

ORDINANCE NO. 2024-010

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WOLFFORTH AMENDING CITY OF WOLFFORTH CODE OF ORDINANCES BY AMENDING CHAPTER 10 SUBDIVISION REGULATION; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Texas Legislature in Chapter 212 of the Local Government Code authorizes municipalities to regulate the subdividing of property and property development within its city limits and extra territorial jurisdiction;

WHEREAS, the Wolfforth City Council adopted the current subdivision regulations on July 28, 1980;

WHEREAS, the City of Wolfforth has experienced incredible growth since 1980 and, although the subdivision regulations have been updated from time to time, it is necessary to review and update the subdivision regulations;

WHEREAS, the Planning and Zoning Commission held a public hearing on April 9, 2024, regarding the amendment to the subdivision regulations; and

WHEREAS, the City published notice on March 22, 2024, in the Lubbock-Avalanche for the April 15, 2024 public hearing; and

WHEREAS, the City Council believes it is in the best interest of the City to update the Subdivision Regulations; NOW THEREFORE

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WOLFFORTH TEXAS, THAT:

Part 1. Enacted.

THAT City of Wolfforth Code of Ordinances is hereby amended by Chapter 10 Subdivision Regulation, which amended sections and addition to sections shall read as follows:

**ARTICLE 10.01
ANNEXATION PETITION PROCEDURES**

§ 10.01.003. Petitioner responsible for cost of ordinance.

Every person or entity shall pay an annexation fee set by the City Council to cover the City's cost of processing the application.

ARTICLE 10.02 GENERAL PROVISIONS

§ 10.02.001. Definition.

Director of Development Services. The head of the planning, zoning, and community development departments, who has decision-making responsibilities for portions of this chapter.

Good state of repair. A structure that has been determined to be structurally sound and in working order and is in a condition not requiring significant repair.

Minor Plat. A map or drawing of all or a portion of a subdivision prepared according to the city subdivision regulations by a registered professional land surveyor, that includes parts of five (5) acres or less with 4 or less lots and does not include the dedication of a public right-of-way. An amended plat should be considered. Can be approved by the City Manager or their designee.

§ 10.02.003. Enforcement.

- (a) The Director of Development Services shall administer and enforce this chapter unless such duties are otherwise delegated by the City Manager.
- (b) Any person, landowner, building owner, or occupant of any land within the corporate limits or in the extraterritorial jurisdiction of the city who shall violate any of the provisions of this chapter, or shall fail to comply with any of the provisions of this chapter, or who shall violate any statement or plan approved hereunder shall be guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not to exceed five hundred dollars (\$500.00). Each day such violation is committed or is permitted to continue shall constitute a separate offense. In addition to this remedy, the director of planning and community development may institute on behalf of the city any appropriate action or proceeding to prevent any violation of this chapter.

ARTICLE 10.03 PLAT PROCEDURES

§ 10.03.001. Development coordination.

- (b) The Director of Development Services shall receive plats, cut and fill plans, communicate staff comments and direct subdividers to specific departments when questions exist.

§ 10.03.002. Requirements for building permit.

- (a) Generally, building permits will be issued only on whole lots and tracts illustrated on recorded subdivision plats unless an exception is provided by city council policy or by this code.
- (b) A building permit shall not be issued on a platted lot or tract, or any portion authorized under the procedure in subsections (b) and (c), until such time as water and sanitary sewer service has been installed and is operational as determined by the City Engineer or an exception is allowed by section 10.10.004(b) and the platted lot or tract is made accessible by way of completed streets and alleys.

**ARTICLE 10.04
PRELIMINARY PLAT**

§ 10.04.001. Procedures for submittal and review.

- (a) The preliminary plat, including a preliminary drainage plan and map prepared in accordance with this code and the drainage design manual, shall be prepared by a surveyor or engineer and shall be presented to the planning department in compliance with stated schedules and filing deadlines issued from the City Council.
- (b) Two (2) copies of the preliminary plat and an electronic portable document format (.pdf) file shall be submitted to the Director of Development Services together with an application and processing fee. A nonrefundable application fee for reviewing a preliminary plat shall be set annually in the city's fee schedule. A fee for the administrative costs of processing the application shall be required with the application and shall be paid to the Director of Development Services at the time the application is submitted.
 - (1) Preliminary plats shall be deemed filed when the City receives all the documents and other information required by the City in its development list.
- (c) Preliminary plats shall not be placed on the City Council agenda for consideration unless the plat and other required documents are received by the Director of Development Services before the stated filing deadline and meet the following requirements:
 - (1) The following notice shall be printed on the face of each preliminary plat submitted: "Preliminary plat - for inspection purposes only and in no way official or approved for recording purposes."
 - (2) Plat sheet sizes will be a minimum of eleven (11) by seventeen (17) inches to accommodate the following minimum map scales, however, one dimension of the plat sheet may not exceed thirty-six (36) inches:
 - (A) One acre or less - Plat shall be submitted with a scale of one (1) inch per fifty (50) feet.
 - (B) 1.01 acres to 160 acres - Plat shall be submitted with a scale of one (1) inch per one hundred (100) feet.
 - (C) More than 160 acres - Plat may be submitted with a scale of one (1) inch per one hundred (100) feet or one (1) inch per two hundred (200) feet.
 - (D) Alternate plat scales may be approved by the Director of Development Services.
 - (3) All unsubdivided contiguous land under single or common ownership shall be included in the preliminary plat.
 - (4) Scale, north arrow, date, exact acreage, and other pertinent data.
 - (5) Property owner's name, address, and telephone number.
 - (6) Accurate one-foot interval contours according to NAD83/NAVD88 datum or subsequent established United States Geodetic Survey data adopted by the city. The face of the preliminary plat must indicate the source, datum, and date of creation for the contour data.

