the property that remain in effect;
 - f. Identification of all accompanying Applications;
 - g. Identification of all pending or accompanying requests for relief;
 - h. Demonstration of compliance with prior approved permits; and
 - i. Application signed by the owner of an interest in the land subject to the Application, or the owner's designated agent.
 3. All Application Forms are available at City Offices or on City's official website.
- D. *Development Application Handbook.* The City Building Official may create, manage, and update a Development Application Handbook, which shall be a collection of Application Forms that the City Building Official has created per 3.01.C.1.
- E. *Universal Application Fees.*
1. Every Application shall be accompanied by the prescribed fees set forth in the adopted Fee Schedule.
 2. The prescribed fee shall not be refundable, except when the City Council waives the Application fee for resubmission of an approval that was denied.
 3. The Fee Schedule may be amended from time to time per procedures established by the City Council.
- F. *Payment of all Indebtedness Attributable to the Subject Property.*

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1. No Application shall be accepted or reviewed for completeness from a person who owes delinquent taxes, assessments, any fees, or is otherwise indebted to the City until the taxes, assessments, debts, or obligations shall have been first fully discharged by payment, or until an arrangement has been made for the payment of such debts or obligations.
 2. It shall be the Applicant's responsibility to provide evidence or proof that all taxes, fees, etc. have been paid, or that other arrangements have been made for payment of said taxes, fees, etc.
- G. *Modification of Applications.* The Applicant may modify any complete Application following its Official Vesting Date and prior to the expiration of the period, if any, during which the City is required to act on the Application.
1. *Modifications Requested by the City.* If the modification is for revisions requested by the City, and the modification is received at least five (5) business days prior to the time scheduled for decision on the Application, then the Application shall be decided within the period for decision prescribed by this Subdivision Ordinance.
 2. *Modifications not Requested by the City.*
 - a. In all other instances (e.g., when the Applicant chooses to submit a revised Application of his/her own accord because of a change in development decisions), submittal of a modified Application shall extend the time for deciding the Application for a period equal to the time specified in this Subdivision Ordinance to decide the original Application.
 - b. The extension of the time for deciding the Application shall commence on the date the modified Application is submitted.
 - i. For Plat Applications, a modified Application shall be accompanied by a properly executed Waiver of Right to 30-Day Action.
- H. *Action by Responsible Official.*
1. *Circulate and Compile Comments.* After the determination of completeness has been established, the Building Official shall circulate the Application to all other administrative officials and departments whose review is required for a decision on the Application and shall compile the comments and recommendations of the officials.
 2. *Decision Rendered, If Applicable.* The Building Official shall render a decision in the time prescribed for the applicable Application, if the official is the Decision-Maker for the Application.
 3. *Forward Application and Provide Notification.*
 - a. In cases where the Building Official is not the Decision-Maker, the Building Official shall forward the Application for review to any advisory board/commission and the final Decision-Maker, and shall prepare a report to such board or commission, or to the City Council, including the compilation of any comments and recommendations by other administrative officials.

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- b. The Building Official also shall prepare required notices and schedule the Application for decision within the time and in the manner required by this Subdivision Ordinance.
 - I. *Action by the Decision-Maker.*
 - 1. The Decision-Maker for the Application shall approve, approve with conditions or deny the Application within the time prescribed by this Subdivision Ordinance.
 - 2. Unless otherwise prescribed by law, where the Decision-Maker is a board, commission or the City Council, the Application shall be decided by majority vote of a quorum of the members of the board, commission or the City Council.
 - J. *Conditions.* The initial or final Decision-Maker may attach such conditions to the approval of an Application as are reasonably necessary to ensure compliance with applicable requirements of this Subdivision Ordinance.

Official submission date and official vesting date.

- A. *Official Submission Date.*
 - 1. A calendar of official submission dates for subdivision related Applications requiring City review and approval pursuant to Texas Local Government Code Chapter 212 (if applicable) shall be published by the City thirty (30) calendar days prior to the beginning of each calendar year or within six (6) months after the adoption of this Subdivision Ordinance.
 - 2. This calendar shall specify one "official submittal date" for each month.
 - 3. All Applications delivered to the City on a date other than a scheduled date shall be dated received on the next Official Submission Date.
- B. *Official Vesting Date.*
 - 1. Pursuant to TLGC 245, an Application or plan for development is considered filed on the date the Applicant delivers the Application or plan to the City or deposits the application or plan with the United States Postal Service by certified mail addressed to the City.
 - 2. A certified mail receipt obtained by the Applicant at the time of deposit is prima facie evidence of the date the Application or plan was deposited with the United States Postal Service.
 - 3. Every Application or plan is subject to a determination of completeness by the Responsible Official for processing the Application.

Application filing and determination of completeness.

- A. *Applicability.* The following procedures shall apply to any subdivision related plan or Application that is required by the City and is submitted in accordance with this Subdivision Ordinance.

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- B. *Determination of Completeness for Subdivision Related Applications.* Every required Application shall be subject to a determination of completeness by the Responsible Official for processing the Application.
1. *Acceptance Standards.* The Application shall only be accepted by the Responsible Official for processing when it is accompanied by all documents required by, and prepared in accordance with, the requirements of this Subdivision Ordinance and required items stated on the Application Form. A typographical error shall not, by itself, constitute an incomplete Application.
 2. *Acceptance Procedures.* A determination of completeness of an Application shall be conducted in accordance with the following procedures:
 - a. A determination of completeness shall be made by the Responsible Official not later than the tenth (10th) business day, unless otherwise specified, after the Official Vesting Date.
 - b. If the submitted Application is incomplete, then the Applicant shall be notified in writing not later than the tenth (10th) business day after the Official Vesting Date.
 - i. Such notice shall be served by depositing it in the U.S. Postal Service, or by electronic mail transmission, before the tenth (10th) business day following submission of the Application.
 - ii. The notification shall specify the documents or other information needed to complete the Application, and shall state the date the Application will expire (see 3.03.E Expiration of a Subdivision Related Application—Before Approval Decision) if the documents or other information are not provided to the City.
 - c. An Application shall be deemed complete on the eleventh (11th) business day after the Application has been received if notice is not served in accordance with 3.03.B.2.b.
 - d. If the Application is determined to be complete, the Application shall be processed as prescribed by this Subdivision Ordinance.
 3. *Acceptance shall not Constitute Compliance.* A determination of completeness shall not constitute a determination of compliance with the substantive requirements of this Subdivision Ordinance.
 4. *Acceptance shall not Guarantee Approval.* There is no implied intent or guarantee that an accepted and completed Application will be approved, if after the Application is deemed complete, it is determined that the Application does not comply with this Subdivision Ordinance.
- C. *Re-Submittal after Notification of Incompleteness.*
1. If the Application is re-submitted after a notification of incompleteness, the Application shall be processed upon receipt of the re-submittal.

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2. The statutory 30-day time frame for Plat approvals shall begin on the date of the re-submittal.
 3. To the extent that the information or documents submitted is not sufficient to enable the Decision-Maker to apply the criteria for approval, the Application may be denied on such grounds.
- D. *Waiver of Right to 30-Day Action.* The Building Official shall be the Responsible Official to approve a Waiver of Right to 30-Day Action.
1. *Request.* An Applicant may submit in writing a Waiver of Right to 30-Day Action.
 2. *Received.*
 - a. If the Applicant is requesting a Waiver of Right to 30-Day Action, the Waiver of Right to 30-Day Action must be received by the Building Official on or before the seventh (7th) calendar day prior to the Planning and Zoning Commission meeting at which action would have to be taken (based on the 30-day requirement in State law) on the Application.
 - b. Waiver requests that are not received by that day shall not be considered properly submitted, and action shall be taken on the Application at such meeting as scheduled.
 3. *Requirements Maintained.*
 - a. Submission of a Waiver of Right to 30-Day Action, and acceptance of such waiver by the City as part of an Application, shall not be deemed in any way a waiver to any requirement within this Subdivision Ordinance.
 - b. A waiver from requirements herein is a separate and distinct process (see 7.01 Petition for Subdivision Waiver).
- E. *Expiration of a Subdivision Related Application—Before Approval Decision.* Pursuant to TLGC 245, a subdivision related Application shall automatically expire (ending all vesting claims) at the close of business on the forty-fifth (45th) calendar day after the Application's Official Vesting Date, if:
1. The Applicant fails to provide documents or other information necessary to comply with the City's technical requirements relating to the form and content of the permit Application;
 2. The City provides to the Applicant, not later than the tenth (10th) business day after the date the Application is filed, written notice that specifies the necessary documents or other information, and the date the Application will expire if the documents or other information is not provided; and
 3. The Applicant fails to provide the specified documents or other information necessary to comply with the City's requirements relating to the Application within the time provided in the notification.

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- F. *Vesting Begins on the Official Vesting Date.* An Application shall be vested into the standards of the Subdivision Ordinance in effect at the time of the Application's Official Vesting Date.
 - G. *Right to 30-Day Action for Plats Applications Begins on the Official Submission Date.* The statutory 30-day time frame for Plat approvals, established by TLGC 212, shall commence on the Official Submission Date.

Processing, action, and notification of application decision.

- A. *Action by the Responsible Official.*
 - 1. The Responsible Official for an Application shall initiate internal (i.e., City Staff) review and assessment of the Application following the City's development review procedures.
 - 2. The Responsible Official shall also, to the extent possible, work with the Applicant by advising on and communicating revisions that may be necessary to bring the Application into compliance with City regulations in preparation for consideration by the appropriate Decision-Maker.
- B. *Decision.* The Decision-Maker for the Application shall approve, approve with conditions, or deny the Application within the time period prescribed by this Subdivision Ordinance.
- C. *Conditions Attached.* The Decision-Maker may attach such conditions to the approval of an Application as are reasonably necessary to ensure compliance with all applicable requirements of this Subdivision Ordinance, in which case the Application is considered denied until the conditions are satisfied.
- D. *Notification of Decision.* The City shall send written notice within fourteen (14) calendar days following the date of a decision on an Application.
- E. *Notification of Appeal.* Whenever appeal is taken from a final decision on an Application following a public hearing, or whenever the City is to consider revocation of an Application that was obtained following a public hearing, personal notice of the appeal or revocation proceeding shall be provided to the Applicant.

Public hearings for replat and plat vacation applications.

