

ARTICLE 10.01
ANNEXATION PETITION PROCEDURES

§ 10.01.001. Petition in writing.

The owner or owners of any land or territory shall petition in writing to the City Council of the city requesting the annexation of such land or territory, describing the same by metes and bounds, said petition to be duly acknowledged as required for deeds by each and every person or corporation having an interest in said land.
(Ordinance 106 adopted 7/28/80)

§ 10.01.002. Certificate of ownership required.

The owner or owners of such land or territory sought to be incorporated into the city shall provide for the City Council a certificate of ownership designed by a duly licensed attorney or other acceptable written evidence of ownership, showing the ownership of the land to be in every person or corporation requesting annexation.
(Ordinance 106 adopted 7/28/80)

§ 10.01.003. Petitioner responsible for cost of ordinance.

Every person or corporation whose petition for annexation is granted shall cause to be prepared a proper ordinance at the petitioner's sole cost and expense.
(Ordinance 106 adopted 7/28/80)

§ 10.01.004. Petitioner responsible for attorney's fees.

Every person or corporation whose petition for annexation is granted shall pay the full cost of attorney's fees, if any, incurred by the city relating to the review of any annexation ordinance and attorney's fees, and other expense, if any, relating to the resolution of differences or problems, if any, connected with annexation of land into the city.
(Ordinance 106 adopted 7/28/80)

§ 10.01.005. Petitioner responsible for cost of filing.

The person, persons or corporation whose petition for annexation is approved shall pay all cost of filing a certified copy of such ordinance in the office of the county clerk and shall pay all costs incurred by the city for publications.
(Ordinance 106 adopted 7/28/80)

ARTICLE 10.02 GENERAL PROVISIONS

§ 10.02.001. Definition.

For the purpose of this chapter, the following phrases, words, and their derivatives shall be construed as defined in this section. All other words shall have their usual meaning. Whenever a public official is referred to by only the title of his office, such reference shall be construed as if followed by the words “of the city or designee,” unless the context indicates otherwise:

Alley. The word “alley” shall mean any public street or easement, having no official name, which is designed primarily for installation of and access to public utilities and services. The alley shall extend only secondary access to the abutting property unless paved for rear access.

Alley cut-off. A triangular tract of land formed at the intersection of two (2) alleys which provides for vehicle turn movements.

Block face. A tract of land having continuous common street frontage and located on one side of a street between intersecting streets.

Building setback. Building lines (front, rear, and side) are lines located horizontally a minimum distance from and parallel to the corresponding (front, rear, or side) lot line. No portion of a building shall extend over such lines unless provided in chapter 14 (zoning) of this code.

City engineer. A city employee with that position title, who may delegate certain tasks and responsibilities in this chapter to other city staff. In the event the city does not have an employee to fill the position of City Engineer, the Director of Development Services will be responsible to assign projects and tasks under this chapter to an engineer(s) then under contract with the city.

City Park. An area, which may include a playa lake, defined by the parks department as an area providing for open space and associated recreational activities. Dedication of a public park must be accepted by the City Council, and dedicated by warranty deed.

Common ownership. The collective ownership of a property by two or more persons. The property is not held in any one person’s name in particular, but in the names of all the persons.

Comprehensive land use plan. A plan for the long-range development of the city as authorized by the Texas Local Government Code, title 7, chapter 213, as amended.

Cut and fill plan. A plan, requiring approval of the City Council, that indicates excavation and embankment representing the physical changes being made with a playa lake modification, or if outside a playa lake area, excavation and embankment that will affect surface drainage.

Dedication deed or dedicatory certificate. A deed that designates property, usually within a subdivision, with a particular legal description. It also designates the boundaries of land reserved for public use, such as streets or alleys, is signed by the owner(s) and primary lienholder(s) of the property being platted, and identifies easements for particular purposes such as utilities. A plat accompanies and illustrates the legal description and right-of-way dedications from the dedication deed.

Developer. A person who causes land to be divided into a subdivision; for this chapter same as subdivider.

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

Drainage design manual. The manual adopted and approved by the city council that establishes requirements for drainage plans, drainage analyses, drainage design, and construction in newly developing or redeveloping areas.

Easement. An easement is the right of the public or an authorized entity or entities to use the land owned by another for a specific purpose.

Engineer. A professional engineer registered or licensed in the state with specialty in civil engineering qualified to perform any engineering work necessary for approval of a plat and design and construction of subdivision improvements.

Excavation plan. A plan, requiring approval of the City Council, for any cuts that resemble a mining operation or create a pit. Any cut exceeding six (6) feet in depth shall be submitted to the city engineer, who shall determine if an excavation plan is required.

Extraterritorial jurisdiction (ETJ). The unincorporated area, not part of any other city, which is contiguous to the corporate limits of any city as defined in the Texas Local Government Code, title 2, chapter 42, as amended.

Flood insurance rate map (FIRM). An official map of a community on which the federal emergency management agency has delineated both the areas of special flood hazard areas and other flood areas and the risk premium zones applicable to the community.

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.

