

Documentation from the January 12, 2022 City Council Meeting

CHAPTER 155: SUBDIVISIONS

GENERAL PROVISIONS

§ 155.01 SHORT TITLE.

This chapter, along with its amendments, shall be known as "Subdivision Ordinance of the City of Woodcreek, Texas".

(Ord. 85-12C, 3-6-2007)

§ 155.02 JURISDICTION.

No person shall create a subdivision of land within the corporate limits of the City or within the City's extraterritorial jurisdiction, without complying with the provisions of the chapter. All plats and subdivision of any land shall conform to the rules and regulations herein set forth.

(Ord. 85-12C, 3-6-2007)

Cross reference(s)—Penalty, see § 155.99

§ 155.03 INTERPRETATION AND PURPOSE.

In their interpretation and application, the provisions of this chapter shall be deemed to be minimal in nature and, whenever the principles, standards or requirements of any other ordinances of the City which are higher or more restrictive, the latter shall control. The purpose of this chapter is to achieve orderly development though land subdivision; to provide for adequate municipal services and safe streets; and to protect and promote the health, safety and general welfare.

(Ord. 85-12C, 3-6-2007)

§ 155.04 ADOPTION OF LEGISLATIVE GRANT OF POWER.

This chapter is adopted under the authority of the Constitution and laws of the state, including particularly Tex. Local Gov't. Code Ch. 212, as heretofore or hereafter amended and the provisions of the Municipal Annexation Act as heretofore or hereafter amended (compiled as Tex. Local Gov't. Code § 43.052).

(Ord. 85-12C, 3-6-2007)

§ 155.05 CONFORMANCE WITH GENERAL PLAN.

No plat or subdivision of land within the City, and within its extraterritorial jurisdiction as determined by Tex. Local Gov't. Code Chs. 43 and 212, shall be approved unless the plat conforms to a general plan of said City and its roads, streets, alleys, easements, parks and public utility facilities, including those which have been or may be laid out and to a general plan for the extension of said City and of its roads, streets, alleys, easements and public highways, regard being had for access to public utilities.

(Ord. 85-12C, 3-6-2007)

§ 155.06 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. When not inconsistent with the context, words used in the present tense include the future; words used in the singular number include the plural number; and words used in the plural number include the singular number. The words "shall" and "will" are always mandatory, while the word "may" is directory.

Approved Plat. A plat of a subdivision which has been approved in accordance with the requirements of these regulations and which has been filed for record with the County Clerk and with the City Secretary.

Building Line. The line beyond which buildings must be set back from the boundaries.

City. The City of Woodcreek, Texas.

City Engineer. The City Engineer or such registered professional engineer employed or designated by the City to provide professional engineering services for and in behalf of the City.

City of Woodcreek Standards. The standards for streets, drainage, water and sewer facilities and appurtenant structures and such additional standards as may be adopted by the Council, and which may be amended from time to time, and are hereby referred to.

Collector Street. A street collecting traffic from other streets and serving as the most direct route to a major street or highway adjacent to a subdivision.

Council. The Council of the City of Woodcreek, Texas.

Cul-de-Sac. A street having but one outlet to another street, and terminated on the opposite end by a vehicular turnaround.

General Plan. The official map of the City as may be adopted and amended by the Council.

Lot. A physically undivided tract or parcel of land having frontage on a public street or either approved facility and which is, or in the future may be, offered for sale, conveyance, transfer or improvement; which is designated as a distinct and separate tract; and which is identified by a tract or lot number or symbol in a duly approved subdivision plat which has been properly recorded.

Major Street. A principal traffic artery, more or less continuous across the City, which is intended to connect remote parts of the City or areas adjacent thereto, and act as a principal connecting street with state and federal highways, and shall include each street designated as a major thoroughfare, including all existing and proposed major streets as designated by the Council.

Marginal Access Street. A street that is parallel to a major street or highway and intended to serve the local traffic in a residential area while shielding the area from the major street.

Minor Street.

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- (1) A street intended primarily to serve traffic within a Neighborhood or Limited Residential District, and which is not necessarily continuous through several Residential District.
 - (2) This *minor street* may also be referred to as a *local street* in other documents.

Plat. The map, drawing or chart on which a subdivider's plan of a subdivision is presented, which he or she submits for approval, and all copies of it.

Public Street or Alley. Any public right-of-way owned or controlled by the City, county or state, maintained by same, for use of vehicular traffic.

Subdivider or Developer. Synonymous and are used to include any person, partnership, firm, association, corporation (or combination thereof), or any officer, agent, employee, servant or trustee thereof, who performs, or participates in the performance of, any act toward the subdivision of land within the intent, scope and purview of this chapter.