- (7) Boundary lines, bearings, and distances sufficient to locate the exact area proposed for subdivision.
 - (8) The name and location of all adjoining subdivisions shall be drawn to the same scale and shown in dashed lines adjacent to the tract proposed for subdivision in sufficient detail to show accurately the existing streets and alleys and other features that may influence the layout and development of the proposed subdivision. Adjacent unplatted land shall show property lines and owners of record. If the adjacent land has a current approved preliminary plat, it shall be shown on the proposed preliminary plat.
 - (9) The location and width of all streets, alleys, public and private easements, and right-of-way existing or proposed within the subdivision limits, along with the proposed names of streets. A restriction prohibiting the fencing of any easement shall be stated on the face of the plat, unless otherwise provided by this code or approved by the affected user of the easement.
 - (10) The location of proposed closures of existing streets, alleys, easements, and rights-of-way.
 - (11) The known location of all existing property lines within the area proposed for subdivision.
 - (12) Proposed arrangement of lots. All lots shall be numbered consecutively from one to the total number of lots in the subdivision. Tracts, if any, shall be lettered in alphabetical order.
 - (13) The title of the proposed subdivision, the name of the owner with sufficient data to show ownership and the name of the person platting the tract. The proposed title shall not conflict with any previous subdivision name.
 - (14) Lake areas, if any, shall conform to the requirements of articles 10.07 and 10.08 of this chapter.
 - (15) Sites proposed for stormwater drainage and impoundment easements, parks or other property owned by the city or any other governmental entity shall contain no blanket or specific utility easement until approved by the city engineer or authorized representative of other governmental entities.
 - (16) A preliminary drainage plan and map that meets the requirements of the drainage design manual of the city.
 - (17) Delay of water, sewer, or paving may be requested, subject to the requirements of this code.
 - (18) The location of all existing water wells on the property.
- (d) Following staff review of the preliminary plat and other material submitted for conformity with these regulations, negotiations with the subdivider on changes deemed advisable and the kind and extent of improvements to be made, the Planning and Zoning Commission shall, within thirty (30) days after a complete plat is filed in accordance with subsection (b)(1) of this section, shall recommend approval, approval with conditions, or disapproval a plat to the City Council.
 - (e) Following Planning and Zoning Commission review of the preliminary plat and other material submitted for conformity with these regulations, negotiations with the subdivider on changes deemed advisable and the kind and extent of improvements to be made, the City Council shall, within thirty (30) days after a complete plat is filed in accordance with subsection (b)(1) of this section, shall approve, approve with conditions, or disapprove a plat.
 - (f) The City Council shall express its decision in writing and include such action in the commission minutes. In granting conditional approval, the City Council shall include the conditions, if any, of

such approval in its decision. If the City Council does not approve a plat, it shall express its disapproval and shall include its reasons for not approving the plat in its decision.

- (g) The City Council has the authority to require a corrected or amended preliminary plat subsequent to the first approval. For each proposed plat or reapproval, the City Council shall receive staff recommendation as to the need for a corrected preliminary plat. When a corrected or amended plat is required by the council, review will follow the procedures set forth in this section.

§ 10.04.002. Procedures for plat renewal.

- (a) Preliminary plats, including portions of any preliminary plat not having been filed as a final plat, require annual renewal (one year from approval date) to continue as an approved preliminary plat. Before the time for renewal, the Director of Development Services will review the preliminary plat and notify the subdivider of options for renewal.
- (b) Review by the Director of Development Services may determine that existing conditions and the preliminary plat are compatible, requiring no formal action by the City Council. With such determination, the subdivider may choose to renew the preliminary plat or allow it to expire.
 - (1) If the subdivider indicates a desire to renew the plat for another year and pays the plat renewal fee, the plat shall continue under the original stated conditions until the next annual review.
 - (2) If the subdivider chooses not to renew the plat, or does not respond to the notification by the Director of Development Services, the preliminary plat will expire.
- (c) Should the Director of Development Services determine that conditions have changed to the extent that the preliminary plat requires revision, automatic renewal shall be denied.
 - (1) Notification of denial shall be sent to the subdivider specifying the following:
 - (A) Reasons why the plat renewal was denied.
 - (B) Valid previous conditions and additional recommendations for amendment or correction.
 - (C) The applicable fees, filing deadline, and meeting date of the City Council when the review shall occur should the applicant choose to renew the plat.
 - (2) If the subdivider chooses to renew the plat, review will follow the procedures set forth in section 10.04.001, including review by the City Council.
 - (3) If the subdivider chooses not to renew the plat, or does not respond to the notification by the Director of Development Services, the preliminary plat will expire.
- (d) A nonrefundable application fee for automatic renewal of a plat or review of a plat that has been denied automatic renewal shall be set annually in the city's fee schedule. A fee for the administrative costs of processing the application shall be required with the application and shall be paid to the Director of Development Services at the time the application is submitted. If such fee is not received, the preliminary plat will expire.

**ARTICLE 10.05
FINAL PLATS**

§ 10.05.001. Procedures for submittal and review of final plats.

- (a) The final plat shall conform to the approved preliminary plat, and may constitute only a portion of the approved preliminary plat provided that such portions conform to all requirements of these regulations. The final plat shall contain right-of-way dedication for all internal and perimeter streets and alleys within the portion proposed for final plat as shown on the approved preliminary plat.
- (b) Any streets, alleys, or easements dedicated to the public within the proposed final plat boundaries that are proposed for closure must be closed by ordinance before the final plat can be recorded. These closures shall not be indicated on the final plat. The procedure for right-of-way closure is as follows:
 - (1) Application for closure.
 - (2) Preparation of final plat or replat and indicating closed right-of-way.
 - (3) Council approval of closure.
 - (4) File closure ordinance.
 - (5) Final plat recorded.
- (c) Within three hundred sixty-five (365) days after approval of the preliminary plat, a final plat shall be prepared as specified in this chapter and submitted to the planning department; otherwise, such preliminary plat approval shall become null and void, unless renewal has been granted according to the procedures set forth in section 10.04.002.
- (d) Following staff review of the final plat and other material submitted for conformity with these regulations, negotiations with the subdivider on changes deemed advisable and the kind and extent of improvements to be made, the Planning and Zoning Commission shall, within thirty (30) days after a complete plat is filed in accordance with subsection (b)(1) of this section, shall recommend approval, approval with conditions, or disapproval a plat to the City Council.
- (e) Final plats shall be deemed filed when the City receives all the documents and other information required by the City in its development list.
- (f) Plats shall not be distributed for review unless the plat and other required documents are received by the Director of Development Services and such documents meet the requirements of this article. Required submittals are as follows:
 - (1) Two (2) paper copies and an electronic portable document format (.pdf) file of the final plat. The following statement shall be printed on the face of each final plat submitted for review: “Final plat - for inspection purposes only and in no way official or approved for recording. Release date: (insert date of release).”
 - (2) One (1) copy and an electronic portable document format (.pdf) file of the final drainage analysis and plan, if required.
 - (3) One (1) copy and an electronic portable document format (.pdf) file of the cut and fill plan, if required.
 - (4) Any supplementary materials required for approval.

