

**ARTICLE 10.01
ANNEXATION PETITION PROCEDURES**

No Changes were made to this section.

**ARTICLE 10.02
GENERAL PROVISIONS**

§ 10.02.001. Definition.

Changes were made to the following definitions:

1. Original:

Director of planning and community development. The head of the planning, zoning, and community development departments.

Revision:

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

2. Addition:

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.

3. Addition:

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 is 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.

§ 10.02.002. Title, statement of policy and requirement to plat.-

No Changes were made to this section.

§ 10.02.003. Enforcement.

Title changed from Director of Planning and Community Development.

- (a) The **Director of Development Services** shall administer and enforce this chapter unless such duties are otherwise delegated by the City Manager.

**ARTICLE 10.03
PLAT PROCEDURES**

§ 10.03.001. Development coordination.

Title changed from Director of Planning and Community Development.

(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.

Change in language:

Original: “**by way of an all-weather surface.**”

Revision:

(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.**
(Ordinance 564 adopted 4/5/21)

**ARTICLE 10.04
PRELIMINARY PLAT**

§ 10.04.001. Procedures for submittal and review.

Change from 3 to 2 copies- most are digital now.

Title changed from Director of Planning and Community Development

(a) **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.

Reworded due to change in law as of January 1, 2024

Original:

(1) Preliminary plats shall be deemed filed when the planning department completes its review process and the plat is placed on the city council agenda.

Revision:

(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.**

Title changed from Director of Planning and Community Development

- (b) 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:

Addition of including the Planning and Zoning Commission in the platting approval process

- (c) 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.
- (d) 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.

§ 10.04.002. Procedures for plat renewal.

Title changed from Director of Planning and Community Development

- (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.

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.

- (1) 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) 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.

Addition of including the Planning and Zoning Commission in the platting approval process

(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.

Reworded due to change in law as of January 1, 2024

Original:

(d) Final plats shall be deemed filed when the planning department completes its review process and the plat is placed on the City Council agenda. Review and council action will be the same as set forth in section 10.04.001 for preliminary plats.

Revision:

(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.

Title changed from Director of Planning and Community Development

Change from 3 to 2 copies- most are digital now.

(a) 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)."

(b) 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.

(Ordinance 564 adopted 4/5/21)

§ 10.05.002. Engineering procedures for final plats.

Based on completion of development.

(e) 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.**

§ 10.05.003. Final plat survey and control.

No Changes were made to this section.

§ 10.05.004. Final plat requirements.

Change from 3 to 2 copies- most are digital now.

Title changed from Director of Planning and Community Development

- (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) If changed circumstances exist, **the Director of Development Services** may require the submission of an updated final plat document prior to filing.

franchise utility or certificated service provider of telecommunications].”

- (1) “Public pedestrian access easement is herein granted for persons traversing along the public parkway and needing to enter onto private property for the purpose of crossing a driveway. The easement is limited to those portions of the as-constructed driveways and walks which may extend outside public right-of-way onto private property and are constructed for the continuance of the accessible routes across the back of the driveway. This easement applies to existing and any future drive entrances as constructed.”
- (2) Plats in the city’s extraterritorial jurisdiction shall include a certificate of approval by the County Commissioner’s court that shall be placed on every final plat and signed prior to recording of the plat documents at the courthouse.

APPROVED this _____ day of _____, 20_____, by the Commissioner’s Court of the COUNTY OF LUBBOCK, TEXAS

APPROVED

COUNTY JUDGE

ATTEST

COUNTY CLERK

(Ordinance 564 adopted 4/5/21)

§ 10.05.006. Required notices for final plats containing lake or flood risk areas.

No Changes were made to this section.

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

Title changed from Director of Planning and Community Development

- (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:

LCAD requires a letter during certain periods of time. Began in September of 2023.

- (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.

Currently the City is taking on the cost of filing plats. This would transition the cost to developers. They will not be able to file without a letter from the City Manager certifying all requirements have been met.