Subdivision. The division of any lot, tract or parcel of land into two or more lots for the purpose, whether immediate or future, of sale or building development situated within the corporate limits or within the extraterritorial jurisdiction. It also includes vacating and resubdivision of land or lots.

Surveyor. A registered public surveyor, as authorized by the state statutes to practice the profession of surveying.

Utility Easement. An interest in land granted to the City, to the public generally, and/or to a private utility corporation, for installing utilities across, over or under private land, together with the right to enter thereon with machinery and vehicles necessary for the maintenance of said utilities.

(Ord. 85-12C, 3-6-2007)

§ 155.07 ENFORCEMENT.

In addition to any other remedy provided by law, the City and its officers have the right to enjoin any violation of this chapter by injunction issued by a court of competent jurisdiction.

(Ord. 85-12C, 3-6-2007)

§ 155.08 SPECIAL PROVISIONS.

- (A) It shall be unlawful for the County Clerk to receive or record any such plan, plat or replat, unless and until the same shall have been approved by the Council and duly authenticated by the Mayor.
- (B) No permit shall be issued by the City or county for the installation of septic tanks on any lot in a subdivision for which a final plat has not been approved and filed for record, or on any tract which is not a lot in a recorded subdivision.
- (C) No building, repair, plumbing or electrical permit shall be issued by the City for any structure on a lot in a subdivision for which a final plat has not been approved and filed for record, or on any tract which is not a lot in a recorded subdivision.
- (D) The City shall not repair, maintain, install or provide any streets or public services in any subdivision for which a final plat has not been approved and filed for record, or for any tract which is not a lot in a recorded subdivision.
- (E) No public utility shall sell or supply water, sewer, electric or telephone service to any subdivision for which a final plat has not been approved and filed for record, or to any tract which is not a lot in a recorded subdivision.

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- (F) If any subdivision exists for which a final plat has not been approved or in which the standards contained herein or referred to herein have not been complied with in full, and the Council of the City shall pass a resolution reciting the fact of such non-compliance or failure to secure final plat approval, and reciting the fact that the provision of divisions (A) through (E) above will apply to the subdivision and the lots herein, the City Secretary shall, when directed by the Council of the City, cause a certified copy of such resolution under the corporate seal of the City to be filed in the Deed Records of the county. If full compliance and final plat approval are secured after the filing of such resolution, the City Secretary shall forthwith file an instrument in the deed records of the county stating that divisions (A) through (E) above no longer apply.
- (G) Provided, however, that, the provision of this section shall not be construed to prohibit the issuance of permits, repair and maintenance of public streets, and the furnishing of utility services to lots in a subdivision which had been filed for record with the county prior to the adoption of this chapter by the City.

(Ord. 85-12C, 3-6-2007) Penalty, see § 155.99

§ 155.09 LEGAL PROVISIONS.

- (A) *Conflicting ordinances.* If any other City ordinances are in conflict with this chapter, the most stringent rules will apply. Nothing will be permitted under the provisions of this chapter that is in violation with another valid ordinance of the City.
- (B) *Severability clause.* If any provision of this chapter, or the application thereof to any person or circumstances, is held invalid, the remainder of this chapter, and the application of such provision to other persons or circumstances, shall not be affected thereby.
- (C) *Action.* In behalf of the City, the City Attorney shall, when directed by the Council, institute appropriate action in a court of competent jurisdiction to enforce the provisions of this chapter or the standards referred to herein with respect to any violation thereof which occurs within the City or within the extraterritorial jurisdiction of the City as such jurisdiction is determined under the Municipal Annexation Act, Tex. Local Gov't. Code Ch. 43, or within any area subject to all or a part of the provisions of this chapter.

(Ord. 85-12C, 3-6-2007)

§ 155.10 VARIANCES.

- (A) The Council may authorize a variance from this chapter when, in its opinion, undue hardship will result from requiring strict compliance. In approving a variance, the Council shall prescribe only conditions that it deems necessary or desirable to the public interest, in making its findings, the Council shall take into account the nature of the proposed use of the land involved and existing uses of land in the vicinity, the number of persons who will reside or work in the proposed subdivision and the probable effect of such variances upon traffic conditions and upon the public health, safety, convenience and welfare in the vicinity. All requests for variances must be submitted in writing and shall cite the specific section of this chapter from which a variance is requested and the justification upon which the request is based. No variance shall be granted unless the Council finds:
- (1) There are special circumstances or conditions affecting the land involved such that the strict application of this chapter would deprive the applicant of the reasonable use of this land;
 - (2) The granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property in the area; and
 - (3) The granting of the variance will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of this chapter.