Lake area. That part of any stormwater lake area within the corporate limits or in the extraterritorial jurisdiction of the city, the perimeter of which has been established by the city engineer at substantially the predicted peak water elevation. The lake area can either reside in its natural state or be modified through a cut and fill plan.

Lot, double frontage. A lot with frontage on two parallel streets, with vehicular access normally restricted to only one of the streets.

Lot or tract. A parcel of land under single or common ownership having access to a street or public access easement that has access to a street. Such parcel of land is designated as a separate and distinct lot or tract and is identified in a duly approved subdivision plat of record.

Master drainage plan. That plan adopted and approved by the City Council that establishes an estimated peak water surface elevation for playa lakes and rates of overflow between lakes for certain areas studied within the corporate limits of the city and certain areas within the city's extraterritorial jurisdiction.

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.

Parkway. That part of the public street right-of-way between the private property line and the back of curb, edge of strip street pavement, or edge of any improved and maintained street surface.

Planning and zoning commission. The City Council appointed commission that advises the City Council regarding zone changes and other matters that affect the growth and development of the community.

Plat, final. A map or drawing of all or a portion of a subdivision prepared according to the city subdivision regulations by a registered professional surveyor, approved by the City Council or other authority and filed in the county clerk's office as a legal designation. Final plat includes a replat.

Plat, preliminary. The conceptual design, presented as a drawing, for a proposed subdivision which serves as a working instrument for review and approval or denial by the City Council. Required changes are noted within the acceptance or rejection of the plat by the city council. Each preliminary plat shall contain all contiguous property under single or common ownership and include topographic information.

Playa or playa lake. Any of several naturally occurring broad, shallow, roughly circular depressions of varying sizes and depths that serve as natural detention basins for stormwater flows within the city or its extraterritorial jurisdiction (ETJ). (See lake area.)

Predicted peak water elevation. The 100-year or 500-year water surface elevation of a lake as determined by procedures outlined in the drainage criteria manual.

Public works engineering design standards and specifications. The design standards and construction specifications issued by the public works engineering department for water, sewer, storm sewer, and street paving improvements.

Replat. A final plat which relocates lot boundaries of existing platted lots, meeting the same requirements as a final plat.

Shall, may. The word “shall” shall be deemed as mandatory; the word “may” shall be deemed as permissive.

Stormwater detention basin. An area dedicated for the primary use of stormwater impoundment. Undeveloped open space activities may also exist. Stormwater detention basins may be under public or private ownership.

Street. A dedicated public way primarily used for vehicular or pedestrian traffic as access to abutting properties or for other public uses such as allowed utility facilities. Cross-sections of the different types of streets are found in the public works engineering design standards and specifications.

Street access. Each platted lot or tract within the city shall front on a public street or, when approved by the city council, may front onto a public access easement or private street that has access to a public street.

Street, centerline offset. Distance between the centerlines of streets intersecting a common street.

Street, collector. Collector streets are those which transfer traffic from residential streets to thoroughfare streets (C-1 on thoroughfare plan).

Street, expressway. See “street, freeway.”

Street, freeway. A major divided highway designed for high-speed travel, having few or no intersections and frontage roads with limited access to the main lanes (F on the thoroughfare plan). Also referred to as “expressway” in some portions of this code.

Street, industrial. Industrial streets are those which provide for safe and efficient travel of heavy industrial traffic from industrial areas to the major traffic system of thoroughfares and highways, including the principal entrance streets and streets for circulation in the industrial areas (I on the thoroughfare plan).

Street, private. A privately owned access easement, platted as a separate lot, that is not maintained by the city or any other public entity, that may or may not be open to the public, but provides access for emergency vehicles.

Street, residential. Residential streets are those which are used primarily for access to the abutting properties, generally within residential areas (R-1 on thoroughfare plan).

Street, thoroughfare streets or highways. Thoroughfare streets are the major streets of the city traffic system. The thoroughfare is used primarily for fast and/or heavy traffic moving in large volumes at moderate speed on long intercity or intracity trips (T-1 or T-2 on the thoroughfare plan).

Subdivider. A person who causes land to be divided into a subdivision, for this chapter same as developer.

Subdivision. The division of a tract of land within the corporate limits, or within the extraterritorial jurisdiction of the city, into two (2) or more parts for the purpose of laying out any division of any tract of land or any addition to the city, or for laying out suburban lots or building lots or any lots and streets, alleys, or parks or other portions intended for public use, or the use of purchasers or owners of lots fronting thereon or adjacent to the streets, alleys, and parks. The term “resubdivision” and “addition” shall be included within this definition.

Surveyor. A registered professional land surveyor licensed to perform land surveying in the state.

Thoroughfare plan. A general plan adopted by ordinance by the city council for the public roads, streets, and highways within the corporate limits or in the extraterritorial jurisdiction of the city that designates the type and width of major streets.

(Ordinance 564 adopted 4/5/21)

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

(a) Title. This chapter shall be known as and may be cited as “subdivision regulations.”