- A. *Setting the Hearing.*
 - 1. When the Responsible Official determines that an Application is complete and that a public hearing is required by this Subdivision Ordinance (see 4.08.B [Replat] and 4.10.C [Plat Vacation]) or by State law, the official shall cause notice of such hearing to be prepared and made in accordance with State law.
 - 2. The time set for the public hearing shall conform to the time periods required by Sections 4.08.B (Replat) and 4.10.C (Plat Vacation) in this Subdivision Ordinance and by State law.
- B. *Conduct of the Hearing.*

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1. The public hearing shall be conducted in accordance with State law.
 2. Any person may appear at the public hearing and submit evidence, either individually or as a representative of an organization.
 3. Each person who appears at a public hearing shall state his or her name and address, and if appearing on behalf of an organization or Applicant, state the name of the organization or Applicant for the record.
- C. *Record of Proceedings.* The board/commission conducting the hearing shall record the proceedings using standard municipal record-keeping procedures.
- D. *Notice Requirements for Replats.*
1. *Published Notice for Replats.*
 - a. Whenever published notice of a public hearing for a Replat approval before the Council and/or Commission is required under State law, or this Subdivision Ordinance, the Responsible Official shall cause notice to be published in a newspaper of general circulation in the City before the fifteenth (15th) calendar day before the date set for the required hearing.
 - b. The notice shall set forth the date, time, place and purpose of the hearing, and identification of the subject property, where the decision concerns an individual tract or parcel of land.
 2. *Personal Notice for Replats.*
 - a. *Notification by Mail.* Whenever personal notice of a Replat public hearing before the Council and/or Commission, is required by State law or this Subdivision Ordinance, the Building Official shall cause notice to be sent by certified mail before the tenth (10th) calendar day before the hearing date to the following:
 - i. Each owner of real property located within the original subdivision and within two hundred feet (200') of the exterior boundary of the property in question, and
 - ii. The Applicant and/or property owner.
 - b. *Notification Details.* The notice shall set forth the name of the Applicant, the time, place and purpose of the hearing, identification of the subject property.
 - i. Notice shall be sent to each owner indicated on the most recently approved municipal tax roll for land inside the City limits, and, when required by State law, on the most recently approved County tax roll for land in the extraterritorial jurisdiction. For recently annexed land that is not included on the most recently approved City or County tax roll, notice may be given by publication.
 - ii. Notice shall be considered served by depositing the notice, properly addressed and first class postage prepaid, in the United States mail.
- E. *Notice Requirements for Plat Vacations.*

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1. Published notice of the public hearing on the Plat Vacation Application shall be given in accordance with 3.05 Public Hearings for Replat and Plat Vacation Applications and State law.
 2. The hearing shall be conducted by the City Council.

Amendments and expiration to approved subdivision applications.

- A. *Amendments/Revisions to an Approved Subdivision Application.* Unless another method is expressly provided by this Subdivision Ordinance, any request to amend or revise an approved Application shall be considered a new Application, which must be decided in accordance with the procedures governing the original Application and the standards in effect at the time such new Application is filed with the City.
- B. *Expiration of an Approved Subdivision Application.*
 1. *Subdivision Application Expiration—Two (2) Years.* Unless otherwise expressly provided by this Subdivision Ordinance, an approved Application shall automatically expire two (2) years following the approval date of the Application (see 5.01.G Expiration Date for Construction Plans for expiration of Construction Plans), and shall become null and void, and all activities under the Application thereafter shall be deemed in violation of this Subdivision Ordinance, if:
 - a. The Applicant fails to satisfy any condition that was imposed by this Subdivision Ordinance or as part of the approval of the Application or that was made under the terms of any Development Agreement, within the time limits established for satisfaction of such condition or term; or
 - b. The Applicant fails to submit a subsequent complete Application required by this Subdivision Ordinance within the time so required; or
 - c. A Development Agreement (5.05 Development Agreements and Security for Completion) is not approved for the development.
 2. *Applications with No Time Limit.* If no time limit for satisfaction of conditions is specified in the decision on the Application or in the regulations governing, the time shall be presumed to be two (2) years following the date the Application was approved.
 3. *Applications with Vested Right.* Unless a different date is determined pursuant to and upon review of a vested rights petition, an Application approved prior to the effective date of this Subdivision Ordinance shall expire in accordance with the terms of the regulations in effect at the time the Application was filed.
- C. *Effect of Expiration.*
 1. Upon the expiration of an approved Application, all previously approved Applications for the same land shall also expire on the expiration date if the filing of an Application was required to avoid expiration for the previously approved Application(s).
 2. Thereafter, a new Application must be submitted for consideration and approval subject to regulations in effect at the time the new Application is filed.

SECTION 4. PLATS AND PLATTING PROCEDURES

Subdivision procedure summary.

Any owner or Developer of any lot, tract, or parcel of land located within the corporate limits of the City or within its extraterritorial jurisdiction who wishes to subdivide such land shall conform to the following general procedures.

A. *General Procedures.*

1. Pre-Application Conference (Optional).
2. Preliminary Plat.
3. Construction Plans.
4. Construction of improvements.
5. City acceptance of improvements.
6. Final Plat.

General plat requirements.

- A. *Development Application.*** All submittals shall conform to the appropriate Application Form Requirements.
- B. *Application Fees.*** All Application fees shall be paid according to the Fee Schedule.
- C. *Phased Development.***
1. All subdivisions shall be designed in accordance with Municipal Master Utility Plans.
 2. The City may establish size limits and requirements for phased development.
 3. A concept development plan for the entire site shall be prepared and shall accompany all submittals for a Preliminary Plat and Final Plat.
 4. Phased Developments shall coordinate with the surrounding land use plan and existing developments.
 5. Each phase shall submit a Preliminary Plat and Final Plat.
- D. *Drainage.*** If provisions are necessary for drainage facilities on the unplatted future phases of the development, then the Plat shall include separate instruments for (public or private easements) off-site drainage needs and shall include appropriate notes and descriptions providing the City the appropriate permissions and approvals needed for access and for maintaining and improving the public drainage system.

General subdivision and platting procedures.

- A. *Plats Required for Land Subdivision.* A Preliminary Plat or Minor Plat shall be approved prior to any land division that is subject to these regulations and prior to commencement of any new development.
- B. *Replats and Amending Plats.*
 - 1. *Replat.* A Replat, in accordance with State law, and the provisions of Section 4.08 shall be required any time a platted, recorded lot is further divided or expanded, thereby changing the boundary and dimensions of the property.
 - 2. *Amending Plat.* In the case of minor revisions to recorded Plats or lots, an Amending Plat may also be utilized if in accordance with Section 4.09.
- C. *Zoning.*
 - 1. *Conformance with Existing Zoning.* All Applications shall be in conformance with the existing zoning on property inside the City Limits.
 - 2. *Request to Rezone First.* If an Applicant seeks to amend the zoning for the property, the request to rezone the land shall be submitted and approved prior to acceptance of an Application for filing of a plat, unless as otherwise provided below.
 - a. The Applicant may request approval from the Building Official to submit an application simultaneous with the zoning change request, in which case the Application for the zoning amendment shall be acted upon first, provided that the Application is accompanied by a properly executed Waiver of Right to 30-Day Action (due to the more lengthy time frame necessary to advertise and process zoning Applications).
 - b. In the event that the requested zoning amendment is denied, the Plat Application shall also be rejected or denied.
 - 3. *Zoning Ordinance Site Plan Approval.* Where Site Plan approval is required by the Zoning Ordinance prior to development, no Application for a Final Plat approval shall be accepted for filing until a Site Plan has been approved for the land subject to the proposed Plat.

Pre-application conference (optional).

- A. *Purpose.*
 - 1. The Pre-Application Conference is optional but intended to allow for the exchange of non-binding information between the Applicant and the Design Review Committee to ensure that the Applicant is informed of pertinent City development regulations and processes.
 - 2. The Pre-Application Conference provides an opportunity for the Applicant and the Design Review Committee to discuss major development considerations such as

utilities, roadways, drainage concerns, Comprehensive Plan elements, specific neighborhood characteristics, and historic information.

3. This exchange of information is intended to promote an efficient and orderly review process.

B. *Pre-Application Conference before the Submission of Plans and Applications.*

1. Prior to formal submittal of any required plan or Application, the Applicant is encouraged to consult with the Design Review Committee in order for the Applicant to become familiar with the City's development regulations and the development process.
2. At the Pre-Application Conference, the Applicant may be represented by their land planner, engineer, surveyor, or other qualified professional.
3. Pre-application meetings do not vest a permit, application or other type of development approval, pursuant to Chapter 245, LGC.

Preliminary plat.

- A. *Purpose.* The purpose of a Preliminary Plat shall be to determine the general layout of the subdivision, the adequacy of public facilities needed to serve the intended development, and the overall compliance of the land division with applicable requirements of this Subdivision Ordinance.

- B. *Applicability.* No subdivision of land shall be allowed without proper submittal, approval, and adoption of a Preliminary Plat.

C. *Exceptions.*

1. A Preliminary Plat is not required when a Minor Plat is submitted (refer to 4.07).
2. A Final Plat in accordance with Section 4.06 may be submitted in lieu of a Preliminary Plat if a Development Agreement and appropriate surety are submitted along with the Application.

D. *Accompanying Applications.*

1. *Preliminary and Other Types of Plans.* An Application for a Preliminary Plat shall be accompanied by the following:
 - a. Preliminary Drainage Plan;
 - b. Preliminary Storm Water Management Plan;
 - c. Preliminary Utility Plan; and
 - d. Other plans if deemed necessary for thorough review by the Responsible Official, such as a Planned Development Master Plan.

Approval of each shall be separately included with this application.

2. *Current Title Commitments.* The Applicant shall furnish with the Application to the City a current title commitment issued by a title insurance company authorized to do business in Texas, a title opinion letter from an attorney licensed to practice in Texas,

or some other acceptable proof of ownership, identifying all persons having an ownership interest in the property subject to the Preliminary Plat.

E. *Review by the Building Official.* The Building Official shall:

1. Initiate review of the plat and materials submitted.
2. Include the City Administrator, Public Works Director, City Engineer, and Fire Marshal (if the latter's involvement is deemed appropriate) in the review of the plat and materials submitted.
3. Make available Plats and reports to the Commission for review.
4. Upon determination that the Application is ready to be acted upon, schedule the Preliminary Plat for consideration on the agenda of the next available meeting of the Planning and Zoning Commission.

F. *Action by the Planning and Zoning Commission.* The Commission shall:

1. Review the Preliminary Plat Application, the findings of the Building Official, City Administrator, Public Works Director, City Engineer, and/or Fire Marshal and any other information available.
 - a. From all such information, the Commission shall determine whether the Preliminary Plat conforms to this Subdivision Ordinance.
2. Act within thirty (30) calendar days following the Official Submission Date, unless the Applicant submits a Waiver of Right to 30-Day Action.
 - a. If no decision is rendered by the Commission within the thirty (30) day period described above or such longer period as may have been agreed upon, the Preliminary Plat, as submitted, shall be deemed approved by the Commission.
3. Take one of the following actions:
 - a. Approve the Preliminary Plat;
 - b. Approve the Preliminary Plat with conditions, which shall mean that the Preliminary Plat shall be considered to have been approved once such conditions are fulfilled and until the conditions are satisfied, it is considered denied; or
 - c. Deny the Preliminary Plat.