- (g) A nonrefundable application fee for reviewing a final plat shall be set annually in the city's fee schedule. A fee for the administrative costs of processing the application shall be required with the application and shall be paid to the Director of Development Services at the time the application is submitted.

§ 10.05.002. Engineering procedures for final plats.

- (a) The proponent of a final plat shall secure the services of an engineer to perform the engineering work necessary for public facilities. The engineer shall prepare plans, specifications, and estimates for water, sewer, street, and drainage improvements. The city will perform testing and inspection of the improvements during construction. An engineer shall also prepare any necessary cut and fill plans.
- (a) Engineering shall be in accordance with the provisions of this code. Upon payment of review fees established in the city's fee schedule, the City Engineer shall review plans, specifications, and estimates prepared by the proponent's engineer in a timely manner.
- (b) The City Engineer shall express written approval or disapproval of such plans, specifications, or estimates and shall state the conditions, if any, of such approval or disapproval.
- (c) No final plat shall contain a utility easement within any stormwater drainage and impoundment easements, city park, or other city property without prior written approval of the city engineer.
- (d) Fees for testing and inspection of required improvements, as established in the city's fee schedule, until such time as all public facilities are accepted by the City Engineer.
- (e) Prior to recording of a final plat, the subdivider shall have caused the construction of the public improvements required in article 10.10 to the satisfaction of the City Engineer, or shall obtain a performance bond in lieu of required improvements in accordance with the provisions of section 10.10.009.

§ 10.05.004. Final plat requirements.

- (a) To initiate the final plat approval process, two (2) reproducible copies on high-quality bond paper and an electronic portable document format (.pdf) file of the final plat shall be submitted to the Director of Development Services. One (1) additional copy must be submitted for plats in the extraterritorial jurisdiction. If necessary, the plat may be on several sheets, with a cover sheet containing an index showing the entire subdivision. One (1) electronic dwg or shp file drawn to scale and geolocated in NAD83 Texas State Planes, North Central Zone, US Survey Foot submitted to the Director of Development Services.
- (b) Plat sheet sizes will be between eleven (11) by seventeen (17) inches and twenty-four (24) inches by thirty-six (36) inches to accommodate the following minimum map scales:
 - (1) One acre or less - Plat shall be submitted with a scale of one (1) inch per fifty (50) feet.
 - (2) More than one acre - Plat shall be submitted with a scale of one (1) inch per one hundred (100) feet.
- (c) If changed circumstances exist, the Director of Development Services may require the

submission of an updated final plat document prior to filing.

- (d) The final plat shall incorporate all preliminary plat information and conditions approved by the City Council and shall clearly illustrate the following:
 - (1) The plat boundary and the exact acreage included in that boundary.
 - (2) Title or name of the plat. If a lot or tract is replatted, all land in the original lot(s) or tract(s) must be replatted in order to retain the original plat name. A replat cannot “orphan” a part of a lot.
 - (3) The map scale, horizontal datum, north arrow and date.
 - (4) Reference by name to recorded plats of adjacent and abutting properties.
 - (5) Boundary lines of all lots, tracts, and parcels with accurate dimensions, bearings, radii, chord distances, and central angles of all curve segments, for all total curves.
 - (6) Numbers and letters to identify each lot or tract.
 - (A) Lots shall be numbered consecutively from one to the total number of lots in the subdivision. Tracts shall be lettered in alphabetical order. Such designation will be continuous in the order that final plats of portions of a preliminary plat are recorded with the county clerk.
 - (B) Replatted lots will be designated alphanumerically (e.g. Lot 1-A), and further subdivision will alternate numbers and letters (e.g. Lot 1-A-1, lot 1-A-1-A). The same alternating method will be used for tracts (e.g. Tract A-1, tract A-1-A, tract A-1-A-1).
 - (7) All street and alley rights-of-way and easements will be shown on the plat and the purpose and restrictions of use of such easement indicated.
 - (A) Accurate location, dimensions, bearings, radii, chord distances, and central angles of all curve segments, for all total curves, shall be provided to readily establish location of rights-of-way and easements. Location of points of intersection and points of tangency of street intersections other than right angle intersections shall be indicated.
 - (B) A key of abbreviations for easement types shall be included on the plat.
 - (C) Legal references shall be provided for all previous dedications and easements.
 - (8) Name of each street and width of streets, alleys, and other right-of-way.
 - (9) All platted lots and tracts shall provide for collection of garbage consistent with article 6.02 of this code unless alternatives are approved by the city council.
 - (10) All plats must show locations for centralized mail receiving areas.

§ 10.05.007. Documents required prior to recording a final plat.