- (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 Wolforth's development department prior to building permit issuance.

New Section- this is for specific plats that meet the following definition: 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 is 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.

§ 10.05.008. 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 meets 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.

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

(c) 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

(d) Revision. The revision process of a short form final plat shall be the same as the revision process described for a final plat.

(e) Recordation. The recordation procedures of a short form final plat shall be the same as the procedures for a final plat.

(f) 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.

Change approval to a dedication and with City Council approval, not City Engineer

Language clarification from “may be” on (12)

(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.

§ 10.06.002. Alley standards.

Change from alleys can be platted but not necessarily paved to alleys not required but must be paved.

Original:

(a) General alley provisions. Alleys shall be provided in all zoning districts, except that the city council may approve plats where other definite and assured provision, such as public access easements, is made for service access.

- (1) In residential districts, alleys shall be provided parallel or approximately parallel to the frontage of all streets
- (2) The width of any alley shall be twenty (20) feet. The subdivider shall be responsible for obtaining the full width right-of-way dedication from the adjacent owner(s) if necessary.
- (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.
- (5) Dead-end alleys shall be avoided where possible, but if unavoidable, 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.
- (7) Alleys used for drainage, except those adjacent to residential properties zoned “R-1,” shall be paved to the point of discharge at the nearest paved street, another paved alley or drainage channel.

(b) Paved access alleys. Certain development projects may use rear access. In these cases, consideration must be provided for the primary access and secondary access function being combined on the alley.

When rear access is proposed, the subdivider shall provide:

(1) A standard twenty-foot alley shall be dedicated that meets the general requirements for alleys in subsection (a).

(2) Paved access alleys shall be paved with concrete to specifications in the minimum engineering design standards and specification. The paving shall consist of a ten-foot concrete section in the center of the right-of-way. A wider concrete paving cross-section may be installed with approval of the city engineer.

(3) The subdivider shall ensure the installation of all public utility services and utility service taps to each adjacent lot prior to preparation for and actual paving of the alley. Tap locations shall be properly identified for future location. Every vehicular access to the alley paving shall be paved.

(4) The following requirements for alleys adjacent to townhouse development shall be met:

(A) A ten (10) foot minimum width concrete paved vehicular access easement from the paved alley to the front street shall be provided for each two hundred fifty (250) feet of development. The paved connection to the front street shall be via a standard residential drive approach that is a minimum of 10 feet wide at the property line.

(B) The access easements shall be included as a part of each adjacent lot and may only be platted as a separate lot or tract with documentation of perpetual maintenance by a homeowner's association or other similar entity.

(C) Maintenance of such access easements shall remain a private responsibility.

(D) Each paved vehicular access easement shall have a concrete paved cut-off of not less than ten (10) feet along the paved alley line and the access easement line from the normal intersection of the access easement and the alley paving.

Revision:

(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.

§ 10.06.003. Block standards.

No Changes were made to this section.

§ 10.06.004. Lot standards.

No Changes were made to this section.

§ 10.06.005. Standards for drainage improvements and playa lake cut and fills.

No Changes were made to this section.

**ARTICLE 10.07
PLAYA LAKES DEVELOPMENT AND OWNERSHIP**

§ 10.07.001. Ownership policy.

No Changes were made to this section.

§ 10.07.002. Dedication methods.

Addition: Creates a way to maintain stormwater detention basins or parks.

(d) 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.

§ 10.07.003. Standards.

No Changes were made to this section

§ 10.07.004. Development requirements.

No Changes were made to this section

§ 10.07.005. Notifying public of intent for lake area.

No Changes were made to this section

**ARTICLE 10.08
PLAYA LAKES CUT AND FILL**

§ 10.08.001. Procedures.

Change from 3 to 2 copies- most are digital now.

Title changed from Director of Planning and Community Development

(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.

(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.

§ 10.08.002. Requirements and verification.