G. *Criteria for Approval.* The following criteria shall be used by the Commission to determine whether the Application for a Preliminary Plat shall be approved, approved with conditions, or denied:

1. All Plats must be drawn to conform to the zoning regulations currently applicable to the property. If a zoning change for the property is proposed, then the zoning change must be completed before the approval of any Preliminary Plats/Final Plats;
2. No Plat or Replat may be approved that leaves a structure located on a remainder lot.
3. The Preliminary Plat is consistent with any approved Development Agreement;

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4. The proposed provision and configuration of Public Improvements including, but not limited to, roads, water, wastewater, storm drainage, park facilities, open spaces, habitat restoration, easements and Right-of-Way are adequate to serve the development, meet applicable standards of this Subdivision Ordinance, and conform to the City's adopted master plans for those facilities;
 5. The Preliminary Plat has been duly reviewed by applicable City staff;
 6. The Preliminary Plat conforms to design requirements and construction standards as set forth in this Subdivision Ordinance and any standards referenced by it;
 7. The Preliminary Plat is consistent with the adopted Comprehensive Plan, except where application of the Plan may conflict with State law;
 8. The proposed development represented on the Preliminary Plat does not endanger public health, safety or welfare; and
 9. The Preliminary Plat conforms to the City's subdivision Application checklists.

H. *Effect of Approval.*

1. Approval of a Preliminary Plat shall allow the Applicant to proceed with the development and platting process by submitting Construction Plans and Final Plat.
2. Approval of the Preliminary Plat shall be deemed general approval of the subdivision's layout only, and shall not constitute approval or acceptance of Construction Plans or a Final Plat.

I. *Expiration.*

1. *Two-Year Validity.*
 - a. The approval of a Preliminary Plat shall remain in effect for a period of two (2) years following the date of approval, during which period the Applicant shall submit and receive approval for Construction Plans and a Final Plat for the land area shown on the Preliminary Plat.
 - b. If Construction Plans and a Final Plat Application have not been approved within the two (2) year period, the Preliminary Plat shall expire.
2. *Relationship to Construction Plans.* A Preliminary Plat shall remain valid for the period of time in which approved Construction Plans are valid (See Section 5.01.G).
3. *Action on Final Plat.* Should a Final Plat Application be submitted within the two (2) year period, but not be acted upon by the Commission within the two (2) year period, the Preliminary Plat shall expire unless an extension is granted.
4. *Void If Not Extended.* If the Preliminary Plat is not extended as provided in J below, it shall expire and shall become null and void.

J. *Preliminary Plat Extension.* A Preliminary Plat may be extended for a period not to exceed one (1) year beyond the Preliminary Plat's initial expiration date. A request for extension shall be submitted to the Building Official in writing at least thirty (30) calendar days prior

to expiration of the Preliminary Plat, and shall include reasons why the Preliminary Plat should be extended.

1. *Decision by the Building Official.*

- a. The Building Official will review the extension request and shall approve it, approve it with conditions, or deny the extension request within thirty (30) calendar days following the Official Vesting Date of the request.
- b. Should the Building Official fail to act on an extension request within thirty (30) calendar days, the extension shall be deemed to be approved.

2. *Considerations.* In considering an extension, the Building Official shall consider whether the following conditions exist:

- a. A Final Plat has been submitted and/or approved for any portion of the property shown on the Preliminary Plat;
- b. Construction Plans have been submitted and/or approved for any portion of the property shown on the Preliminary Plat;
- c. Construction is occurring on the subject property;
- d. The Preliminary Plat complies with new ordinances that impact the health, safety and general welfare of the community; and/or
- e. If there is a need for a park, school or other public facility or improvement on the property.

3. *Conditions.*

- a. In granting an extension, the Building Official may impose such conditions as are needed to ensure that the land will be developed in a timely fashion and that the public interest is served.
- b. Any extension may be predicated upon compliance with new development regulations and/or the Applicant waiving any vested rights.

4. *Appeal of Denial for Extension.*

- a. Appeal of the Building Official's Decision on a Preliminary Plat Extension
 - i. The denial of an extension by the Building Official may be appealed to the Commission.
 - ii. A written request for such appeal shall be received by the Building Official within fourteen (14) calendar days following the denial.
 - iii. The Commission shall hear and consider such an appeal within thirty (30) calendar days following receipt of the appeal request by the Building Official.
- b. Appeal of the Commission's Decision on a Preliminary Plat Extension

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- i. The denial of an extension by the Commission may be appealed to the City Council.
 - ii. A written request for such appeal shall be received by the Building Official within fourteen (14) calendar days following the denial.
 - iii. The City Council shall hear and consider such an appeal within thirty (30) calendar days following receipt of the appeal request by the Planning and Development Department.
 - iv. The decision of the City Council is final.

K. *Amendments to Preliminary Plats Following Approval.*

1. *Minor Amendments to Preliminary Plats.*
 - a. Minor amendments to the design of the subdivision subject to an approved Preliminary Plat may be incorporated in an Application for approval of a Final Plat without the necessity of filing a new Application for re-approval of a Preliminary Plat.
 - b. Minor amendments may only include minor adjustments in street or alley alignments, lengths and paving details, and minor adjustments to lot lines that:
 - i. Do not result in creation of additional lots or any non-conforming lots (such as to zoning standards), and
 - ii. Are consistent with approved prior Applications.
2. *Major Amendments to Preliminary Plats.* All other proposed changes to the design of the subdivision subject to an approved Preliminary Plat shall be deemed major amendments that require submittal and approval of a new Application for approval of a Preliminary Plat (including new fees, new reviews, new Official Vesting Date, new Official Submission Date, etc.) before approval of Construction Plats and/or a Final Plat.
3. *Determination of Minor or Major Amendment.* The Building Official shall decide whether proposed amendments are deemed to be minor or major, thereby requiring new submittal of a Preliminary Plat.

Final plat.

A. *Purpose.* The purpose of a Final Plat is to ensure:

1. That the proposed Subdivision and development of the land is consistent with all standards of this Subdivision Ordinance pertaining to the adequacy of public facilities,
2. That Public Improvements to serve the Subdivision or development have been installed and accepted by the City, or that provision for such installation has been made, and
3. That all other City requirements and conditions have been satisfied or provided for to allow the Final Plat to be recorded.

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- B. *Applicability.* No subdivision of land shall be allowed without proper submittal, approval, and adoption of a Final Plat.
- C. *Exceptions.* A Final Plat is not required when a Minor Plat is submitted (See Section 4.07).
- D. *Ownership.*
1. The Applicant shall furnish with the Application to the City a current title commitment issued by a title insurance company authorized to do business in Texas, a title opinion letter from an attorney licensed to practice in Texas, or some other acceptable proof of ownership, identifying all persons having an ownership interest in the property subject to the Final Plat.
 2. The Final Plat shall be signed by each owner, or by the representative of the owners authorized to sign legal documents for the owners and lienholder, effectively denoting that they are consenting to the platting of the property and to the dedications and covenants that may be contained in the Final Plat.
- E. *Accompanying Applications.*
1. An Application for a Final Plat may be accompanied by Construction Plans if also accompanied by a Development Agreement and appropriate surety in accordance with Section 5.05.
 2. Approval of each shall be separate and in accordance with Section 5.05.
- F. *Prior Approved Preliminary Plat.* The Final Plat and all accompanying data shall conform to the approved Preliminary Plat, or as the Preliminary Plat may have been amended subsequently, incorporating all conditions imposed or required, if applicable.
- G. *Review by Building Official.* The Building Official shall:
1. Initiate review of the plat and materials submitted,
 2. Include the City Administrator, Public Works Director, City Engineer, and Fire Marshal (if the latter's involvement is deemed appropriate) in the review of the plat and materials submitted.
 3. Make available Plats and reports to the Commission for review, and
 4. Upon determination that the Application is ready to be acted upon, schedule the Final Plat for consideration on the agenda of the next available meeting of the Commission.
- H. *Action by Planning and Zoning Commission.* The Commission shall:
1. Review the Final Plat Application, the findings of the Building Official, City Administrator, Public Works Director, City Engineer, and or Fire Marshal and any other information available.
 - a. From all such information, the Commission shall determine whether the Final Plat conforms to the applicable regulations of this Subdivision Ordinance.
 - b. All Public Improvements have been installed (For exception, See Section 5.05)

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2. Act within thirty (30) calendar days following the Official Submission Date, unless the Applicant submits a Waiver of Right to 30-Day Action.
 - a. If no decision is rendered by the Commission within the thirty (30) day period described above or such longer period as may have been agreed upon, the Final Plat, as submitted, shall be deemed to be approved by the Commission.
 3. Take one of the following actions:
 - a. Approve the Final Plat;
 - b. Approve the Final Plat with conditions, which shall mean that the Final Plat shall be considered to have been approved once such conditions are fulfilled, and until the conditions are satisfied, it is considered denied; or
 - c. Deny the Final Plat.
 4. A motion to approve a Final Plat shall be subject to the following conditions, whether or not stated in the motion to approve:
 - a. All required fees shall be paid.
 - b. All conditions required by ordinances have been reviewed and approved by the City.
 - c. On-site easements and rights-of-way have been dedicated and filed of record and properly described and noted on the proposed plat.
 - d. All required abandonments of public rights-of-way or easements that must be approved by the City Council and the abandonment ordinance numbers are shown on the plat.
 - e. Original tax certificates have been presented from each taxing unit with jurisdiction of the real property showing the current taxes are paid.
- I. *Final Plat Criteria for Approval.* The following criteria shall be used by the Commission to determine whether the Application for a Final Plat shall be approved, approved with conditions, or denied.
1. *With Prior Approved Preliminary Plat.*
 - a. The Final Plat conforms to the approved Preliminary Plat except for minor amendments that are authorized under Section 4.05.K.1 and that may be approved without the necessity of revising the approved Preliminary Plat;
 - b. All conditions imposed at the time of approval of the Preliminary Plat, as applicable, have been satisfied;
 - c. The Construction Plans conform to the requirements of Section 5 and have been approved by the Building Official.
 - d. Where Public Improvements have been installed, the improvements conform to the approved Construction Plans and have been approved for acceptance by the Public Works Director and Building Official;

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- e. Where the City Administrator has authorized Public Improvements to be deferred, a Development Agreement has been executed and submitted by the property owner in conformity with Section 5.05;
 - f. The final layout of the Subdivision or development meets all standards for adequacy of public facilities contained in this Subdivision Ordinance;
 - g. The Plat conforms to design requirements and construction standards as set forth in this Subdivision Ordinance; and
 - h. A plat prepared by a registered public surveyor conforms to the Building Official's subdivision Application checklists and Subdivision Ordinance regulations.
2. *Without Prior Approved Preliminary Plat.*
- a. The Final Plat conforms to all criteria for approval of a Preliminary Plat;
 - b. The Construction Plans conform to the requirements of Section 5 and have been approved by the Building Official;
 - c. A Development Agreement with surety for installation of Public Improvements has been prepared and executed by the property owner in conformance with 5.05;
 - d. The final layout of the Subdivision or development meets all standards for adequacy of public facilities contained in this Subdivision Ordinance; and
 - e. The Final Plat conforms to the City's subdivision Application checklist and Subdivision Ordinance regulations.
- J. *Procedures for Final Plat Recordation upon Approval.* The Applicant shall supply to the Building Official the required number of signed and executed copies of the Final Plat that will be needed to file the Plat, upon approval, with the County (in the County's required format) at least seven (7) calendar days prior to the meeting at which it will be considered for approval.
1. *General.*
- a. *Signatures.* After approval of the Final Plat, the Building Official shall procure the appropriate City signatures on the Final Plat.
 - b. *Recording upon Performance.* The Final Plat shall be recorded after:
 - i. The Final Plat is approved by the City;
 - ii. All required Public Improvements have been completed and accepted by the City or a Development Agreement has been executed and appropriate surety provided in accordance with Section 5.05; and
 - iii. All County filing requirements are met.
2. *Submittal of Final Plat Where Improvements Installed.* Where all required Public Improvements have been installed prior to recording of the Final Plat, the Applicant shall meet all requirements in accordance with Section 4.06.I.