- (a) In addition to the final plat document, certain documents shall be provided before a final plat can be recorded. While some documents are required for all plats, others are only required when the

circumstances and conditions of the plat require them. The Director of Development Services will notify the subdivider of the required documents. Descriptions of certain documents that may be required before a final plat can be recorded are as follows:

- (1) A dedication deed or dedicatory certificate executed by all persons, firms or corporations owning an interest in the property subdivided and platted and acknowledged in the manner prescribed by the laws of the state for conveyances of real property shall be submitted for each final plat. Two (2) true copies shall be furnished with the original. The dedication deed shall include the following information:
 - (A) The spouses of any married party executing such dedication deed shall join with their spouses therein unless satisfactory proof be provided showing that the property to be subdivided is the sole and separate property of the spouse signing such deed and that such property does not constitute any portion of such party's homestead, in which case the instrument of dedication shall state the fact that the property subdivided and platted does not constitute a part of such party's homestead and positively designates and identifies such party's actual homestead.
 - (B) Lienholder shall execute a subordination agreement subordinating their liens or enter into the dedication or granting, if any, of all public streets, alleys, parks, public easements, and any other public areas shown on the plat of such subdivision as being set aside for public uses and purposes.
 - (C) The dedication deed shall, in addition to the above requirements, contain the following:
 - (i) An accurate description of the tract of land subdivided.
 - (ii) A statement and express representation that the parties joining in such dedication deed are the sole owners of such tract of land.
 - (iii) An express dedication, if any, to the public for public use forever of any streets, alleys, rights- of-way, stormwater drainage and impoundment easements, parks, public easements or other public places shown on the plat.
 - (iv) A positive reference and identification of the plat of such subdivision by the name of such subdivision, date of plat, and name of surveyor preparing the plat.
- (2) A certificate of ownership statement prepared by a qualified attorney or title insurance company licensed to do business in the state shall be submitted with each final plat certifying that the title to the property has been examined and naming all owners and lienholders of said tract of land.
- (3) A current tax certificate from the Lubbock Central Appraisal District is required with each final plat showing that all taxes have been paid on the tract to be subdivided and that no delinquent taxes exist against the property. In addition to a current tax certificate, a letter signed by the Lubbock Central Appraisal District may be required during specific times of the year, stating that current year taxes have not been calculated.
- (4) As-built plans or drawings bearing the seal of an engineer of any required water, sewer, paving, and drainage improvements as approved by the City Engineer and constructed in conformance with chapters 13 and 15 of this code, or a bond in lieu of required improvements

in accordance with the provisions of section 10.10.009.

- (5) If required, a final drainage plan and analysis that meets the requirements of the drainage criteria manual and master drainage plan and has been approved by the City Engineer.
 - (6) If required, as-built cut and fill plan prepared by the subdivider's engineer or surveyor, or a bond in lieu of required improvements in accordance with the provisions of section 10.10.009.
 - (7) Such other ordinances, protective covenants, certificates, affidavits, endorsements, dedications, and closures and abandonments as may be required for the enforcement of these regulations shall be provided as a separate instrument to be recorded with the plat. Other plat associated documents, such as subdivision deed restrictions, may be recorded with the plat if the subdivider chooses.
- (b) When the requirements of this chapter for a final plat have been met and all plat fees, filing fees, engineering fees, and all costs of required improvements detailed in article 10.10 of this chapter have been paid, the final plat will be recorded at the county courthouse. The developer shall be responsible for both the filing of, and the fees associated with the submission of the final plat to the county clerk's office. All original filed documents must be returned to the City of Wolfforth's development department prior to building permit issuance.

§ 10.05.008. Short form final plats and replats (minor plat).

(a) Purpose. The provision of adequate data concerning land use, utility requirements, traffic impact, streets, easements and dedications is vital to ensure the continued health, safety and welfare of the city's residents. Recognizing that the significance of this data is reduced for the small-scale projects that are most heavily impacted by the burden of producing this data, the city allows alternate procedures for minor subdivisions or replats, lot splits, and the platting of existing development and of land proposed for site development where public improvements are not required.

(1) Applicants for minor plats creating no more than four new lots may follow the procedure set forth below provided that the proposed subdivision meets all of the following criteria:

- a. The subdivision has been determined to meet all the requirements of the short form final plat.
- b. The subdivision has existing access to a public street and no new dedications are required.
- c. Each of the lots is contiguous with at least one of the other lots in the subdivision for a distance of at least 50 feet.
- d. The City Engineer has determined that no off-site improvements to the city's infrastructure are required.
- e. The City Engineer has determined that no off-site drainage improvements are required.

(2) The Director of Development Services may require the standard final plat procedures outlined in this chapter, if city staff determines that the plat is inconsistent with any element of the master plan, any established city ordinances, codes provisions or policies, or if in the judgement of the Director it is in the best interest of the City to follow standard plat procedures.

(b) Format. The format of the short form final plat shall correspond with the format for final plats as required by this chapter.

(c) Content. The content of the short form final plat shall correspond with the content for final plats as required by this chapter except that:

(1) Construction plans shall be required if any on-site improvements are required for development of the property.

(2) The city may permit omission of any informational requirements that are determined by the city to place an excessive burden on the applicant, including, but not limited to contours, centerlines of existing watercourses, etc.

(d) Procedure. The procedure for review and approval of a short form final plat shall follow the procedure for final plats, except that:

(1) The short form final plat may be submitted without approval of a preliminary plat or construction plans provided city staff determines it to be in compliance with the city's master plan and all other regulatory requirements of the city. The plat, prepared by a surveyor and engineer if required, and bearing their seals shall be submitted to the Director of Development Services for approval before recordation of the plat.

(2) Legible prints, as indicated on the application form shall be submitted at least 30 days prior to the next regularly scheduled meeting of the council along with the following:

a. Completed application forms and the payment of all required fees.

b. Two copies of the deed restrictions or covenants, if such documents are to be used. These shall be filed for record in conjunction with the filing of the plat

c. A current tax certificate from the Lubbock Central Appraisal District showing that all taxes have been paid on the tract to be subdivided and that no delinquent taxes exist against the property. In addition to a current tax certificate, a letter signed by the Lubbock Central Appraisal District may be required during specific times of the year, stating that current year taxes have not been calculated.

d. Notification materials as required herein.

e. A petition requesting annexation, if applicable.

f. Any attendant documents needed to supplement the information provided on the plat.

(a) Notification. Notification procedures for a short form final plat shall be the same as those identified for the preliminary plat.