(b) Statement of policy. Texas law allows cities to coordinate the platting, replatting and conversion of raw land into subdivisions, including streets, alleys, and development parcels. This process, also known as platting, has long-range impact on the development of the city. These regulations are formulated to serve the needs of all

public and private interests within the city and surrounding areas. Citizens are entitled to live in a city with healthy and safe development patterns. The development sector should be free to create that environment in a positive business atmosphere and accept the public responsibility of his or her profession. The following regulations include not only protection for the subdivider's needs, but also the wants and needs of city citizens in the future.

- (c) Requirement to plat. The owner or owners of a tract of land within the corporate limits or in the extraterritorial jurisdiction of the city who divides the land in two or more parts must have a plat of the subdivision prepared in accordance with the Texas Local Government Code, title 7, chapter 212.004, as amended. Plats within the extraterritorial jurisdiction of the city will also come under the authority, review, and approval of the Lubbock County Commissioners Court.

(Ordinance 564 adopted 4/5/21)

§ 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.

(Ordinance 564 adopted 4/5/21)

**ARTICLE 10.03
PLAT PROCEDURES**

§ 10.03.001. Development coordination.

- (a) Subdividers are required to meet with city staff prior to submittal of subdivision plats and cut and fill plans. A meeting with the county public works director is suggested for extraterritorial jurisdiction plats, as county development standards may differ from the city standards in this chapter.
- (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.
- (c) City staff shall work with any subdivider to provide appropriate recommendations and advice for the preparation of subdivision plats.
- (d) The subdivider shall coordinate with the city engineer concerning drainage issues.
- (e) The subdivider shall bear responsibility for timely submission of subdivision plats or cut and fill plans which meet all requirements of this code. Submittal of required materials well in advance of deadlines will allow sufficient time for recommendations by staff to be considered by the subdivider.
- (f) Because all plats within the city and the city's extraterritorial jurisdiction become a part of total development, the subdivider should consider not only the area within the plat, but also the conditions of the abutting property and the interest of adjacent property owners.
- (g) Areas within the corporate limits or in the extraterritorial jurisdiction of the city subject to flood conditions, as established by the City Engineer pursuant to the city's drainage design manual and master drainage plan or the flood insurance study of the city prepared by the Federal Emergency Management Agency (FEMA), shall not be considered for final plat until provisions for drainage are made and/or cut and fill plans have been approved by the city council.

(Ordinance 564 adopted 4/5/21)

§ 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.**

(Ordinance 564 adopted 4/5/21)

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.

(Ordinance 564 adopted 4/5/21; Ordinance 574 adopted 8/30/21)

§ 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.

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) 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.

(Ordinance 564 adopted 4/5/21)

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) Final plats shall be deemed filed when the City receives all the documents and other information required by the City in its development list.
- (g) 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.
- (h) 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.

- (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.

(Ordinance 564 adopted 4/5/21)

§ 10.05.003. Final plat survey and control.

- (a) The survey for a final plat shall be prepared only by a surveyor.
- (b) The final plat dimensional control shall be in units of U.S. survey feet to the nearest one-hundredth of a foot. Directional control shall be shown as bearings to the nearest arc second. The description of the methodology used and the source, datum, and date of creation of the relevant points must be included on the face of the plat. Control for a final plat shall be established by one of the following methods:
 - (1) The final plat may be tied by survey to adjacent section corners and lines; or
 - (2) When the approved subdivision abuts or is adjacent to an existing recorded plat of the city, the final plat may be tied by survey to such existing plat.
- (c) The final plat shall include horizontal coordinates on at least two of the boundary corners relative to the Texas Coordinate System of 1983, North Central Zone datum as described in Texas Natural Resources Code, title 2, chapter 21, as amended, or subsequently established United States Geodetic Survey data adopted by the city.

(Ordinance 564 adopted 4/5/21)

§ 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.
(Ordinance 564 adopted 4/5/21; Ordinance 574 adopted 8/30/21)

§ 10.05.005. Required notices on final plats.

- (a) The following surveyor’s certificate shall be placed on every final plat and signed by the surveyor prior to submission to the planning department:

KNOW ALL MEN BY THESE PRESENTS:

That I, _____, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments and/or other control shown thereon were properly placed under my personal supervision, in accordance with the subdivision regulations of the city.

- (b) The following certificate of approval by the city council 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 city council of the city.

APPROVED

Mayor

ATTEST

Secretary

- (c) The following notices shall be stated on the face of every plat:

- (1) "Heavy lines indicate plat limits."
- (2) "All streets, alleys, and easements within plat limits are herein dedicated unless noted otherwise."
- (3) "No building permit shall be issued on any survey certificate that is not in accordance with an approved final plat unless exception is provided by the city council policy or by the city code of ordinances."
- (4) "All utility service shall be in accordance with the underground utilities policy statement by the city council of the city and the provisions of section 15.08.095 of the city code of ordinances."
- (5) "Any relocation or revision of existing facilities shall be at the subdivider's expense. Compensation shall be made prior to the recording of this final plat."
- (6) "All existing or proposed utility services to and on tracts indicated by this plat shall be contained in the public right-of-way and public or private utility easements. Utility service installation requested at a future date and not within an easement indicated by this plat, shall be within a proper utility easement granted by the owner of said property by separate recorded instrument prior to the provision of such service. Such easements shall be at the expense of the entity requesting such installation."
- (7) "All easements herein granted shall entitle the city or the utility company using such easements to the right to remove, repair or replace any lines, pipes, conduits, or poles within such easements as may be determined by the city or utility company without the city or utility company being responsible or liable for the replacement of improvements, paving, or surfacing of the easement necessitated by such repair, removal, or replacement. Easements designated or intended for vehicular passage (utility and emergency) or pedestrian access shall not be fenced or otherwise obstructed."
- (8) "Any easements or rights-of-way shown as 'to be dedicated by separate instrument' are shown on the plat for information purposes only. This plat does not dedicate said easements."
- (9) "Minimum floor elevations shall conform to the requirements of the city drainage design manual and section 3.09.020 of the city code of ordinances."