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3. *Submittal of Final Plat Where Improvements Have Not Been Installed.* Where some or all required Public Improvements are not yet completed in connection with an approved Final Plat, the Applicant shall submit the Final Plat as approved, revised to reflect any conditions imposed as part of approval.
 4. *Update of Proof of Ownership.* If there has been any change in ownership since the time of the Proof of Ownership provided under 4.05.D, the Applicant shall submit a new consent agreement executed by each owner and lienholder consenting to the platting of the property and the dedications and covenants contained in the Plat.
- K. *Effect of Approval.* The approval of a Final Plat:
1. Supersedes any prior approved Preliminary Plat for the same land.
 2. If applicable, authorizes the Applicant to install any improvements in public Right-of-Way in conformance with approved Construction Plans and under a Development Agreement (refer to 5.05).
 3. Authorizes the Applicant to seek Construction Release and/or issuance of a Building Permit.
- L. *Revisions Following Recording/Recordation.* Revisions may only be processed and approved as a Replat, Minor Replat, or Amending Plat, as applicable.
- M. *Signature Blocks.* Unless otherwise modified by the Building Official, the following signature blocks shall be used in conjunction with the Final Plat.
1. Certificate of Surveyor.
 2. Owner's Statement for Fire Lane Easement.
 3. Owner's Acknowledgement and Dedication.
 4. Lienholder's Ratification of Plat Dedication.
 5. Certificate of Final Plat Approval.
 6. Certificate of Completion and Authorization to File.
 7. County Authorization (If Applicable).
- N. *Expiration of Approved but not Filed Plat.*
1. *Two-Year Validity.*
 - a. The approval of a Final Plat shall remain in effect for a period of two (2) years following the date of approval, during which period the Applicant shall submit and receive approval for Construction Plans for the land area shown on the Final Plat.
 - b. If Construction Plans have not been approved within the two (2) year period, the Final Plat shall expire.

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2. *Relationship to Construction Plans.* A Final Plat shall remain valid for the period of time in which approved Construction Plans are valid (5.01.G Expiration Date for Construction Plans).
 3. *Void If Not Extended.* If the Final Plat is not extended as provided in 4.06.O Final Plat Extension for Approved but not Filed Plat, it shall expire and shall become null and void.
 4. *Approved Final Plat that have been Filed (Recorded with the County).* Approved plats that have been filed with the County shall not expire.
- O. *Final Plat Extension for Approved but not Filed Plat.* A Final Plat may be extended for a period not to exceed one (1) year beyond the Final Plat's initial expiration date. A request for extension shall be submitted to the Building Official in writing at least thirty (30) calendar days prior to expiration of the Final Plat, and shall include reasons why the Final Plat should be extended.
1. *Decision by the Building Official.*
 - a. The Building Official will review the extension request and shall approve or deny the extension request within thirty (30) calendar days following the date of the request.
 - b. Should the Building Official fail to act on an extension request within thirty (30) calendar days, the extension shall be deemed to be approved.
 2. *Considerations.* In considering an extension, the Building Official shall consider whether the following conditions exist:
 - a. Construction Plans have been submitted and/or approved for any portion of the property shown on the Final Plat;
 - b. Construction, including the installation of public improvements, is occurring on the property;
 - c. The Final Plat complies with new ordinances that impact the health, safety and general welfare of the community; and/or
 - d. If there is a need for a park, school or other public facility or improvement on the property.
 3. *Conditions.*
 - a. In granting an extension, the Building Official may impose such conditions as are needed to ensure that the land will be developed in a timely fashion and that the public interest is served.
 - b. Any extension may be predicated upon compliance with new development regulations and/or the Applicant waiving any vested rights.
 4. *Appeal of the Denial of a Final Plat Approval Extension.*
 - a. Appeal of the Building Official's Decision on a Final Plat Extension.

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- i. The denial of an extension by the Building Official may be appealed to the Commission.
 - ii. A written request for such appeal shall be received by the Building Official within fourteen (14) calendar days following the denial.
 - iii. The Commission shall hear and consider such an appeal within thirty (30) calendar days following receipt of the appeal request by the Building Official.
 - b. Appeal of the Commission's Decision on a Final Plat Extension.
 - i. The denial of an extension by the Commission may be appealed to the City Council.
 - ii. A written request for such appeal shall be received by the Building Official within fourteen (14) calendar days following the denial.
 - iii. The City Council shall hear and consider such an appeal within thirty (30) calendar days following receipt of the appeal request by the Building Official.
 - iv. The decision of the City Council is final.

Minor plat.

- A. *Purpose.* The purpose of a Minor Plat is to simplify divisions of land under certain circumstances as outlined in Texas Local Government Code Section 212.0065.
- B. *Applicability.* An Application for approval of a Minor Plat may be filed only in accordance with State law, when all of the following circumstances apply:
 - 1. The proposed division results in four (4) or fewer lots;
 - 2. All lots in the proposed Subdivision front onto an existing public street and the construction or extension of a street or alley is not required to meet the requirements of this Subdivision Ordinance; and
 - 3. Except for Right-of-Way widening and easements, the plat does not require the extension of any municipal facilities to serve any lot within the Subdivision.
- C. *Application Requirements.* The requirements for the submittal of a Minor Plat shall be determined by the Building Official.
- D. *Additional Requirements.* To be considered a Minor Plat it must also meet the following requirements:
 - 1. The proposed Plat shall be for the Subdivision of one lot into four (4) or fewer lots.
 - 2. The person, firm or corporation owning the property shall not have more than one Minor Plat approved during any twelve (12) month period.
 - 3. The person, firm or corporation presenting the proposed Plat shall dedicate all easements and Right-of-Way as required elsewhere in these regulations.

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4. Private wells and private wastewater treatment facilities that meet the current City health standards shall be considered adequate when existing public water and wastewater lines are not within one hundred (100) feet of the proposed Plat.
- E. *Minor Plat Criteria for Approval.* The following criteria shall be used to determine whether the Application for a Minor Plat shall be approved, approved with conditions, or denied:
1. The Minor Plat is consistent with all zoning requirements for the property (if applicable), any approved Development Agreement (if applicable), and all other requirements of this Subdivision Ordinance that apply to the Plat;
 2. All lots to be created by the plat already are adequately served by improved public street access and by all required City utilities and services and by alleys, if applicable;
 3. The ownership, maintenance and allowed uses of all designated easements have been stated on the Minor Plat; and
 4. Except for Right-of-Way widening and easements, the plat does not require the extension of any municipal facilities to serve any lot within the subdivision.
- F. *Review by the Building Official.* The Building Official shall:
1. Initiate review of the plat and materials submitted; and
 2. Distribute to appropriate City Departments for review.
- G. *Action by the Building Official.* The Building Official shall:
1. Determine whether the Minor Plat meets the regulations of this Subdivision Ordinance.
 2. Act within thirty (30) calendar days following the Official Submission Date, unless the Applicant submits a Waiver of Right to 30-Day Action.
 - a. If no decision is rendered by the Building Official, or if the Building Official has not deferred the Application to the Planning and Zoning Commission for decision, within the thirty (30) day period described above or such longer period as may have been agreed upon, the Minor Plat, as submitted, shall be deemed to be approved.
 3. Take one of the following actions:
 - a. Approve the Minor Plat;
 - b. Approve the Minor Plat with conditions, which shall mean that the Minor Plat shall be considered to have been approved once such conditions are fulfilled and until the conditions are satisfied, it is considered denied; or
 - c. Defer the Minor Plat to the Planning and Zoning Commission for consideration prior to expiration of the required 30-day approval period unless a Waiver of Right to 30-Day Action is submitted.
- H. *Deferral of Decision of a Minor Plat Application.*
1. Deferral to the Commission of a Minor Plat Decision. If the Building Official defers the Minor Plat Application to the Planning and Zoning Commission, the Commission

shall consider the Application at a regular meeting no later than thirty (30) calendar days after the date on which the Building Official deferred the Application to the Commission. The Commission shall, upon simple majority vote, take one of the following actions:

- a. Approve the Minor Plat;
 - b. Approve the Minor Plat with conditions, which shall mean that the Minor Plat shall be considered to have been approved once such conditions are fulfilled and until the conditions are satisfied, it is considered denied; or
 - c. Deny the Minor Plat.
- I. *Procedures for Minor Plat Recordation Following Approval.* The procedures for recordation of a Minor Plat shall be the same as the procedures for recordation of a Final Plat, as outlined in Section 4.06.J.
- J. *Revisions Following Approval.* Revisions may only be processed and approved as a Replat, Minor Replat, or Amending Plat, as applicable.

Replat.

A. *Purpose and Applicability.*

1. A Replat of all or a portion of a recorded Plat may be approved in accordance with State law without vacation of the recorded Plat, if the Replat:
 - a. Is signed and acknowledged by only the owners of the property being replatted;
 - b. Is approved after a public hearing; and
 - c. Does not propose to amend or remove any covenants or restrictions previously incorporated in the recorded Plat.
2. A Replat shall be subject to approval by the Commission.

B. *General Notice and Public Hearing Requirements.*

1. Published notice of the public hearings on the Replat Application shall be given in accordance with Section 3.05 if applicable.
 - a. See specific notice and hearing requirements for "Certain" Replats in Section 4.08.F.
2. A public hearing shall be conducted by the Commission on all Replat Applications.

C. *Application.* The Application for a Replat of a Subdivision shall meet all Application requirements of a Final Plat. The Applicant shall acknowledge that the Replat will not amend or remove any covenants or restrictions previously incorporated in the recorded Plat.