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- (B) Such findings of the Council, together with the specified facts upon which such findings are based, shall be incorporated into the official minutes of the meeting at which the variance is granted. Variances may be granted only when in harmony with the general purpose and intent of this chapter so that the public health, safety and welfare may be secured and substantial justice done. Pecuniary hardship to the subdivider, standing alone, shall not be deemed to constitute hardship. No variance shall be granted to the requirements for street paving, water, sewer and drainage facilities.

(Ord. 85-12C, 3-6-2007)

§ 155.11 COMPLIANCE.

- (A) *General.* No plat of any subdivision shall receive final approval unless the subdivider has complied or provided for compliance with the policies and procedures set forth in §§ 155.40 through 155.44 of this chapter, and in the applicable ordinances of the City. Until such policies and procedures have been complied with by the subdivider and the plat approved by the Council as herein required, no building, water, septic system, plumbing or electrical permit shall be issued by the City as to any property in the subdivision.
- (B) *Serving subdivisions with utilities.* Unless and until a subdivision plat has been submitted and received final approval, and the subdivider has constructed or provided a performance bond or other acceptable guarantee for this chapter required streets, curbs, paving, utilities and drainage facilities therein, in the manner provided by this chapter, it shall be unlawful for any public utility to sell or supply water, sewer, electric or telephone service to any tract of land in the City or its extraterritorial jurisdiction.

(Ord. 85-12C, 3-6-2007) Penalty, see § 155.99

§ 155.12 DEDICATION AND MAINTENANCE OF STREETS.

- (A) It shall be unlawful for the City through any officer, contractor or employee to maintain the streets in a subdivision unless the streets are dedicated to the City and until such streets have been constructed to the specifications of the City, the required utilities and drainage facilities have been installed, and such improvements have been accepted in writing by action of the Council.
- (B) Private streets may be platted in which case they shall remain the property of the subdivider and/or subsequent owners, in the event the subdivider proposes to use private streets, a property owners' association or other responsible entity must be formed which has the authority and financial capability to properly maintain the streets.
- (C) The subdivider shall be responsible for creation of this entity and shall prepare restrictive covenants which require all property owners in the subdivision to pay an assessment for the purpose of maintaining the private streets.
- (D) The election of the subdivider to provide private streets, and the approval of the City of private streets, shall in no way diminish the obligation of the subdivider to comply with all other requirements of this chapter with respect to standards of construction for streets, required plan specifications, contract documents and performance guarantees.

(Ord. 85-12C, 3-6-2007) Penalty, see § 155.99

§ 155.13 EXTRATERRITORIAL APPLICABILITY.

The requirements of this chapter are hereby extended to and shall apply to all of the areas under the extraterritorial jurisdiction of the City as provided for in the Municipal Annexation Act, Tex. Local Gov't. Code Ch.

43. Any violation of this chapter within the area under extraterritorial jurisdiction of the City shall not constitute a misdemeanor under this chapter, nor shall any fine provided for in this chapter be applicable to a violation within such extraterritorial jurisdiction. The City Council may take whatever action deemed necessary and proper, and may direct the City Attorney to institute action in District Court to enjoin violation of any provisions of this chapter within the area of the City's extraterritorial jurisdiction.

(Ord. 85-12C, 3-6-2007)

PROCEDURES

§ 155.25 PRE-APPLICATION MEETING.

Prior to the preparation of the preliminary plat, the subdivider may seek the advice of the Council in interpreting this chapter. This step does not require formal application, fee or filing of any plat with the City Secretary. At such a meeting, the Council will be able to make any suggestions that would direct the proposed subdivision toward desirable objectives and possibly prevent unnecessary work and expense if objectives are not met. The pre-application meeting is elective on the part of the subdivider. In the event the subdivider elects to have a pre-application meeting, the subdivider shall contact the City Secretary and ask to be placed on the agenda of the next meeting of the City Council and make such oral and graphic presentations of the proposed subdivisions as he or she deems appropriate and request any clarification or interpretation of this chapter.

(Ord. 85-12C, 3-6-2007)

§ 155.26 PRELIMINARY PLAT.