- (d) The following notices shall be stated on the face of the plat when they apply to that particular plat:

- (1) Any notices required in section 10.05.006 for lake or flood hazard areas.
- (2) "Blanket solid waste collection easement as required for service [within the plat limits or insert specific lot or tract designation] is herein granted."
- (3) "Blanket [insert 'underground' if applicable] utility easement as required for service [within the plat limits or insert specific lot or tract designation] is herein granted to [insert name of public, private or

franchise utility or certificated service provider of telecommunications].”

- (4) “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.”
- (5) 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.

- (a) When any portion of a proposed plat contains a lake or other flood risk area identified on the federal emergency management agency flood hazard maps, the following notice shall be printed on the face of the final plat:

“Either all or a portion of this surveyed property lies within a ‘special flood hazard boundary.’ These boundaries are established by the federal emergency management agency, not this surveyor. Flood hazard maps are on file at city hall, Wolfforth, Texas and are open for public inspection.”

- (b) If any portion of a lake area is included in a proposed final plat, such areas shall be designated as a stormwater drainage and impoundment easement.

(Ordinance 564 adopted 4/5/21)

§ 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 Wolforth's development department prior to building permit issuance.

(Ordinance 564 adopted 4/5/21; Ordinance 574 adopted 8/30/21)

§ 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.

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

(f) 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

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

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

(i) 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.

(Ordinance 564 adopted 4/5/21)

§ 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.

§ 10.06.003. Block standards.

- (a) The lengths, widths, and shapes of blocks shall be determined with due regard to:
 - (1) Provision of adequate building sites suitable to the special needs of the type of use contemplated.
 - (2) Needs for convenient access, circulation, control, and safety of street traffic. In areas where residential streets intersect, four-way intersections shall be avoided.
 - (3) Limitations and opportunities of topography. Not only shall conditions within the proposed plat be considered, but also the topography of adjacent and abutting properties, whether platted or unplatted.

- (b) Block length and depth shall relate directly to conditions, opportunities, and constraints for creating the greatest benefit to traffic circulation, safety, drainage, and zoning.

(Ordinance 564 adopted 4/5/21)

§ 10.06.004. Lot standards.

- (a) The lot size, width, shape, and orientation shall be appropriate for the location of the subdivision and for the type of development and use contemplated, and lot dimensions shall conform to the requirements of the zoning ordinance.
- (b) Each lot shall front upon a public street or, when approved by the City Council, the lots may front onto an access easement that has access to a public street.
- (c) Double frontage residential lots shall be avoided, except where essential to provide separation of residential development from thoroughfares or to overcome specific disadvantages of topography and orientation. The street frontage providing primary access to any double frontage residential lot shall be the lesser designation of the two (2) streets involved.
- (d) Side lot lines shall be substantially at right angles or radial to street lines.
- (e) Where the area is divided into larger lots than for normal urban building sites and, in the opinion of the City Council, any or all of the tracts are susceptible of being resubdivided, the original subdivision shall be such that the alignment of future street and utility dedication shall conform to the general street layout in the surrounding area.

(Ordinance 564 adopted 4/5/21)

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

- (a) Drainage improvements shall be constructed with concrete or other materials approved by the City Engineer and in conformance with the plans and specifications prepared by the subdivider's engineer and approved by the City Engineer.
- (b) Drainage easements and improvements constructed within the easements shall be at the width, slope, and cross-section determined by the drainage plan and analysis approved with the final plat.
- (c) Playa lake cut and fill plans and the excavation and embankment operations shall comply with the drainage criteria manual unless alternatives to those requirements are approved by the City Engineer.

(Ordinance 564 adopted 4/5/21)

ARTICLE 10.07
PLAYA LAKES DEVELOPMENT AND OWNERSHIP

§ 10.07.001. Ownership policy.

Playa lakes are an essential element of drainage systems both in and adjacent to the city. When critical amounts of development have occurred within any particular watershed, the public may benefit from owning the property as part of the overall drainage system. Proposals for such ownership shall include a determination by the city council that a substantial benefit shall accrue to the public. No lake areas will be accepted in relatively undeveloped areas unless circumstances exist which merit an exception.
(Ordinance 564 adopted 4/5/21)

§ 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.

(Ordinance 564 adopted 4/5/21)

§ 10.07.003. Standards.