D. *Partial Replat Application.* If a Replat is submitted for only a portion of a previously platted subdivision, the Replat must reference the previous Subdivision name and recording information, and must state on the Replat the specific lots which are being changed along with a detailed "Purpose for Replat" statement.

E. *Criteria for Approval.*

1. The Replat of the Subdivision shall meet all review and approval criteria for a Final Plat.
2. The Replat document shall be prepared by a Registered Professional Land Surveyor.

F. *Additional Requirements for "Certain" Replats.*

1. *Applicability of "Certain" Replats.* Pursuant to Texas Local Government Code Chapter 212.015, a Replat without vacation of the preceding Plat must conform to the requirements of this Section if:
 - a. During the preceding five (5) years, any of the area to be replatted was limited by an interim or permanent zoning classification to residential use for not more than two (2) residential units per lot; or
 - b. Any lot in the preceding plat was limited by deed restrictions to residential use for not more than two (2) residential units per lot.
2. *Notice and Public Hearing Requirements for "Certain" Replats.* Notice of the required public hearing shall be given before the fifteenth (15th) calendar day before the date of the hearing by:
 - a. Publication in an official newspaper or a newspaper of general circulation in the applicable City or unincorporated area (as applicable) in which the proposed Replat property is located; and
 - b. Written notice, with a copy of Section 212.015(c) of the TLGC (as amended) attached, forwarded by the City to the owners of lots that are in the original Subdivision and that are within two hundred feet (200') of the lots to be replatted, as indicated on the most recently approved municipal tax roll or in the case of a Subdivision within the ETJ, the most recently approved applicable county tax roll of the property upon which the Replat is requested. The written notice may be delivered by depositing the notice, properly addressed with postage prepaid, in a post office or postal depository within the boundaries of the City.
3. *Protest.*
 - a. If the Replat Application is accompanied by a waiver petition (per 7.01) and is protested in accordance with this Section, approval of the Replat shall require the affirmative vote of at least three-fourths of the voting members of the Commission present at the meeting.
 - b. For a legal protest, written instruments signed by the owners of at least twenty percent (20%) of the area of the lots or land immediately adjoining the area covered by the Replat Application and extending two hundred feet (200') from that area, but within the original Subdivision, must be filed with the Commission prior to the close of the public hearing.
 - c. The area of streets and alleys shall be included in the area computations.

G. *Replat Review and Approval.*

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1. *Replat.* The review and approval processes for a Replat shall be the same as the review and approval processes for a Final Plat (except for the special public hearing and notice requirements described in Section 3.05).
 2. *Minor Replat.*
 - a. Pursuant to TLGC 212.0065, a Replat involving four (4) or fewer lots fronting on an existing street and not requiring the creation of any new street or the extension of municipal facilities (i.e., a Minor Replat) may be approved by the Building Official. The review and approval process shall be the same as that followed for a minor plat.
 - b. Prior to the Building Official or the Planning and Zoning Commission, if the matter has been deferred to that Commission, taking action on a proposed Minor Replat the Planning and Zoning Commission shall hold at least one public hearing thereon.
- H. *Effect.* Upon approval of the Application, the Replat may be recorded and is controlling over the previously recorded Plat for the portion re-platted.

Amending plat.

- A. *Purpose.* The purpose of an Amending Plat shall be to provide an expeditious means of making minor revisions to a recorded Plat consistent with provisions of State law.
- B. *Applicability.* The procedures for an Amending Plat shall apply only if the sole purpose of the Amending Plat is to achieve one or more of the following Purposes:
 1. *Error Corrections or Administrative Adjustments.*
 - a. Correct an error in a course or distance shown on the preceding Plat.
 - b. Add a course or distance that was omitted on the preceding Plat.
 - c. Correct an error in a real property description shown on the preceding Plat.
 - d. Indicate monuments set after the death, disability or retirement from practice of the engineer or surveyor responsible for setting monuments.
 - e. Show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding Plat.
 - f. Correct any other type of scrivener or clerical error or omission previously approved by the municipal authority responsible for approving Plats, including lot numbers, acreage, street names, and identification of adjacent recorded Plats.
 - g. Correct an error in courses and distances of lot lines between two adjacent lots if:
 - i. Both lot owners join in the Application for amending the Plat;
 - ii. Neither lot is abolished;

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- iii. The amendment does not attempt to remove recorded covenants or restrictions; and
 - iv. The amendment does not have a material adverse effect on the property rights of the other owners in the Plat.
 - 2. *Relocate Lot Lines.*
 - a. Relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement.
 - b. Relocate one or more lot lines between one or more adjacent lots if:
 - i. The owners of all those lots join in the Application for amending the Plat;
 - ii. The amendment does not attempt to remove recorded covenants or restrictions; and
 - iii. The amendment does not increase the number of lots.
 - 3. *Replatting.*
 - a. Make necessary changes to the preceding Plat to create six (6) or fewer lots in the Subdivision or a part of the Subdivision covered by the preceding Plat if:
 - i. The changes do not affect applicable zoning and other regulations of the municipality;
 - ii. The changes do not attempt to amend or remove any covenants or restrictions; and
 - iii. The area covered by the changes is located in an area that the City has approved, after a public hearing, as a residential improvement area (per State law, TLGC 212.016).
 - b. Replat one or more lots fronting on an existing street if:
 - i. The owners of all those lots join in the Application for amending the Plat;
 - ii. The amendment does not attempt to remove recorded covenants or restrictions;
 - iii. The amendment does not increase the number of lots; and
 - iv. The amendment does not create or require the creation of a new street or make necessary the extension of municipal facilities.
 - C. *Certificates of Correction.* Certificates of Correction are prohibited.
 - D. *Notice Not Required.* The approval and issuance of an Amending Plat shall not require notice, hearing or approval of other lot owners.
 - E. *Review by Building Official.* The Building Official shall:
 - 1. Review the plat and materials submitted.
 - F. *Action by Building Official.* The Building Official shall:

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1. Determine whether the Amending Plat meets the regulations of this Subdivision Ordinance.
 2. Act within thirty (30) calendar days following the Official Submission Date, unless the Applicant submits a Waiver of Right to 30-Day Action.
 3. Take one of the following actions:
 - a. Approve the Amending Plat;
 - b. Approve the Amending Plat with conditions, which shall mean that the Amending Plat shall be considered to have been approved once such conditions are fulfilled and until the conditions are satisfied, it is considered denied; or
 - c. Defer the Amending Plat to the Commission for consideration prior to expiration of the required 30-day approval period unless a Waiver of Right to 30-Day Action is submitted.

G. Deferral of Decision on an Amending Plat Application.

1. Deferral to the Commission of an Amending Plat Decision. If the Building Official defers the Amending Plat Application to the Planning and Zoning Commission, the Commission shall consider the Application at a regular meeting no later than thirty (30) calendar days after the date on which the Building Official deferred the Application to the Commission. The Commission shall, upon simple majority vote, take one of the following actions:
 - a. Approve the Amending Plat;
 - b. Approve the Amending Plat with conditions, which shall mean that the Amending Plat shall be considered to have been approved once such conditions are fulfilled and until the conditions are satisfied, it is considered denied; or
 - c. Deny the Amending Plat.

Plat vacation.

- A. *Purpose.* The purpose of a Plat Vacation is to provide an expeditious means of vacating a recorded Plat in its entirety, consistent with provisions of State law.
- B. *Initiation of a Plat Vacation.*
 1. *By Property Owner.* The property owner of the tract covered by a Plat may submit an Application to vacate the Plat at any time before any lot in the Plat is sold.
 2. *By All Lot Owners.* If lots in the Plat have been sold, an Application to vacate the plat must be submitted by all the owners of lots in the Plat.
 3. *City Council.* If the City Council, on its own motion, determines that the Plat should be vacated in the interest of and to protect the public's health, safety and welfare; and:
 - a. No lots within the approved Plat have been sold within five (5) years following the date that the Final Plat was approved by the City; or

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- b. The property owner has breached a Development Agreement, and the City is unable to obtain funds with which to complete construction of Public Improvements, except that the vacation shall apply only to lots owned by the property owner or its successor; or
 - c. The Plat has been of record for more than five (5) years, and the City Council determines that the further sale of lots within the Subdivision or addition presents a threat to public health, safety and welfare, except that the vacation shall apply only to lots owned by the property owner or its successors.
 - C. *Notice.* Published notice of the public hearing shall be given in accordance with Section 3.05.
 - D. *Review and Recommendation by the Building Official.* The Building Official shall:
 - 1. Initiate review of the Plat Vacation Application and materials submitted; and
 - 2. Recommend action on Plat Vacation to the City Council.
 - E. *Action by the City Council.* The Building Official shall:
 - 1. Review the Plat Vacation Application, the findings of the Building Official, and any other information available. From all such information, the Building Official shall make a finding as to whether the plat should be vacated.
 - 2. Take one of the following actions:
 - a. Approve the Plat Vacation;
 - b. Approve the Plat Vacation with conditions, which shall mean that the Plat Vacation shall be considered to have been approved once such conditions are fulfilled and until the conditions are satisfied, it is considered denied; or
 - c. Deny the Plat Vacation.
 - 3. The City Council's decision on a Plat Vacation shall be final.
 - F. *Procedures for Recordation Following Approval.*
 - 1. If the City Council adopts a resolution vacating a plat in whole, it shall record a copy of the resolution in the County Clerk's Office.
 - 2. If the City Council adopts a resolution vacating a plat in part, it shall cause a revised Final Plat to be recorded along with the resolution which shows that portion of the original plat that has been vacated and that portion that has not been vacated.
 - G. *Effect.*
 - 1. On the execution and recording of the vacating instrument, the previously filed plat shall have no effect.
 - a. Regardless of the City Council's action on the petition, the property owner(s) or Developer will have no right to a refund of any monies, fees or charges paid to the City nor to the return of any property or consideration dedicated or delivered to the City except as may have previously been agreed to by the City Council.

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2. The Plat is vacated when a signed, acknowledged instrument declaring the Plat vacated is approved and recorded in the manner prescribed for the original Plat.
 3. The City Council, at its discretion, shall have the right to retain all or specific portions of road Right-of-Way or easements shown on the Plat being considered for vacation. However, the City Council shall consider Plat Vacation upon satisfactory conveyance of easements and/or Right-of-Way in a separate legal document using forms provided by the City Attorney's office.

Development plat.