(A) *General.*

- (1) Action by the Planning and Zoning Commission and City Council. All subdivision plat applications (except minor plats and amended plats) shall be reviewed by the Planning and Zoning Commission. The Planning and Zoning Commission may:
 - (a) Recommend approval of the plat application;
 - (b) Recommend approval of the application subject to certain conditions; or
 - (c) Vote to deny the plat application within 30 calendar days following the official submission date, unless the applicant has submitted a written waiver of the 30-day review/approval time.
- (2) City Council shall consider the recommendation of the Planning and Zoning Commission and, if the application is in complete conformance with all other pertinent regulations of the City, then City Council shall take action to approve or disapprove the application.
- (3) The City Council shall take action on the plat within 30 calendar days following action by the Planning and Zoning Commission. Affirmation of, or minor modifications to, the recommendation of the Planning and Zoning Commission shall require a simple majority vote of the City Council members present and voting.

(B) *General filing.* Prior to filing a final subdivision plat for approval, the subdivider shall prepare a preliminary plat and submit 12 copies to the City Secretary, at least two weeks prior to the meeting of the Council at which it is to be considered. Subdividers may not file a final subdivision plat for action until a preliminary plat has been submitted to and approved by the Council. Upon approval of the preliminary plat, the subdivider may proceed with preparation of a final plat and such other plans and documents as may be required by this chapter.

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- (C) *Overall preliminary layout plat or larger tract.* Where the proposed subdivision constitutes a unit of a larger tract owned by the subdivider which he or she intends to be subsequently subdivided as additional units of the same subdivision, the subdivision plat shall be accompanied by a layout of the entire area, showing the tentative layout of street, blocks and drainage for such area. The overall layout, if approved by the Council, shall be attached to and filed with a copy of the approved subdivision plat in the permanent files of the City. Thereafter, fractional plats of subsequent units of such subdivision must be submitted for preliminary plat approval, and shall conform to such approved overall layout, unless changed by the Council.
- (D) *Specifications.* A preliminary plat of any proposed subdivision shall be drawn on sheets a maximum size of 24 inches wide by 36 inches long and drawn to a scale of 100 feet to one inch. In cases of large developments which would exceed the dimensions of the sheet of 100-foot scale, preliminary plats may be 200 feet to one inch in scale, and shall show the following information:
- (1) The date, scale and north point; a key plan showing location of the tract; the title under which the plat is to be recorded, and the names of the owner and engineer, land planner, landscape architect, architect or surveyor or other person preparing the plat;
 - (2) The existing boundary lines and acreage of the land to be subdivided, and property lines and names of owners of adjacent properties;
 - (3) The location of the centerline of existing watercourses, railroads and other similar drainage and transportation features, and the location and sizes of existing streets, easements, alleys, lots and public area on or adjoining any part of the land;
 - (4) Topographical information approximately equivalent to five-foot contour lines based on United States Geological Survey datum, which shall be specified on the plat;
 - (5) The location, size and flow line of all existing drainage structures on the land being subdivided and on adjoining tracts;
 - (6) The locations, width and dimensions of proposed streets, alleys, easements, parks and other public spaces, sites for all private use, lot and block numbers, lot lines and building lines;
 - (7) The route of any existing or proposed utility lines, including location of fire hydrants;
 - (8) Description, by metes and bounds, of the subdivision;
 - (9) Primary control points or descriptions, and ties to such control points to which dimensions, angles, bearings, block numbers and similar data shall be referred;
 - (10) Proposed street names;
 - (11) Front building setback lines on all lots and sites. Side yard setback lines at street intersections;
 - (12) Location of City limits boundary if they traverse the subdivision, or are contiguous to such boundary; and
 - (13) Vicinity sketch or map at a scale of not more than one inch equals ten feet shall show existing subdivisions, street, easements, rights-of-way, parks and public facilities in the vicinity, and the general drainage plan.
- (E) *Processing of preliminary plat.*
- (1) The Council shall check the preliminary plat as to its conformity in the general plan and to this chapter. The Council will act on the preliminary plat approving, disapproving or approving with conditions.
 - (2) If conditional approval is given, the conditions shall be recorded in the minutes of the meeting.
- (F) *Final acceptance or approval.* Approval of the preliminary plat as such shall not constitute final acceptance or approval of the subdivision. When a preliminary plat has been approved by the Council, the final plat, as

defined in this chapter, shall be submitted within six months thereafter; otherwise, approval of the preliminary plat shall terminate unless the time for filing of the plat is extended by the Council at the written request of the subdivider.

(Ord. 85-12C, 3-6-2007)

§ 155.27 FINAL PLAT.