- (a) The following standards shall be met prior to the recording of a final plat that includes a stormwater drainage and impoundment easement:
 - (1) Any portion of a lake area included in a proposed final plat shall be dedicated as a stormwater drainage and impoundment easement prior to or with the recording of the final plat.
 - (2) The easement area shall be in conformance with the approved cut and fill plan and the requirements of the drainage criteria manual.
 - (3) A bond in lieu of completing a required cut and fill or other improvements may be allowed prior to the recording of the final plat. A refund of any bond shall not be made until such time as all required improvements have been completed and appear to be operating effectively. A timeframe for execution of improvements shall be specified in a bond agreement with the city. If the improvements are not made within the specified timeframe, the city shall collect the bond.

- (b) The following standards shall be met prior to the final conveyance of a stormwater detention basin by general warranty deed to the city:
 - (1) The requirements for minimum development standards for stormwater drainage and impoundment easements as set forth in subsection (a) of this section are in place and are operating effectively.
 - (2) The lake basin shall be graded in accordance with this code and the drainage design manual. Any playa lake requested for city acceptance which has side slopes that exceed the maximum slopes allowed by this code and the drainage design manual shall be considered on a case-by-case basis by the city engineer. The owner or developer of a lake area with excessive side slopes may be required to reshape the cut and/ or fill slopes of the lake prior to acceptance.
 - (3) The owner or developer shall submit an erosion control plan and install erosion control measures as approved by the city engineer and pay all required MS4 fees as established by the city's fee schedule. Prior to submission of the erosion control plan, the owner/developer and the City Engineer shall perform an initial inspection of the subject property. The erosion control plan shall include:
 - (A) A complete description of the lake area proposed for conveyance.
 - (B) A complete description of the problem areas or areas of concern as discussed and noted with the field inspection made by the owner/developer and the City Engineer.
 - (C) A complete description of any necessary and/or proposed improvements to be made to the subject property. This includes any designs, plans, and specifications for materials and construction of the improvements.
 - (D) A complete description of the dates of all previous cut and fill operations of the lake, the predicted peak water elevation of the lake as determined by procedures outlined in the drainage criteria manual, an estimated normal pool elevation of the lake, and other information regarding any previous erosion control measures that have been constructed by the owner/developer.
 - (E) Date of expected completion of the proposed improvements.

- (4) Some requirements for the erosion control plan may not be required if the lake is in its natural state and has not been modified through a cut and fill operation. In proper locations, opportunities for preserving and maintaining the natural habitat shall be considered.
- (5) The owner/developer shall be required to sample the water in any playa lake proposed for city ownership. Composite samples shall be taken as described below, and analyzed by a certified laboratory, and the samples shall be collected and tested as follows:
 - (A) Composite samples may be collected manually. Equal volume aliquots shall be collected at the time of sampling and then composited in the laboratory or the aliquot volume may be collected and composited in the field.
 - (B) Sampling duration: Samples shall be collected within twelve (12) hours of a storm event.
 - (C) A minimum of four (4) aliquots, being at least one (1) aliquot from each quadrant of the playa lake, shall be collected for the composite sample.
 - (D) Analysis and collection of samples shall be performed in accordance with the methods specified in 40 CFR part 136. Where an approved method in part 136 does not exist, then a method approved by the city engineer shall be used.
 - (E) Tests shall be conducted on the parameters required by the Texas Commission on Environmental Quality's Texas Pollutant Discharge Elimination System permit (TPDES).
 - (F) Additional testing may be mandated by federal or state regulatory agencies or the city council.
 - (G) Once completed, a summary of the test results shall be furnished to the city engineer for review. If there appears to be a significant water quality problem, based on analysis, the city engineer may require that the problem be corrected, to the best of the owner/developer's ability, before the city assumes ownership of the lake area as public property. If the lake bottom is dry then a composite soil sample, as directed by the City Engineer, shall be analyzed under the same parameters
- (6) The owner/developer shall make the City Engineer aware of any privately constructed facilities (i.e. buildings, parking lots, pumps, aeration devices, etc.) existing within the lake area.
 - (A) The city engineer will review the existing facilities to determine if they may be allowed to remain in the lake area. Any facility determined to be of no benefit to the city shall be removed by the owner/developer prior to conveyance of the property.
 - (B) Any existing facility that remains in place in order to serve adjacent private property may require a maintenance agreement to be established whereby the private property owner shall continue to maintain the existing facility within the lake area.
- (7) The subdivider, upon the completion of the requirements and standards of this article, may request acceptance of a stormwater detention basin as city property. After review and recommendation by the City Engineer, the City Council may choose to accept the property.
- (8) A bond in lieu of completing a required cut and fill or other improvements may be allowed prior to the recording of the final plat. A refund of any bond shall not be made until such time

as all required improvements have been completed and appear to be operating effectively.