(b) Approval. Director of Development Services may approve minor subdivisions without the necessity of submitting the application for consideration by the city Planning and Zoning Commission or requiring the developer to obtain approval of a preliminary plat. If the Director of Development Services determines he/she cannot or does not desire to approve a subdivision that qualifies as a minor subdivision, the application shall be forwarded to the planning and zoning commission for consideration at the next available meeting after proper notice. A subdivision may be considered a minor subdivision if:

- (1) For an amended plat as described by V.T.C.A., Local Government Code § 212.016;
 - a. The plat or replat consists of four or fewer lots fronting on an existing street and not requiring the creation of any new street or the extension of municipal facilities; or
 - b. For a replat under V.T.C.A., Local Government Code § 212.0145 that does not require the creation of any new street or the extension of municipal facilities. An approved minor subdivision shall constitute a final plat of said subdivision.
- (c) Revision. The revision process of a short form final plat shall be the same as the revision process described for a final plat.
- (d) Recordation. The recordation procedures of a short form final plat shall be the same as the procedures for a final plat.
- (e) Responsibility. Notwithstanding the approval of any short form final plat by the commission, council or director, the developer and the engineer that prepares and submits such plats shall be and remain responsible for the adequacy of the design and nothing in this chapter shall be deemed or construed to relieve or waive the responsibility of the developer or his/her engineer for or with respect to any plat submitted.

ARTICLE 10.06 PLAT DESIGN STANDARDS

§ 10.06.001. Street standards.

- (a) Streets serve several major functions, including traffic and pedestrian movement and drainage. The subdivider shall consider the impact of any proposed development on each of these functions:
 - (1) The arrangement, character, extent, width, grade, and location of all streets shall conform to the thoroughfare plan and other master plans of the city. The proposed streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.
 - (2) Where such is not shown on the thoroughfare plan, the arrangement of streets in a subdivision shall either:
 - (A) Provide for the continuation of appropriate projection of existing principal streets in surrounding areas; or
 - (B) Conform to a plan for a neighborhood approved or adopted by the City Council to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical.
 - (3) The subdivider shall assume responsibility for providing a plan which continues all thoroughfare and collector streets in accordance with the current thoroughfare plan and provides for residential streets in accordance with this chapter. The proposal shall provide continuity of the street names in accordance with chapter 15 of this code and shall consider

all existing and potential development adjacent to and abutting the proposed plat.

- (4) Where a subdivision abuts or contains an existing or proposed thoroughfare or greater street, residential lots shall not use such thoroughfare or greater street as primary access unless approved by the City Council. When the City Council deems such situations inadvisable, the commission may require marginal access streets, reverse frontage, lots with rear service alleys or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic. When double frontage lots occur, the plat shall indicate that the lesser designated street frontage involved will provide primary access to the lots in question.
- (5) Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the city council may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate uses of the intervening land. Such distances shall also be determined with due regard for the requirements of approach and future grade separations.
- (6) Street design with centerline offsets of less than one hundred twenty-five (125) feet shall be avoided and considered by the city council only when specific circumstances dictate a need for less offset.
- (7) Street intersections shall be as near to right angles as possible and four-way intersections of residential streets shall be avoided unless recommended by the City Engineer for drainage purposes.
- (8) At each street intersection, the right-of-way line at each block corner shall have a fifteen (15) foot by fifteen (15) foot angled cut-off at street intersections. Any collector or thoroughfare designated street intersecting another thoroughfare or freeway designated street shall have a thirty (30) foot by thirty (30) foot angled cut-off at the street intersections.
- (9) Right-of-way widths, as well as the curb and gutter and pavement design criteria for streets, shall be in accordance with the city public works engineering design standards and specifications and the thoroughfare plan.
 - (A) R-1 designated streets are allowed throughout residential subdivisions or may be utilized as “sub-collector” streets in conjunction with R-1A streets. As a “sub-collector,” R-1 streets collect traffic from lower traffic volume R-1A streets and connect with collector or thoroughfare designated streets.
 - (B) Collector (C-1) or thoroughfare (T-1, T-2) designated streets shall be required at locations as shown on the thoroughfare plan. Should factors such as topographic problems or a special subdivision design dictate an alternate collector street location, exceptions to collector street locations may be possible through design submittal by the subdivider and review and approval by staff and city council during the plat approval process.
 - (C) Industrial (I) designated streets shall be required in areas having industrial or manufacturing zoning classifications.
 - (D) If the City Engineer determines that a proposed development contains unique circumstances that cannot be accommodated by the standard street widths in this chapter,

such as boulevards and one- way streets, an alternative design may be considered by the staff and city council during the plat review process.