- A. *Purpose.* The purpose of a Development Plat is to ensure the adequacy of public facilities needed to serve the intended development and the overall compliance of such development with applicable requirements of this Subdivision Ordinance.
- B. *Authority.* This Section is adopted pursuant to the TLGC, Chapter 212, Subchapter B, Sections 212.041 through 212.050, as amended.
- C. *Applicability.*
 1. *To Whom Development Plat Regulations Apply.* Any person who proposes the development of a tract of land located within the limits or in the Extraterritorial Jurisdiction (ETJ) of the City must have a Development Plat of the tract prepared in accordance with 1.04.D.2 of this Subdivision Ordinance, unless a Development Plat is not required in accordance with Section 1.04.D.
 2. *The Term "Development."* For purposes of this Section, "development" means the new construction or the enlargement of any exterior dimension of any building, structure, or improvement.
 3. *Cases Where Development Plat Regulations Apply.* Development Plat regulations shall apply to any land lying within the City or within its Extraterritorial Jurisdiction (ETJ) in the following circumstances:
 - a. The development of any tract of land that has not been platted or re-platted prior to the effective date of this Subdivision Ordinance, unless expressly exempted herein; or
 - b. The development of any tract of land for which the property owner claims an exemption from the City's subdivision requirements, including requirements to replat, which exemption is not expressly provided for in Section 1.04.E; or
 - c. The development of any tract of land for which the only access is a private easement or street; or
 - d. The division of any tract of land resulting in parcels or lots each of which is greater than five (5) acres in size, and where no public improvement is proposed to be dedicated or constructed.
- D. *Exceptions.* A Development Plat is not required:

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1. When the land has an approved Final Plat, Minor Plat, Replat, or Amending Plat; or
 2. For bona fide agricultural activities; or
 3. For construction of agricultural accessory structures and related development activities.
- E. *Prohibition on Development.* No development shall commence, nor shall any building permit, utility connection permit, electrical connection permit or similar permit be issued for any development or land division subject to this Section until a Development Plat has been approved by the Planning and Zoning Commission and submitted to the City for filing at the County. Notwithstanding the provisions of this Section, the City shall not require building permits or otherwise enforce the City's Building Code in the City's Extraterritorial Jurisdiction (ETJ) in relation to any Development Plat required by this Subdivision Ordinance.
- F. *Required Information for all Development Plat Applicants.* All Applications shall be submitted with the required information as stated on the Application Form. Information required shall be the same as required for a Final Plat. In addition to this information, a Development Plat shall:
1. Be prepared by a Registered Professional Land Surveyor as a boundary survey;
 2. Clearly show the boundary of the Development Plat;
 3. Clearly show each existing or proposed building, structure, or improvement or proposed modification of the external configuration of the building, structure, or improvement involving a change of the building, structure, or improvement;
 4. Clearly show each easement and right-of-way within or abutting the boundary of the surveyed property;
 5. Clearly show the dimensions of each street, sidewalk, alley, square, park, or other part of the property intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the street, sidewalk, alley, square, park, or other part; and
 6. Be accompanied by the required number of copies of the Development Plat, a completed Application Form, the required submission fee (per the City's current Fee Schedule), and a certificate or some other form of verification from the County appraisal district showing that all taxes have been paid on the subject property and that no delinquent taxes exist against the property.
- G. *Accompanying Applications.* An Application for a Development Plat may be accompanied by an application for rezoning approval. The rezoning Application shall be decided first. The applicant must execute a Waiver of Right to 30-Day Action that is mandated by the State for general approval of Plats, including Development Plat approval.

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- H. *Development Plat Criteria for Approval.* The following criteria shall be used to determine whether the application for a Development Plat shall be approved, approved with conditions, or denied.
1. The proposed development conforms to all City plans, including but not limited to, the Comprehensive Plan, utility plans and applicable capital improvements plans;
 2. The proposed development conforms to the requirements of the Zoning Ordinance (if located within the City's corporate limits) and this Subdivision Ordinance;
 3. The proposed development is adequately served by public facilities and services, in conformance with City regulations;
 4. Appropriate agreements for acceptance and use of public dedications to serve the development have been tendered; and
 5. The proposed development conforms to the design and improvement standards contained in this Subdivision Ordinance, Engineering Standards Manual, and any other applicable codes or ordinances of the City that are related to development of a land parcel.
- I. *Development Plat Review and Approval.* The review and approval procedure for a Development Plat shall be the same as the review and approval processes for a Final Plat.
- J. *Effect.* Upon approval, the Development Plat shall be filed at the County by the City in the same manner as prescribed for a Final Plat.

Conveyance plat.

- A. *Purpose.*
1. The purpose of a Conveyance Plat is to subdivide land and to provide for recordation of same, for the purpose of conveying (i.e., selling) the property without developing it.
 2. A Conveyance Plat may be used to convey the property or interests therein; however, a Conveyance Plat does not constitute approval for any type of development on the property.
- B. *Applicability.* A Conveyance Plat may be used in lieu of a Final Plat to record only the subdivision of property in the following instances:
1. *Remainder Tract.*
 - a. To record the remainder of a tract that is created by a Final Plat, provided that the remainder is not intended for immediate development; and
 - b. The remainder of a tract that was involved in a Final Plat must be larger than five (5) acres.
 2. *Inheritance or Holding Tract.* To record the subdivision of property into parcels, five (5) acres or smaller in size, that are not intended for immediate development, provided all required Public Improvements exist to the City's current standards prior to approval and minimum frontage requirements are met.

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- a. All public Right-of-Way must be dedicated, contingent that alignments have been determined.
 - b. Installation of on-site improvements may be delayed if development of other tracts is not affected. All easements shall be dedicated to allow subdivided lot within the conveyance plat access to public infrastructure and/or drainage ways from the parent tract, if applicable.
 - C. *Review and Consideration.* Unless otherwise specified within this Section 4.12 Conveyance Plat for specific requirements for a Conveyance Plat, a Conveyance Plat shall be processed and approved using the same timing and procedures, including recordation, as specified for a Final Plat, refer to Section 4.06 Final Plat.
 - D. *Concurrent or Prior Filing of a Final Plat.* No Final Plat processed and approved in association with a Conveyance Plat shall be filed without the concurrent or prior filing of the associated approved Conveyance Plat for the remainder of the subject property.
 - E. *Conveyance Plat Requirements.*
 - a. No building or development permits shall be issued nor permanent utility service provided for land that has only received approval as a Conveyance Plat; a Final Plat must be filed for building and development permits and for utility service.
 - b. Notwithstanding the above, the Building Official may authorize temporary building permits, temporary occupancy permits, and temporary utility service.
 - c. A Conveyance Plat may be superseded by a revised Conveyance Plat or a Final Plat in total or in part through compliance with the procedures and requirements of these regulations.
 - 2. Require a Preliminary Site Plan or Sketch Plan per the request of the City to ensure all Conveyance Plat tracts and remainder tracts have adequate access to public utilities and infrastructure.
 - F. *Standards for Approval.*
 - 1. *Access.*
 - a. All lots created by a Conveyance Plat must have frontage and access to an existing or proposed public street, defined in the Comprehensive Plan, or an existing standard street meeting City construction standards and accessing the existing City street system.
 - b. All lots created by a Conveyance Plat must provide points of access as required by this Subdivision Ordinance.
 - 2. *Dedication of Right-of-Way.* Dedication of Right-of-Way shall be required in accordance with the City requirements.
 - G. *Effect of Approval.*

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1. *Development on the Property Prohibited.* The approval of a Conveyance Plat authorizes conveyance of the lot(s) created thereon, but does not authorize any type of development on the property.
 2. *Future Development Requires Compliance.* The Applicant and future owner(s) of the property remain obligated to comply with all provisions in this Subdivision Ordinance upon future development of the property including, but not limited to, all requirements for platting, required Public Improvements, utility extensions, street improvements or assessments, Right-of-Way and easement dedications, and all other requirements in these regulations.

SECTION 5. CONSTRUCTION PLANS AND PROCEDURES

Construction plans.

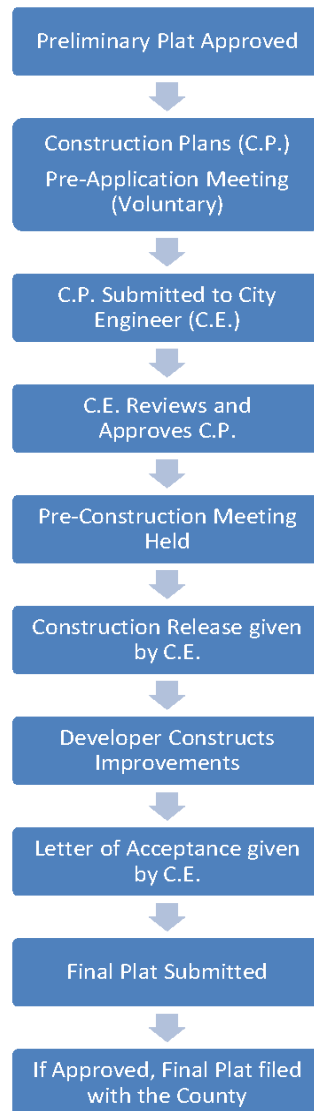


Figure 2: Construction Plan Process

- A. *Purpose.* To require that Public Improvements be installed to serve a development in accordance with all Subdivision Regulations.
- B. *Submitting Plans.*
 - 1. Plans shall be submitted in accordance with the Building Official's requirements, as required in the City's Application Form. Incomplete Construction Plans shall not be accepted and such plans shall be returned to the Applicant. All Construction Plans shall be prepared by a licensed professional engineer registered with the State of Texas.

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2. In addition to the requisite number of hard copies, Construction Plans shall also be prepared and submitted electronically oriented in Texas State Plane grid coordinates (U.S. Survey Foot), Grid North, NAD 83, at an elevation datum based on NAVD 88. Electronic copies shall be submitted in PDF, AutoCAD, GIS or other City approved formats.
- C. *Responsible Official and Decision Authority for Construction Plans.*
1. *Review and Approval Action.* The Building Official shall be the Responsible Official for review and approval of Construction Plans.
 2. *Outside Review.* If an outside consultant is contracted to review Plats, Construction Plans or other submittals, then the Applicant shall reimburse the City for all review fees after the second review.
 3. *Decision-Maker Options.* In this capacity, therefore, the Building Official shall approve, approve subject to modifications, or deny the Construction Plans.
- D. *Approval Required and Timing of Construction.* Construction Plans must be approved in accordance with this Section 5 Construction Plans and Procedures prior to the approval and/or recordation of the Final Plat, unless otherwise stated within this Subdivision Ordinance.
- E. *Criteria for Approval.* The Building Official shall approve Construction Plans if:
1. The Construction Plans are consistent with the approved Preliminary Plat, or the proposed Final Plat; and
 2. The Construction Plans conform to the subject property's zoning (if the property is within the City Limits) and any planned development (PD) standards, and to the technical Engineering Standards Manual (ESM) for adequate public facilities, contained in this Subdivision Ordinance and all other applicable City codes and plans.
- F. *Effect.* Approval of Construction Plans authorizes the Applicant to:
1. Schedule a Pre-Construction Meeting (5.02); and
 2. Apply for Construction Release (5.03).
- G. *Expiration Date for Construction Plans.* The approval of Construction Plans shall remain in effect for a period of one (1) year from the date of approval, or for the duration of construction of the project, provided that progress toward completion of the project continues to be demonstrated, unless the Construction Plans are extended in accordance with Section 5.01.H Extension of Construction Plans beyond Expiration Date.
- H. *Extension of Construction Plans beyond Expiration Date.*
1. *General.*
 - a. Construction Plans may be extended for a period of six (6) additional months beyond the expiration date.