- (c) If a playa lake falls within an area where the need for park property is indicated on the parks master plan or by the park and recreation board, the owner/developer may negotiate for the acceptance of the lake property as a city park. The owner/developer shall coordinate with the City Engineer on any issue pertaining to park development. The following standards shall be met prior to the final conveyance of property as a city park:
- (1) The requirements for minimum development standards for stormwater drainage and impoundment easements and stormwater detention basins (subsections (a) and (b) of this section) are in place and operating effectively or properly secured.
 - (2) All park improvements, as agreed upon by the subdivider and the city, shall be installed or properly secured.
 - (3) Property deeded to the city as a park shall meet the minimum requirements for areas located above the high-water elevation of a playa lake as set forth by the parks master plan or negotiated with the City Council.
 - (4) Required improvements within the proposed park area shall be negotiated and approved by the City Engineer and the City Council.
 - (5) Any irrigation system, approved by the City Engineer, shall be installed by the owner/developer prior to any vegetative cover being placed around the lake area.
 - (6) Any variances to the requirements and standards required for the dedication of park property shall be approved in writing by the City Council.
 - (7) Upon completion of the requirements and standards of this article, the owner/developer may request acceptance of the proposed park area as city property. After review and recommendation by the City Engineer, the City Council may choose to accept the property.
 - (8) A bond in lieu of completing a required cut and fill or other improvements may be allowed prior to the recording of the final plat. A refund of any bond shall not be made until such time as all required improvements have been completed and appear to be operating effectively. A timeframe for execution of improvements shall be specified in a bond agreement with the city. If the improvements are not made within the specified timeframe, the city shall collect the bond.

§ 10.07.004. Development requirements.

- (a) Development of all lake areas shall conform to all requirements of the drainage design manual, including the following:
- (1) Improvements within or adjacent to such lake areas shall be in accordance with this chapter and in compliance with the drainage design manual and master drainage plan of the city.
 - (2) Lake areas shall be designated on plats as a “stormwater drainage and impoundment easement” regardless of an ownership proposal or determination. The lake area shall be designated as a separate lot or tract on the final plat.
 - (3) If the ownership of the lake area has been determined by the time of recording the final plat, the appropriate designation shall be placed on the face of the final plat if the lake area is to be dedicated as a “public stormwater detention basin” or “public park.”

- (4) No final plat for any lot or tract under single or common ownership with a lake area that is adjacent to or within a lake area or on a bordering street may be recorded until such lake area has been granted as a stormwater drainage and impoundment easement.
- (b) The conveyance of lake areas for stormwater detention basins shall not prohibit the use of such areas for public activities such as parks or open space not inconsistent with stormwater drainage and impoundment. Areas retained under private ownership are not required to be available for access or use by the public. Uses such as parking lots or golf courses, though not prohibited within the final development of the lake area, should be seriously evaluated by the subdivider, since these uses could be inundated by stormwater for long periods of time during and after rainfall events.
(Ordinance 564 adopted 4/5/21)

§ 10.07.005. Notifying public of intent for lake area.

- (a) Any preliminary plat submitted that includes a lake area shall state the intention of the future use of such lake area.
- (b) A statement on the face of both the preliminary and final plats will clearly indicate the proposed use of the lake area as one of the following:
 - (1) A privately owned property with a dedicated stormwater drainage and impoundment easement;
 - (2) A privately owned and maintained park area; or
 - (3) The conveyance of the property to the city as a stormwater detention basin or as a park. The city council must approve of either of these conveyances.
- (c) At the beginning of any construction activity on the site, such as a lake cut and fill or development improvements, signs shall be installed around the perimeter of the lake area stating the future use of the property. The size, location, and number of signs shall be determined by the city engineer on a case-by-case basis.
(Ordinance 564 adopted 4/5/21)

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.

(Ordinance 564 adopted 4/5/21)

§ 10.08.002. Requirements and verification.

- (a) All fill activity shall be subject to the following requirements that shall be stated on the face of the cut and fill plan:
 - (1) Testing shall be performed by a commercial testing laboratory in accordance with American Society for Testing Materials (ASTM) standards.
 - (2) All fill materials shall be compacted to ninety-five (95) percent standard proctor density in accordance with ASTM D-698.

- (3) Field densities shall be determined in accordance with ASTM D-2922 (nuclear density method).
 - (4) Four (4) field densities shall be taken per acre of fill material, and densities shall be taken for each six- inch compacted depth, or portion thereof, of succeeding depths of fill material. Each area of fill material less than one-half acre shall have a minimum of two (2) field densities for each six-inch depth, and areas of fill material between one-half acre and one (1) acre shall have a minimum of three (3) field densities for each six-inch depth.
 - (5) Each lift shall have a maximum compacted depth of six (6) inches.
 - (6) The field densities shall be taken in such a manner as to be a representative sampling of the six-inch depths. The location of the tests shall be proportionately spaced to represent approximate equal areas of each acre being tested. Testing shall not occur at the same location in succeeding depths, so a representative sampling of the total fill may be obtained.
 - (7) The location of the field density tests shall be indicated upon a map to become a part of the certified as-built cut and fill plan.
 - (8) Copies of all test results with location maps shall be furnished to the City Engineer with the certified as-built cut and fill plan.
 - (9) Fill material with a plasticity index (PI) of greater than twenty (20) will not be allowed in any public right-of-way. The substandard material shall be discarded at a location above the predicted peak water elevation of the playa lake, and select fill material shall be imported to the site for placement within the public right-of-way.
- (b) The top of the slope of any excavation shall be a minimum of ten (10) feet from any adjacent property line or existing or anticipated street or alley right-of-way line unless otherwise approved in the cut and fill plan.
 - (c) Upon completion of any cut and/or fill activity as approved by the City Council under this chapter, as-built certified drawings shall be provided by an engineer and shall be filed with the City Engineer for review prior to recording of the final plat. Upon approval of the City Engineer, the cut and/or fill activity and the as-built certified drawings may be allowed to be completed after the recording of the final plat if the subdivider provides a bond in lieu of completing these improvements in accordance with the provisions of section 10.10.009.