- (10) The dedication of half-streets shall be allowed only where essential to the reasonable development of the subdivision, with approval of the City Council as provided in section 15.06.004, and where the City Council finds it will be practical to require the dedication of the other half when the adjoining property is subdivided. Wherever a half-street is adjacent to an unsubdivided tract, the other half of the street shall be dedicated when the adjacent tract is platted.
- (11) Half-width paving shall only be allowed when approved by the City Council. The subdivider shall obtain a working easement from the adjacent landowner for installation of the half-street paving improvements. Approval by the City Council shall be required for half-width paving where full width dedication exists.
- (12) Dead-end streets are discouraged, but may be platted where the city council deems acceptable and where the land adjoins property not subdivided, in which case the streets shall be carried to the boundaries thereof. Barricades and signage will be required for dead-end streets, and such cost will be borne by the subdivider.
- (13) Cul-de-sac streets shall not be longer than six hundred (600) feet and shall be provided at the closed end with a turnaround having an outside right-of-way diameter of at least one hundred (100) feet (minimum diameter of eighty-six (86) feet for R-1 designated streets). Cul-de-sac streets shall be measured from the midpoint of the closest intersection to the center of the cul-de-sac radius.
- (14) In consideration of the drainage function of streets, when cul-de-sac or dead-end streets abut undeveloped property, the subdivider shall be responsible for obtaining drainage easements onto or through abutting property sufficient to ensure drainage of the proposed development. If needed for drainage, the cul-de-sac shall have a minimum twenty (20) foot drainage easement to the adjacent street, alley or property line, though greater width may be required if the drainage plan for the subdivision indicates the need. Such easements shall be included within the limits of the adjacent lots and the maintenance of these easements is the responsibility of the property owner.
- (15) Cul-de-sac streets, whether containing a drainage easement or not, shall be platted with a pedestrian access easement, a minimum of four (4) feet in width, from the cul-de-sac to the abutting street. A fence shall not block such access. A subdivider can refer to chapter 14 (zoning) of this code for fence height specifications. Pedestrian access is not required to connect a cul-de-sac to an alley.
Sidewalks are required under chapter 15 of this code and shall be constructed and maintained. Installation of sidewalks is not a requirement prior to final plat, but is required with the permit for construction of improvements on an individual platted lot or tract.
- (16) Islands or medians shall be allowed in public streets only when approved by the City Council. Prior to City Council consideration, the subdivider and/or their engineer shall be required to submit special design and construction details of the pavement structure to the City Engineer for any streets adjacent to any proposed landscaped islands or medians with irrigation systems. As a standard, concrete pavement will be the minimum pavement structure considered for streets adjacent to irrigated islands or medians. Islands and medians shall be platted as separate lots or tracts and shall remain under private ownership and maintenance unless otherwise

approved by the City Council.

- (17) Private streets and common areas shall be platted as separate lots or tracts and shall remain under private ownership and maintenance unless otherwise approved by the City Council.
- (18) Private streets and common areas shall be platted as separate lots or tracts and shall remain under private ownership and maintenance unless otherwise approved by the City Council.

§ 10.06.002. Alley standards.

- (a) General alley provisions. Alleys will generally not be required in residential areas. In areas where alleys are not specifically required, the inclusion of alleys shall be at the discretion of the Developer, but where alleys are provided, they must comply with paved alley standards.
- (b) Paved access alleys. In cases where rear access is proposed, plans must be provided for the primary and secondary access functions being combined on the alley.
- (c) Commercial access alleys. Service alleys shall be required for non-residential zones. Within commercial areas, requirements for alleys shall be based on intended use and potential for service access.
- (d) When alleys are proposed, the developer shall comply with the following standards:
 - (1) In residential districts, alleys shall be provided parallel or approximately parallel to the frontage of all streets.
 - (2) The width of the alley shall not be less than twenty feet (20'), with a minimum paved width of ten feet (10') with a concrete paving standard.
 - (3) Where two (2) alleys intersect and where an alley intersects a public street, a cut-off of not less than ten (10) feet along each right-of-way line from the normal intersection of those right-of-way lines shall be provided.
 - (4) Where an alley has a direction change of fifteen (15) degrees or greater, a cut-off of not less than ten (10) feet by ten (10) feet along the inside right-of-way line from the angle point shall be provided and paved.
 - (5) Dead-end alleys shall be avoided where possible. In cases where a dead-end alley is unavoidable, such alleys, shall be provided with turnaround facilities at the dead end as determined by the City Council.
 - (6) Alleys shall be arranged to assure proper drainage.

**ARTICLE 10.07
PLAYA LAKES DEVELOPMENT AND OWNERSHIP**

§ 10.07.002. Dedication methods.

- (a) At a minimum, all land area below the predicted peak water elevation of a lake as determined by procedures outlined in the drainage design manual and this article shall be dedicated to facilitate stormwater drainage.
- (b) The subdivider shall dedicate or deed to the city, as applicable, the lake land in one of the following ways:
 - (1) The lake area may be dedicated as a stormwater drainage and impoundment easement, subject to approval by the City Council, and shall meet the requirements set forth by the drainage design manual and this article.
 - (2) The lake area may be deeded by general warranty deed to the city as public property for a stormwater detention basin, subject to approval by the City Council, after review and recommendation by the city engineer, and shall meet the requirements set forth by the drainage design manual and this article.
 - (3) The lake area and additional adjacent property may be deeded by general warranty deed to the city as a city park, subject to approval by the City Council, after review and recommendation by the City Engineer. The lake area shall meet the requirements set forth by the drainage design manual and this article.
- (c) In order for the city to accept ownership of dedicated or deeded stormwater detention basin or park, the following requirements must be met:
 - (1) Over 90% of the subdivided land must be built-out and completed.
 - (2) The City Engineer has certified that all stormwater detention basin or park standards have been met.
 - (3) The City Engineer has approved all material used for cut and fill.
 - (4) A system of funding maintenance and operation should be arranged prior to acceptance. This can be in the form of a PID, HOA, etc.

ARTICLE 10.08
PLAYA LAKES CUT AND FILL

§ 10.08.001. Procedures.

- (a) In the interest of the health, safety, and welfare of the residents of the city, playa lake modifications and dedication requirements for lake areas necessary for flood control and preservation of natural drainage shall be as follows:
 - (1) Subdividers wishing to modify lake areas must submit a cut and fill plan prepared by an engineer according to the procedures detailed below and obtain City Council approval for such plan before beginning any modifications.
 - (A) The subdivider shall submit three (3) copies and an electronic portable document format (.pdf) file of a cut and fill plan meeting the requirements of this article to the planning department.
 - (B) A nonrefundable application fee for reviewing a cut and fill plan shall be set annually in

the city's fee schedule. A fee for the administrative costs of reviewing the cut and fill plan shall be required with the application and paid to the Director of Development Services at the time the application is submitted.