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- b. A request must be made in writing to the Building Official for such extension prior to expiration of the plans, and shall include reasons why the plans should be extended.
 2. *Decision by the Building Official.*
 - a. The Building Official will review the extension request, and shall approve, approve with conditions, or deny the extension request within thirty (30) calendar days following the date of the extension request.
 - b. Should the Building Official fail to act on an extension request within thirty (30) calendar days, the extension shall be deemed to be approved.
 3. *Consideration.* The Building Official shall extend Construction Plans approval for a period of six (6) additional months beyond the expiration date if:
 - a. A Final Plat has been submitted, approved or filed of record for any portion of the property shown on the Construction Plans;
 - b. The Construction Plans comply with new ordinances (i.e., ordinances that have been adopted after approval of the original Construction Plans) that impact the health, safety and general welfare of the City;
 - c. Demonstrable forward progress has been made to proceed with construction or required improvements; and
 - d. A Development Agreement (Section 5.05 Development Agreements and Security for Completion), if applicable, is still valid and in full effect.
 4. *Conditions.* In granting an extension, the Building Official may impose such conditions as are needed to ensure that the land will be developed in a timely fashion and that the public interest is served. Any extension may be predicated upon compliance with new development regulations and/or the Applicant waiving any vested rights.
 5. *Total Extension.* A second six (6) month extension may be requested using the same process outlined above.

Pre-construction meeting.

A. Requirement.

1. The Applicant(s) shall attend a Pre-Construction Meeting with the Design Review Committee following the approval of Construction Plans and prior to commencement of any construction on the property.
2. The Building Official shall require three (3) business days to schedule a Pre-Construction Meeting.

B. Purpose.

1. *Discussion of Procedures.* The purpose of the Pre-Construction Meeting is to discuss administrative, communication, and operating procedures for project construction prior to Construction Release or issuance of a Building Permit.

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2. *Review of Criteria.* A list of typical inspection items, procedures, and acceptance criteria for items in public Right-of-Way and easements will also be furnished to the Applicant.
 - C. *Notice.* The Applicant shall receive written notice from the Building Official that Construction Plans have been approved and that the project is eligible for a Pre-Construction Meeting.
 - D. *Effect.*
 1. Following the Pre-Construction Meeting and upon approval of the Construction Plans and full compliance with all pre-construction requirements, the Building Official shall authorize Construction Release, allowing the Applicant to commence with construction of the project.
 2. The Applicant may also be issued a Building Permit, if appropriate, provided that a Building Permit Application has been submitted and approved and all other Building Permit requirements have also been met.

Construction release.

1. *Requirements for a Construction Release.*
 - a. Upon approval of the Preliminary Plat and/or the Construction Plans, receipt of all documentation (e.g., insurance information, bonds, etc.) and fees, and after the Pre-Construction Meeting with City staff and a franchise utility representative, the City Building Official shall release the plans for construction if all City requirements pertaining to construction have been met. All construction of public works, including but not limited to water works, sewers, drainage, highways, and streets shall be supervised by a licensed professional engineer.
 - b. The Construction Release shall remain in effect for a period of one (1) year from the date of issuance, or for the duration of construction of the project, provided that progress toward completion of the project continues to be demonstrated.
2. *Construction Release Expiration and Extension.* Expiration, and possible extension, of the Construction Release shall be the same as for the Construction Plans (see Sections 5.01.G and 5.01.H).

Timing of public improvements.

- A. *Completion Prior to Final Plat Approval and Recordation.*
 1. Completion of all required Public Improvements, in accordance with the approved Preliminary Plat and the approved Construction Plans, shall occur prior to Final Plat approval and recordation.
 2. A Final Plat shall not be accepted for filing, nor shall it be considered for approval, prior to completion of such improvements except as provided in Section 5.04.B.
- B. *Completion after Final Plat Approval and Recordation.*

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1. The Building Official, upon written request by the Applicant, may allow construction of Public Improvements after Final Plat approval and recordation.
 2. Postponement of Public Improvements shall be conditioned on execution of a Development Agreement and provision of security, in accordance with Section 5.05 Development Agreements and Security for Completion.
 3. It shall be at the Building Official's discretion to determine whether postponing construction of Public Improvements until after Final Plat approval and recordation is appropriate, and therefore, whether financial guarantee is acceptable through a Development Agreement.
 4. All construction of the required Public Improvements shall be completed within two (2) years of construction release; an extension may be granted by the city council for up to one (1) year.
- C. *Deferral of Obligation.* The City Administrator may defer the Developer's obligation to construct Public Improvements to serve a new development upon execution of a Development Agreement and upon provision of adequate security (see Section 5.05 Development Agreements and Security for Completion).
- D. *Phased Development.* If the development is being platted and constructed in phases, improvements shall be completed as platted areas are approved and phases are constructed.
- E. *Easements for Utility Providers.*
1. The Applicant is responsible for contacting all utility providers prior to beginning construction, and for securing all necessary easements for same prior to Final Plat approval and recordation.
 2. The Applicant's engineer shall provide the Building Official with written certification that all necessary easements are secured for the various utility providers, and such easements shall be shown on the Final Plat with the recording information for each.
- F. *Off-Site Easements.*
1. All necessary public and/or private off-site easements required for installation of required off-site improvements to serve the development shall be acquired by the Applicant prior to the Pre-Construction Meeting (see Section 5.02 Pre-Construction Meeting), or prior to approval and recordation of the Final Plat, whichever occurs first. Any off-site private improvements shall be designed by a professional engineer licensed in the State of Texas.
 2. Off-site easements shall be conveyed and recorded at the County by an instrument approved by the City.
 3. If the property on which the off-site easement is required has been platted, a separate instrument shall be required to dedicate the easement.
 4. The Applicant shall be responsible for the acquisition of all required off-site easements. If the Applicant is unable to acquire the necessary off-site easements, the Applicant may request assistance from the City. The Applicant shall provide the City

with easement or Right-of-Way survey documents and exhibits, documentation, including evidence of a reasonable offer made to the affected property owner. Upon receiving a written request for assistance, the City may secure the services of a Right-of-Way agent, at the developer's cost. The City may secure easements through eminent domain proceedings, should the City deem it appropriate.

5. The Applicant shall reimburse the City for the costs of acquiring the necessary easements including but not limited to attorney's fees and costs.

Development agreements and security for completion.

A. *Development Agreements.* When any of the required Public Improvements (i.e., water, wastewater, streets, drainage, park improvements etc.) will be postponed and constructed after Final Plat approval and recordation, the Final Plat shall not be accepted for filing, nor shall it be approved, unless and until the Applicant enters into a Development Agreement of standardized format approved by the City by which the

1. *Applicant:*

- a. Will complete the improvements;
- b. Warrants the improvements for a period of two (2) years following final and formal acceptance by the City;
- c. Provides a maintenance bond in the amount of one hundred and ten percent (110%) of the costs of the improvements for such period to ensure the repair and replacement of all defects due to faulty materials and workmanship that appear within the two (2) year period following date of acceptance;
- d. Provides provisions (e.g., performance and payment bonds) for securing the obligations of the agreement consistent with Section 5.05.D Security for Completion of Improvements; and
- e. Outlines other terms and conditions as are agreed to by the Applicant and the City, or as may be required by this Subdivision Ordinance, including insurance requirements and covenants to comply with other ordinances of the City.

2. *Exception:*

- a. If escrow is provided in agreement with Section 5.05.E (Escrow Policies and Procedures), then the requirement for a Development Agreement may be waived by the City Administrator.

B. *Development Agreements to Run with the Land.*

1. The Development Agreement shall provide that the covenants and other items of agreement contained therein shall run with the land and shall bind all successors, heirs and assignees of the Applicant.
2. All existing owners shall be required to execute the agreement or provide written consent to the covenants and other items contained in the agreement.

C. *Development Agreement Decision by the City Council.*

1. The City Administrator and City Attorney shall review all Development Agreements.
2. The City Administrator shall recommend an action to the City Council for all Development Agreements.
3. The Development Agreement shall require the approval of the City Council. The City Council may approve, approve with conditions, or deny a Development Agreement.
 - a. The City Council may authorize the City Administrator to approve specific Development Agreements on behalf of the City Council. In the event of a disagreement between the City staff and the Subdivider concerning stipulations of the Development Agreement, the Subdivider may request City Council approval of alternative provisions.

D. *Security for Completion of Improvements.*

1. *Type of Security.*
 - a. When any of the required Public Improvements will be constructed after approval and recordation of the Final Plat, the Applicant shall guarantee proper construction of such postponed improvements and payment of all claimants supplying labor and materials for the construction of the improvements, in accordance with the City's standards and with this Subdivision Ordinance, by a bond executed by a surety company holding a license to do business in the State of Texas, and acceptable to the City, on the form provided by the City.
 - b. The performance and payment bonds shall be approved as to form by the City Attorney.
 - c. In lieu of security, the City may accept a developer agreement drafted in a form suitable to the City Attorney.
2. *Estimated Cost and Security Approval.*
 - a. Security shall be issued in the amount of one hundred and ten percent (110%) of the cost to construct and complete all required Public Improvements to the City's standards as estimated by the Applicant's professional engineer licensed in the State of Texas, and as reviewed and approved by the City Engineer and City Administrator.
 - b. Security shall be subject to the review and approval of the City Attorney.
 - c. The Applicant shall reimburse the City for all related legal costs for review (this reimbursement shall be paid in full prior to filing of the Final Plat).

E. *Escrow Policies and Procedures.*

1. *Request for Escrow.*
 - a. The City may require or the Developer may petition the City to defer required improvements in exchange for a deposit of escrow up to an amount not to exceed \$15,000 for a period of two (2) years from acceptance of the project. An example

may include a timing issue due to pending street improvements by another agency such as TxDOT.

- b. The City Administrator may require studies and other information to support the Developer's request to escrow.

2. *Escrow Deposit with the City.*

- a. When the City Administrator requires or agrees to accept escrow deposits, the Developer shall deposit in escrow with the City, at a financial institution to be approved by the City, an amount equal to one hundred and ten percent (110%) of the total "turnkey" costs including, but not limited to, the design, permitting, acceptance and inflation costs related to the improvement(s). The full amount of escrow shall remain deposited with the City until completion of the project.
- b. The City Administrator shall review and approve the amount, which shall be approved and paid prior to recordation of the Final Plat.