(Ordinance 564 adopted 4/5/21)

ARTICLE 10.09
EXCAVATIONS AND FILLS OUTSIDE OF LAKE AREAS

§ 10.09.001. Procedures.

- (a) The approval of the City Council shall be secured before any excavations as defined below are made, or any fills are made which will affect public drainage. Excepted from this requirement are those excavations and fills made in the course of construction, such as foundations, basements, or subfloors which are authorized by a building permit, normal site fill for lots in new subdivisions, or utility excavations and installations.
- (b) The procedure for obtaining City Council approval for an excavation plan or a fill plan is the same as section 10.08.001.
- (c) As-built excavation or fill plans shall be required in conformance with section 10.08.002(c). (Ordinance 564 adopted 4/5/21)

§ 10.09.002. Excavations outside of lake areas.

- (a) An excavation plan shall be required for consideration by the city council for any cuts that resemble a mining operation or create a pit. Any cut exceeding six (6) feet in depth shall be submitted to the city engineer for determination of the requirement for an excavation plan.
- (b) The city council, when considering such plans, shall evaluate the plan with the safety of the public and the protection of adjacent properties as paramount in their deliberation. The city council shall, among other items, consider the following issues:
 - (1) Slopes of the excavation walls.
 - (2) Necessity of perimeter security, such as fencing, around the excavation site.
 - (3) Distance from the edge of the excavation to adjacent properties or structures.
 - (4) Access points to the excavation sites and their impacts to the excavation site and adjacent property. (Ordinance 564 adopted 4/5/21)

§ 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

§ 10.10.001. Improvements required.

Improvements listed in this article are required for recording of final plats inside the corporate limits of the city. Subdividers should consult with the County Public Works Director concerning requirements for plats in the city's extraterritorial jurisdiction.

(Ordinance 564 adopted 4/5/21)

§ 10.10.002. Monuments.

- (a) Monuments shall consist of pipes or rods of magnetic quality of a minimum length of twelve (12) inches and shall be placed at all block corner and control points.
- (b) Control points are any property corner of any tract, parcel or lot which is not square or rectangular. (Ordinance 564 adopted 4/5/21)

§ 10.10.003. Streets.

- (a) Grading, drainage, and drainage structures necessary to the proper use and draining of streets, highways, and ways, and for public safety shall be in accordance with this code.
- (b) All streets and paved access alleys within or abutting the proposed subdivision shall be paved to the width specified on the plat and constructed in compliance with City of Lubbock minimum design standards and specifications as appended in appendix C of this code under the supervision of the city engineer.
- (c) Improvements to off-site streets will be constructed as required by the traffic impact analysis and in accordance with the provisions of this code.
- (d) Preliminary grades shall be established for all streets and alleys prior to actual utility installation to prevent damage to buried utilities.
- (e) All underground utility lines required in a street, alley, or easement shall be installed prior to the installation of sub-base, base, or surface of the street.
- (f) The subdivider is responsible for the coordination of installation of utilities within streets, alleys, and easements and the submittal of as-built drawings of the utilities installed within their subdivision at the time the as-built drawings of the paving improvements are submitted.
- (g) The City Council, upon request of the subdivider, may consider the delay of the required paving improvements.
 - (1) The subdivider shall submit the request and receive authorization of the requested delay prior to the recording of the final plat.
 - (2) The City Council shall only consider approval of a delay in unusual circumstances, such as the platting of an isolated lot or tract in an area that is currently unpaved. Financial hardship shall not be a consideration for the approval of a delay of the paving improvements.

(Ordinance 564 adopted 4/5/21; Ordinance 2023-010 adopted 5/1/2023)

§ 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.**

(Ordinance 564 adopted 4/5/21)

§ 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.**

(Ordinance 564 adopted 4/5/21)

§ 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.

(Ordinance 564 adopted 4/5/21)

§ 10.10.008. Drainage improvements.

All drainage improvements, including playa lake cut and fills and excavations or fills outside of lake areas, shall be completed in accordance with article 10.08 and article 10.09 of this chapter and section 10.06.005.

(Ordinance 564 adopted 4/5/21)

§ 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.

(Ordinance 564 adopted 4/5/21)

§ 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.

(Ordinance 564 adopted 4/5/21)

§ 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.

(Ordinance 564 adopted 4/5/21)

§ 10.10.012. Traffic impact analysis.