- (C) The cut and fill plan shall be distributed to the city staff by the Director of Development Services, and staff will submit conditions for City Council consideration.
 - (D) The subdivider may contest any staff recommendations at the City Council hearing. The council shall consider both the staff recommendations and the subdivider requests in making a final determination. The City Council shall act on the cut and fill plan as submitted or amended within thirty (30) days.
 - (E) Should the City Council deem necessary, the subdivider shall resubmit a corrected cut and fill plan as required by this section that reflects all required changes before the cut and fill plan approval process is complete.
 - (F) The action of the City Council shall be noted and attached to two (2) copies of the cut and fill plan. One set shall be sent to the person who submitted the cut and fill plan, one set shall be provided to the City Engineer, and the other set shall be filed by the planning department.
- (2) The cut and fill plan shall comply with the following and shall clearly illustrate any specific requirements:
- (A) Submit plan sheets at a scale of one (1) inch to one hundred (100) feet horizontal scale. Sheet sizes shall be between eleven (11) by seventeen (17) and twenty-four (24) inches by thirty-six (36) inches unless otherwise approved by the city engineer. If necessary, the plan may be on several sheets, with a cover sheet containing an index showing the entire subdivision.
 - (B) Be titled "cut and fill plan-(subdivision name and lots or tracts)," providing the proper name corresponding to the final plat it is accompanying.
 - (C) Include the names of the subdivider and the person or firm preparing the plan.
 - (D) Include the comment "This document is released for review purposes only, under the authority of (insert preparing engineer's name) and in no way official or approved. Release date: (insert date of release)."
 - (E) Include the statements as listed in section 10.08.002(a)(1)-(9) of this article on the face of the cut and fill plan.
 - (F) Clearly depict the existing one-foot interval contours and the proposed one-foot internal contours and cross-sections on NAVD88 datum unless otherwise approved by the city engineer.
 - (G) Indicate in the notes the benchmarks used to establish vertical control for the plan.
 - (H) Include cross-sections at a horizontal and vertical scale that clearly demonstrate the existing land and the proposed results of the cut and fill operation.
 - (I) Clearly demonstrate with the contours and cross-sections that the borrow slopes and fill slopes conform to the requirements of the drainage criteria manual.

- (J) Clearly indicate in the notes and on the contours the predicted peak water elevation or overflow elevation of the lake.
 - (K) Indicate the acreage of the lake area prior to the cut and fill operation and the acreage and percent of total reclamation upon completion of the proposed activity. If prior cut and fill operations have been performed in the lake, the acreage of the lake area in its natural state shall also be listed as well as the percent of prior reclamation.
 - (L) Indicate the volume, in cubic yards, of the total proposed excavation, the volume of embankment material to be placed both below and above the predicted peak water elevation of the lake, and the net volume increase of holding capacity of the playa lake due to the cut and fill operation. All earthwork volumes shall be calculated as “in-place” cubic yards.
 - (M) Include adequate notes and legends to clearly depict the differences between existing and proposed conditions with this cut and fill operation.
- (3) Any approved cut and fill plan shall remain in force for three (3) years or until such time as the plan is submitted for amendment by the subdivider.

ARTICLE 10.09 EXCAVATIONS AND FILLS OUTSIDE OF LAKE AREAS

§ 10.09.003. Fills outside of lake areas.

- (a) Proposals for any fill outside of lake areas that could affect the normal flow of public drainage, including but not limited to berms, dams or terraces, shall be submitted to the city engineer for determination of whether a fill plan must be prepared.
- (b) Cut/fill plans shall be submitted to the City Engineer. After the cut/fill plans have been reviewed, the City Engineer may make a recommendation to the City Council for final approval under the procedure detailed in section 10.08.001.
- (c) In reviewing fill plans, the City Council shall, among other items, consider the following issues:
 - (1) The overall drainage pattern of the area.
 - (2) The impact the fill may have on adjacent properties or structures.
- (d) Any fill operation requiring a fill plan shall conform to the requirements of section 10.08.001 and section 10.08.002.

ARTICLE 10.10 IMPROVEMENTS REQUIRED PRIOR TO ACCEPTANCE OF FINAL PLAT

§ 10.10.004. Water and sewer.

- (a) Water and sewer mains shall be installed to serve all lots within the proposed subdivision under the provisions of chapter 13 of this code and shall be constructed in compliance with the City of Lubbock Minimum Design Standards and Specifications as appended in appendix C of this code

under the supervision of the City Engineer.

- (b) Installation of water and sewer shall not be required when the city council finds that water and sewer is not available and cannot be made available in the immediate future. In such cases, a delay of services should be requested by the subdivider when the final plat is submitted.
- (c) A building permit shall not be issued on a platted lot or tract, or any portion authorized under the procedure in section 10.03.002(b), until such time as water and sanitary sewer service has been installed and is operational as determined by the City Engineer or an exception is allowed under the provisions of this section.
- (d) The location of the water meter and meter can for water service shall be placed within 10 feet of the side property line and 1 foot from the rear property line. The sewer stub service line shall be placed at the centerline of the lot (+-) 5 feet.

§ 10.10.005. Street lighting.

- (a) Streetlights shall be a minimum of 2.5 ft. back from curb face and have 250W EQ LED luminaries.
- (b) The subdivider shall provide a street lighting plan to the city for review along with engineering documents.
- (c) The subdivider shall be responsible for the purchase and installation of street lights in the proposed subdivision prior to installation of lighting. Street lighting shall be installed and operational prior to the issuance of a Certificate of Occupancy, unless the subdivider has provided evidence of an agreement with the utility provider and any delay is due to the utility provider. Evidence of agreement is subject to the acceptance of the city.

§ 10.10.006. Street name signs.

- (a) Street name signs for streets shall be provided at all street intersections within or abutting the proposed plat. Street name sign locations will be reviewed by the engineering department. Street name signs will be paid and installed by the subdivider.
- (b) The subdivider shall bear all costs associated with the purchase and installation of street name signs.
- (c) Street name signs shall be installed prior to the issuance of a Certificate of Occupancy, unless the subdivider has provided evidence of an agreement with the utility sign provider and any delay is that of the provider, not the subdivider. Evidence of agreement is subject to the acceptance of the city.

§ 10.10.007. Other traffic signs and traffic-control devices.