3. *City Usage of Escrowed Funds.* The City may also use the escrowed funds in participation with another entity (such as TxDOT or the County, etc.) to jointly construct the Public Improvement(s).

4. *Termination of Escrow.*

- a. Escrows, or portions of escrowed amounts, which remain unused after a period of ten (10) years following the date of such payment shall, upon written request, be returned to the Developer.
- b. Such return of escrowed funds does not remove any obligations of the Developer for construction of the required improvement(s).

5. *Refund.* If all or a portion of a street or other type of Public Improvement for which escrow is deposited is constructed by a party other than the City, the remaining unused escrowed funds, upon written request shall be refunded to the Developer after completion and City acceptance of the street or Public Improvement. The City shall require thirty (30) days from the request to process the refund.

6. *Interest on Escrowed Funds.* When escrowed funds are returned or refunded to the escrowing Developer, the City shall retain all of the interest accrued by the funds.

7. *Escrow Fee Agreement.* The City Administrator, at his/her discretion, may require an escrow fee agreement be executed.

F. *Pro-rata Policy for Infrastructure Reimbursement.*

- 1. The subdivider shall be fully responsible for the construction of utilities necessary for the subdivision and the surrounding area, unless other provisions are approved by the City Council. Provisions for reimbursement of costs required by the City but exceeding those necessary to serve the subdivision, and any other provisions, shall be made a part of a facilities agreement. For any subsequent subdivision utilizing such facilities, any costs due prior subdividers shall be prorated by the use the new subdivision bears to the amount due. Such prorated amounts will be made a part of any subsequent facilities

agreement, collected by the City, and repaid to the original developer making such improvements.

2. All such reimbursements or prorations shall be based on the actual cost of the improvements at the time of their construction, subject to comparison with other current unit and/or project costs. The original subdivider shall therefore provide the City with acceptable documentation of actual construction costs from which calculation of reimbursable amounts will be made for inclusion in a facilities agreement.
3. (a) As concerns all non-residential property: In cases that a Subdivision utilizes utilities or infrastructure already constructed through use of city funds, the subdivider shall pay to the City for the use of such facilities an amount equal to that which would be required to serve the subdivision under the requirements of this ordinance, based upon policies developed and approved by the City Council.
(b) As concerns residential property: All provisions that subjected residential property to a reimbursement policy are void and of no affect.
4. Notwithstanding the foregoing, the adjacent owner shall pay 100 percent of the costs incurred by the subdividers to acquire an easement from the adjacent owner. The pro-rata share paid by the adjacent owner to the City will be forwarded to the subdivider within 60 days of receipt by the City. All pro rata payments levied are a personal liability and charge against the real and true owners of the premises described, notwithstanding such owners may not be named, or may be incorrectly named.

G. City Infrastructure Participation.

1. The City may participate with the subdivider on major items of construction such as lift stations, bridges or streets adjacent to the subdivision, which benefit existing or future development in addition to that being subdivided. The City shall participate in the street construction within and adjacent to new subdivisions on the following basis:
 - a. All streets not exceeding forty-five (45) feet from curb back to curb back shall be paid for and constructed by the subdivider.
 - b. If the subdivider's property abuts only one side of a street right-of-way, the subdivider shall provide not less than twenty-four (24) feet of paved width.
 - c. Streets in excess of forty-five (45) feet in width shall be provided by the subdivider in accordance with the City's transportation plan, or on request of the City Council, but the City shall pay the cost of developing the width of the street in excess of forty-five (45) feet, excluding the cost of curbs or turning lanes.
2. The construction of certain facilities required by the provisions of this ordinance may not be possible or practical at the time the subdivider prepares their plans for public improvements. Such deletion or delay of improvements may be specified in a facilities agreement, together with provisions for escrow deposits or future payments by the city and/or subdivider. The City shall not be responsible for payment until the street is

extended into or through property other than that being subdivided, and/or until funds are available, unless otherwise provided in the facilities agreement for the subdivision.
(Ord. No. 2018-O-24, passed July 3, 2018)

Inspection, maintenance, and acceptance of public improvements.

A. *Inspection of Public Improvements.*

1. *Timing and Contact.*
 - a. The City Administrator, Building Official, Public Works Director, and City Engineer (if the latter's assistance is needed) shall inspect the construction of improvements while in progress, as well as upon completion.
 - b. The Applicant, or Applicant's contractor, shall maintain contact with the Building Official during construction of improvements.
2. *Conformance with Construction Plans.*
 - a. Construction shall be in accordance with the approved Construction Plans.
 - b. Any significant change in design required during construction shall be made and documented by the Applicant's engineer, and shall be subject to approval by the Building Official.
3. *Corrections to Improvements.* If the City Administrator, Building Official, Public Works Director, or City Engineer finds, upon inspection, that any of the required Public Improvements have not been constructed properly and in accordance with the approved Construction Plans, the Applicant shall be responsible for completing and/or correcting the Public Improvements to bring such into compliance.
4. No building permit shall be issued until completion of all improvements within the subdivision and acceptance by the city. The City Administrator, upon the recommendation of the Building Official and Public Works Director shall have the authority, after reviewing the improvements, to release parts of the subdivision for building permits. The engineer responsible for the design of the proposed improvements shall submit testing reports performed by the engineer of an independent testing laboratory with a verification statement to the Building Official and Public Works Director that the improvements have been constructed in accordance with the plans and specifications as approved by the City Council and in accordance with any other provisions of any other ordinance of the city applicable thereto.

B. *Public Works Inspection Fees.*

1. A public works inspection fee of two percent (2%) of the actual contract costs of city-maintained improvements shall be established. The fee shall be based on a percentage of the estimated cost of public improvements including, but not limited to water, sanitary sewer, storm sewer, drainage structures, bridges, culverts, paving, screening walls, etc. The fee shall be due and payable at the time of the preconstruction meeting

for residential developments and at the time of the building permit issuance for industrial and commercial developments.

2. Fee Standards.

- a. The subdivider is required to retain a professional engineer to supervise the construction of all public improvements as required in Title 6 of the Texas Occupation Code, §1001.407. The supervision of the construction shall include, but not be limited to construction inspection and verifying the compliance with the construction plans and specifications.
- b. If the subdivider does not retain a professional engineer to supervise the construction, then 5.06.B.1 shall apply.
- c. Inspections shall be conducted during normal business hours, 8:00 A.M. to 5:00 P.M., Monday through Friday.

3. Exceptions.

- a. Where excavations are made by a public utility company operating under a franchise agreement issued by City or under the direct supervision of the Public Works Director, a permit may be granted without making the advance permit payment, or waived if the franchise agreement permits waiver and approved by the Public Works Director.

4. Cost for Construction.

- a. The Developer shall submit to the City a cost for construction of the public infrastructure to be dedicated to the City and upon which the maintenance bond and inspection fees will be based.
- b. The cost of construction shall be reviewed and approved by the City Engineer.

5. Inspection During Non-Business Hours.

- a. Public works inspections may be conducted at times other than normal working hours with prior approval.
- b. A minimum forty-eight (48) hour notice must be given to the City by the Developer for any work that, in the City's sole opinion, requires inspection and occurs during non-business hours, and the Developer shall reimburse the City a minimum of four (4) hours at the current overtime rate per hour upon receipt of an invoice.

C. *Maintenance during Construction.* The Applicant shall maintain all required Public Improvements during construction of the development.

D. *Engineer's Certification and Submission of Record Drawings.*

1. Upon completion of the construction of all improvements, a certificate shall be provided, signed by the subdivision's professional engineer, that any and all improvements constructed in the subdivision have been completed in accordance with the approved construction plans

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2. The City shall not accept dedication of required Public Improvements until the Applicant's engineer has certified to the Building Official, through submission of detailed Record Drawings, which have been approved by the City, of the project and filed copies of any off-site easements that the Public Improvements have been built in accordance with the approved Construction Plans.
 3. Each record drawing sheet shall show all changes made in the Construction Plans during construction, and on each sheet, there shall be a "record" stamp bearing the signature of the engineer and date, which shall be maintained by the Building Official.
 4. Digital files of all the Record Drawings shall be submitted by the Applicant in a format acceptable by the City and received by the City.

E. *Acceptance or Rejection of Improvements by the City Administrator.*

1. *Responsible Official.* The City Administrator shall be responsible for inspecting all required Public Improvements shown in the Construction Plans, and for accepting completed subdivision improvements intended for dedication to the City.
2. *Final Inspection.* After completion of all improvements, franchise utilities, grading, and erosion control, the City Administrator, Building Official, Public Works Director and City Engineer (if the latter's involvement is deemed appropriate) will perform a final inspection before recommending acceptance of the improvements via a Letter of Final Acceptance.
3. *Letter of Final Acceptance.* If all improvements are completed, inspected, tested (if applicable), and determined by the City to be in conformance with Subdivision Ordinance regulations and with the City's design standards and all inspection fees have been paid, then the City Administrator shall issue a Letter of Final Acceptance to the Applicant, thereby notifying the Applicant of the City's approval of improvements and acceptance or future acceptance subject to approval of a Final Plat.
 - a. In cases where a Final Plat has not been approved, the Letter of Final Acceptance will indicate that the City's acceptance of the Public Improvements will occur concurrently with the approval of a Final Plat.
 - b. In cases where a Final Plat has already been approved with a Development Agreement, then the Letter of Final Acceptance will indicate that the City's acceptance of the Public Improvements.
4. *Meaning of Acceptance.* Acceptance of the Improvements shall mean that the Applicant has transferred all rights to all the Public Improvements to the City for title, use, and maintenance.
5. *Rejection.* The City Administrator shall reject those Improvements that fail to comply with the City's standards and specifications. The City shall enforce the guarantee provided by agreement(s).

F. *Disclaimer.*

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1. Approval of a Preliminary Plat or Final Plat by the Commission, or Construction Plans by the City Administrator, shall not constitute acceptance of any of the Public Improvements required to serve the Subdivision or development.
 2. No Public Improvements shall be accepted for dedication by the City except in accordance with this Section.

G. *Maintenance Bond.*

1. Per requirements established and maintained by the City Administrator, the Developer shall furnish maintenance bonds to the City for Public Improvements for a period of two (2) years from the date of acceptance by the City (see 5.06.E.3 Letter of Final Acceptance for acceptance dates).
2. The maintenance bond shall be a good and sufficient bond executed by a corporate surety approved by the City in an amount equal to the total cost of said improvements and guaranteeing their maintenance for two (2) years from the date of Final Plat approval.
3. The maintenance bond shall be for a full period of two years from the date of final approval of the contractual project and shall be in the amount of 20% of the contract price for the first year and in the amount of 10% of the contract price for the second year.
4. A licensed professional engineer shall write and seal an itemized letter verifying the accuracy of the maintenance of the items that were constructed.