- (a) A traffic impact analysis (TIA) shall be submitted with a preliminary plan, final plat or replat when the subdivision or addition or amendment to an existing subdivision will generate one hundred (100) or more vehicle trips, inbound or outbound, during the peak hour. The analysis shall be performed for the most intense use permitted in the existing or proposed zoning district. A scoping meeting is required.
- (b) The TIA shall be prepared in accordance with the recommended guidelines for traffic impact studies as issued by the Institute of Transportation of Engineers.
- (c) The final plat or replat shall be prepared in conformance with the TIA and the preliminary plat.
- (d) The developer must have a city-approved TIA prior to the approval of the final plat or replat.
- (e) Off-site improvements. If off-site improvements are required in the TIA, the improvements shall be installed and constructed in accordance with all applicable city codes and ordinances prior to the approval of the final plat.
- (f) Signage and striping. If off-site signage and/or striping are required in the TIA, the signage and/or striping shall conform to all applicable city codes and ordinances.
- (g) Signalization. If off-site signalization is required in the TIA, the signalization shall be installed with all applicable city codes and ordinances.
- (h) Preliminary plat, final plat and replat TIA. The TIA submitted with a preliminary plat, final plat or a replat shall include any revisions to the TIA required for changes in the proposed development of the plat since the submission of the last TIA.

(Ordinance 2023-010 adopted 5/1/2023)

ARTICLE 10.11 VARIANCES

§ 10.11.001. General regulations.

- (a) Where the City Council finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations, and/or the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve variances to these subdivision regulations so that substantial justice may be done and the public interest secured. However, such variance shall not have the effect of nullifying the intent and purpose of these regulations.
- (b) The City Council shall not approve variances unless it shall make findings based upon the evidence presented to it in each specific case that:
 - (1) The granting of the variance will not be detrimental to the public safety, health or welfare or injurious to other property.
 - (2) The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property.
 - (3) Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience or financial loss, if the strict compliance with these regulations is carried out.
 - (4) Any variance does not violate any other city ordinance. (Ordinance 564 adopted 4/5/21)

§ 10.11.002. Conditions.

In approving variances, the City Council may require such conditions as will, in its judgment, substantially secure the objective of the standards or requirements of this chapter.
(Ordinance 564 adopted 4/5/21)

§ 10.11.003. Procedures.

- (a) A petition for any such variance shall be submitted in writing by the subdivider at the time when the preliminary plat is filed with the planning department prior to consideration by the City Council.
- (b) This procedure shall also apply to any request for variance related to an existing approved plat.
- (c) The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner and include clear reference to the portion of this chapter creating the hardship.
(Ordinance 564 adopted 4/5/21)

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.
(Ordinance 588 adopted 2/7/22)

§ 10.12.002. Additional requirements for certain replats.

- (a) A replat without vacation of the preceding plat must conform to the requirements of this section if:
 - (1) During the preceding five years, any of the area to be replatted was limited by an interim or permanent zoning classification to residential use for not more than two residential units per lot; or
 - (2) Any lot in the preceding plat was limited by deed restrictions to residential use for not more than two residential units per lot.
- (b) If a proposed replat described by subsection (a) requires a variance or exception, the City Council must hold a public hearing.
- (c) Notice of the hearing required under subsection (b) shall be given before the 15th day before the date of the hearing by:
 - (1) Publication in an official newspaper or a newspaper of general circulation in the county in which the municipality is located; and
 - (2) By written notice, with a copy of subsection (d) attached, forwarded by the municipal authority responsible for approving plats to the owners of lots that are in the original subdivision and that are within 200 feet of the lots to be replatted, as indicated on the most recently approved municipal tax roll or in the case of a subdivision within the extraterritorial jurisdiction, the most recently approved county tax roll of the property upon which the replat is requested. The written notice may be delivered by depositing the notice, properly addressed with postage prepaid, in a post office or postal depository within the boundaries of the municipality.
- (d) Subject to the exception in subsection (f), if the proposed replat requires a variance and is protested in accordance with this subsection, the proposed replat must receive, to be approved, the affirmative vote of at least three-fourths of the members present of the City Council. For a legal protest, written instruments signed by the owners of at least 20 percent of the area of the lots or land immediately adjoining the area covered by the proposed replat and extending 200 feet from that area, but within the original subdivision, must be filed with the City Council prior to the close of the public hearing.

- (e) In computing the percentage of land area under subsection (c), the area of streets and alleys shall be included.
- (f) Compliance with subsections (d) and (e) is not required for approval of a replat of part of a preceding plat if the area to be replatted was designated or reserved for other than single or duplex family residential use by notation on the last legally recorded plat or in the legally recorded restrictions applicable to the plat.
- (g) If a proposed replat described by subsection (a) does not require a variance or exception, the municipality shall, not later than the 15th day after the date the replat is approved, provide written notice by mail of the approval of the replat to each owner of a lot in the original subdivision that is within 200 feet of the lots to be replatted according to the most recent county tax roll. This subsection does not apply to a proposed replat if the City Council holds a public hearing and gives notice of the hearing in the manner provided by subsection (c).
- (h) The notice of a replat approval required by subsection (g) must include:
 - (1) The zoning designation of the property after the replat; and
 - (2) A telephone number and e-mail address an owner of a lot may use to contact the municipality about the replat.

(Ordinance 588 adopted 2/7/22)