- (a) The city engineer will specify any other required signs and traffic-control devices, including but not limited to road closure signs and barricades, stop signs, no parking signs, and one-way signs, as part of plat review. Such signs and devices shall be of a style approved by the city and shall be placed in accordance with the state manual on uniform traffic-control devices (TMUTCD).
- (b) Required devices will be paid for and installed by the subdivider.

- (c) Other traffic signs and traffic-control devices shall be installed and operational prior to the issuance of a Certificate of Occupancy, unless the subdivider has provided evidence of an agreement demonstrating a commitment to provide the required devices, and further demonstration that any delay is due to the provider of the required devices and not the subdivider. Evidence of agreement is subject to the acceptance of the city.

§ 10.10.009. Performance bond in lieu of required improvements.

- (a) In the event of lack of completion of the required improvements, with the intention of initiating the recording of the final plat, the subdivider may request the submission of a bond in lieu of the completion of paving, drainage, and cut and fill activity. Required paving, drainage, and cut and fill activity can be no less than 75% complete as determined by the city engineer in order for this provision to apply. At the sole discretion of the City Council, the city may allow the submission of a performance bond in lieu of completion of requested infrastructure.
- (b) In the circumstance of the Parade of Homes or any other similar event in nature, the 75% completion may be waived by City Council approval.
- (c) A performance bond issued by a licensed surety company in the state to the City for the purpose of ensuring the construction of the roads and all other infrastructure to be dedicated to the city in said subdivision is required. Said bond shall be in effect until the city has accepted the infrastructure that is subject to the bond. The bond shall be in a form acceptable to the City Attorney. The bond shall be in an amount equal to or greater than the estimated cost needed to complete the construction of the required improvement.
- (d) The bond shall be accompanied with a copy of the construction contract for the required paving, or drainage improvements and planned cut and fill activity or an estimate provided by the subdivider's engineer that is approved by the City Engineer. The City Engineer shall have the authority to require a different bond amount if there is a question or disagreement about the cost necessary to complete the construction of the required improvements. The City Engineer shall utilize any data deemed relevant as the basis for requiring a different bond amount.
- (e) As a condition of a performance bond, the owner of an approved and accepted subdivision shall execute and complete construction of all infrastructure subject to the bond or substitute collateral in accordance with the specifications herein in no more than one year from the date of approval of the final plat. The performance bond shall remain in full force and effect until all of the subject infrastructure in such approved and accepted subdivision have been completed to the satisfaction of the city engineer.
- (f) If the owner fails or refuses to correct the defects called to his attention in writing by the City Engineer and the bond is unenforceable, the owner shall complete the unfinished improvements at their cost and expense as common law obligation of the bond.

§ 10.10.010. Withholding improvements and permits until approved.

- (a) The city shall withhold all city improvements, including the furnishing of sewerage facilities and water service, from all additions which have not been recorded and improvements provided as required by this chapter.
- (b) No permits shall be issued by the building official on any piece of property unless water and sewer service is operational as determined by the City Engineer. Further, no permit shall be issued on any

parcel other than an original or a resubdivided lot in a duly approved and recorded subdivision, unless an exception has been made under section 10.03.002(b) and until such time as the platted lot or tract is made accessible by way of an all- weather surface. The City Engineer shall have the authority, after reviewing the progress of construction and other relevant matters, to release a portion of the subdivision for building permits.

- (c) Improvements and permits shall not be withheld when the city council finds one of the following situations to exist:
 - (1) Where improvements are necessary to comply with other ordinances of the city which carry a penalty for failure to comply.
 - (2) Where leased property lies on railroad right-of-way and such property is adequately served by streets and utility easements.

§ 10.10.011. Maintenance bond.

- (a) The owner/developer must file a maintenance bond at the time any infrastructure in the subdivision is presented for dedication to the city. The condition of the maintenance bond shall be that the owner or developer shall guarantee to maintain, to the satisfaction of the city, all of the streets, alleys, and all other infrastructure to be dedicated to the city shown on the accepted and approved subdivision plat, in a good state of repair for a period of one year following the acceptance of such infrastructure by the city. Bonds shall be in an amount equal to 15 percent of the cost of construction for the approved infrastructure.
- (b) The maintenance bond shall commence on the date the roads or other infrastructure shown on the subdivision plat are accepted by the city and shall remain in full force and effect for a period of one year thereafter. The city will make periodic inspections of approved and accepted roads and other infrastructure, as possible, during the period of liability covered by the maintenance bond. In the event any of such roads or other infrastructure are not being maintained in a good state of repair, the owner will be so advised in writing and if, after reasonable time, the owner/developer fails or refuses to maintain the roads, they shall be maintained at the cost and expense of the owner/developer.
- (c) If the owner fails or refuses to correct the defects called to his attention in writing by the City Engineer and the bond is unenforceable, the owner shall complete the unfinished improvements at their cost and expense as a contractual obligation of the bond.

**ARTICLE 10.12
REPLATS**

§ 10.12.001. General regulations.

- (a) The owner of property who wishes to revise a subdivision plat which has been previously filed for record must make an application of the proposed revised plat to the City Council. The replat of the subdivision shall meet all approval requirements for and follow the same procedure as a final plat under article 10.05. If a lot is replatted, all lots will retain the original name of the plat.
- (b) A replat may not amend or remove any covenants or restrictions.

- (c) Each person who wishes to replat a subdivision under this chapter must submit to the city a fee as determined by the city's Master Fee Schedule for each replat application.

Part 2. Severability.

If any section, sub-section, clause, phrase or portion of this Ordinance shall be held unconstitutional or invalid by a court of competent jurisdiction, such section, sub-section, sentence, clause, phrase or portion shall be deemed to be separate, distinct and independent provision and such invalidity shall not affect the validity of the remaining portion.

Part 3. Repeal.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

Part 4. Open Meetings.

That it is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that the public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551, Texas Government Code.

Part 5. Effective Date.

This Ordinance shall take effect immediately upon its passage and adoption by the City Council.

PASSED AND APPROVED ON THIS THE 15th day of April 2024.

Charles Addington, II, Mayor
City of Wolfforth, TX

ATTEST:

Terri Robinette, City Secretary