No Changes were made to this section

**ARTICLE 10.09
EXCAVATIONS AND FILLS OUTSIDE OF LAKE AREAS**

§ 10.09.001. Procedures.

No Changes were made to this section

§ 10.09.002. Excavations outside of lake areas.

No Changes were made to this section

§ 10.09.003. Fills outside of lake areas.

Clarification on the process and expectations.

Original:

(b) If the city engineer determines that a fill plan should be prepared, such plans shall be submitted for consideration by the city council under the procedure detailed in section 10.08.001.

Revision:

(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.

**ARTICLE 10.10
IMPROVEMENTS REQUIRED PRIOR TO ACCEPTANCE OF FINAL PLAT**

§ 10.10.001. Improvements required.

No Changes were made to this section

§ 10.10.002. Monuments.

No Changes were made to this section

§ 10.10.003. Streets.

No Changes were made to this section

§ 10.10.004. Water and sewer.

Clarify from “lines” to “mains”

- (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.

Addition: Specification on where lines and meters are located.

(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.

Due to difficulty getting electrical utilities to install street lighting, evidence must be shown of purchase and no Certificates of Occupancy will be granted until complete.

Original:

(c) The subdivider shall pay the city all costs associated with the purchase and installation of street lights in the proposed subdivision prior to installation of lighting.

Revision:

(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.

Due to difficulty getting electrical utilities developers are having to wait on street lights first then street signs and traffic signs. Evidence must be shown of purchase and no Certificates of Occupancy will be granted until complete.

Addition:

(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.

Due to difficulty getting electrical utilities developers are having to wait on street lights first then street signs and traffic signs. Evidence must be shown of purchase and no Certificates of Occupancy will be granted until complete.

Also, was original one paragraph, and revised to make consistence with the prior two sections.

Original:

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). Required devices will be paid for and installed by the subdivider.

Revision:

(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.

§ 10.10.008. Drainage improvements.

No Changes were made to this section

§ 10.10.009. Performance bond in lieu of required improvements.

(a) was revised to include required amounts of completion prior to bond. This is to eliminate developers being granted a bond with minimal work completed.

(b) is an addition due to special circumstances that would require less to be completed. Events such as the Parade of Homes.

(c) “mayor” to “City”

(d) was revised to allow some flexibility in what we use to determine bond amount.

Original:

(a) In lieu of the completion of the required water, sewer, paving, or drainage improvements or completed cut and fill activity and before the final plat is approved and accepted, the subdivider may request the submission of a bond in lieu of the completion of construction of these improvements. At the sole discretion of the city council, the city may allow the submission of a performance bond in lieu of completion of the requested infrastructure.

(b) A performance bond issued by a licensed surety company in the state to the mayor 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.

(c) The bond shall be accompanied with a copy of the construction contract for the required water, sewer, 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 current bid prices received on city projects or unit prices known on current improvements in other new subdivisions as the basis for requiring a different bond amount.

(d) As a condition of a performance bond or approved substitute collateral, 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.

Revision:

- (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.

§ 10.10.010. Withholding improvements and permits until approved.

Addition: Due to supplies on backorder (such as generators) this will allow developers to start on completed parcels of land that the City Engineer deems complete.

- (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.

§ 10.10.011. Maintenance bond.

Clean up of language and requirements

- (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**.

§ 10.10.012. Traffic impact analysis.

No Changes were made to this section

**ARTICLE 10.11
VARIANCES**

§ 10.11.001. General regulations.

No Changes were made to this section

§ 10.11.002. Conditions.

No Changes were made to this section

§ 10.11.003. Procedures.

No Changes were made to this section

**ARTICLE 10.12
REPLATS**

§ 10.12.001. General regulations.

Removal of a specific amount so that the ordinance does not have to be amended whenever a new feed schedules is approved.

- (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.

(Ordinance 588 adopted 2/7/22)

§ 10.12.002. Additional requirements for certain replats.

No Changes were made to this section