- (A) *Filing procedures.* Upon approval of the preliminary plat, the subdivider shall file a final subdivision plat and other supporting documents required by this chapter with the City Secretary. The filing of the final plat shall not be deemed complete until all supporting documents required by this chapter have been filed. When all documents have been filed and the filing fee as provided herein have been paid, the City Secretary shall provide the subdivider a receipt indicating the effective date upon which all required documents were filed. The Council shall act upon the final plat within 30 days of the effective filing date. A filing fee in accordance with the Master Rate Schedule as adopted by resolution of the City of Woodcreek, per lot for single-family residential lots and per acre for non-single-family lots shall be charged for the area subdivided.
- (B) *Specifications.* The final plat shall be drawn in black ink upon film, linen, tracing cloth or other permanent tracing material 18 inches wide and 24 inches long to a scale of 100 feet to one inch, and shall include the following information:
- (1) Date, subdivision title, scale and north point;
 - (2) The names of the adjoining subdivisions or the names of the adjoining property owners, together with the respective plat or deed references;
 - (3) Final contour data at intervals not more than two feet for land with an average slope of up in 2 percent and not more than five-foot intervals for land with an average slope of greater than 2 percent;
 - (4) The lines and names of all proposed streets or other right-of-way or easements, including a statement of the purpose for which such easements are dedicated, and other open spaces to be dedicated for public use or granted for use of the inhabitants of the subdivision;
 - (5) Lot and block numbers of property;
 - (6) Sufficient data to determine readily and reproduce on the ground the location, bearing and length of every street line, lot line, boundary line, block line and building line whether curved or straight, and including true north point. This shall include the radius, central angle and tangent distance for the property lines of curved streets and curved property lines;
 - (7) Surveyor's certificate, owner's dedication, certification of City approval; and
 - (8) If the subdivision is not to be served immediately by a sewage collecting system connected to a treatment plant or to a public sewer system, a restriction prohibiting occupancy of any lot until a septic tank has been licensed by the county shall be noted on the final plat.
- (C) *Supporting documents.* In addition to the final plat, three sets of the following documents must be filed with the City Secretary:
- (1) Construction plans, specifications and contract documents for water, sewer, street and drainage improvements, along with a cost estimate for such facilities prepared by the subdivider's engineer;
 - (2) Copies of letters of approval from State Health Department for the water and sewer improvements;
 - (3) Letters of certification from the utility companies which will be furnishing water, sewer, electric and telephone service to the subdivision. The required form for these letters of certification are included as is set forth herein;

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- (4) Where the subdivider proposes to use private streets, copies of the executed documents creating the entity authorized and responsible for maintaining the private streets and the original executed restrictive covenants requiring all property owners in the subdivision to pay an assessment for the purpose of maintaining the private streets. The restrictive covenant will be filed in the deed records of the county by the City Secretary contemporaneously with the recording of the final subdivision plat;
 - (5) Where sewage treatment is to be provided by individual septic tank and tile fields or absorption beds, the subdivider shall furnish a report prepared by a registered professional engineer licensed by the state. Such report shall include a statement as to whether or not, in the engineer's professional opinion, all lots in the subdivision can be adequately served by septic tank and tile field or absorption bed installations without causing a public health hazard or nuisance. The report shall be based in part on the results of percolation tests, the number and location of which are to be determined by the engineers;
 - (6) A certificate from the City Treasurer and from the appropriate official of other taxing agencies within whose jurisdiction the proposed subdivision lies to the effect that all ad valorem taxes currently due have been paid on the land included within the subdivision; and
 - (7) When improvements including streets, drainage, water and wastewater facilities are required, the subdivider shall execute a performance agreement in the form set by the City, and file the same with the City Secretary.
- (D) *Processing of final plat.*
- (1) When the City Secretary determines that all final plat filing requirements have been met, the City will review the final plat and all required supporting documents for compliance with this chapter and any other applicable ordinances of the City. Action will be taken by the Council within 90 days of the effective filing date to either approve or disapprove the final plat. If no action is taken to approve or disapprove the final plat within such 90-day period, then the final plat shall be deemed to be approved. If the plat is not approved, the City shall indicate the applicable section or sections of this chapter with which the plat and supporting documents are in non-compliance.
 - (2) Within a period of two years after the plat has been approved, and if the subdivider has constructed and has had accepted, by the City, all required street, drainage, water and wastewater improvements, the Mayor shall direct the City Secretary to cause the final plat to be recorded in the deed and plat records of the county. No plat will be filed, however, without a written request from the subdivider along with a check payable to the City for the amount of the recording fee.
 - (3) At the request of the subdivider, the final plat may be recorded prior to completion of the required street drainage, water and wastewater improvements by the subdivider providing an acceptable guarantee for performance. The guarantee of performance shall be in the form set by the City. The Mayor will then direct the City Secretary to cause the plat and the performance agreement to be recorded in the deed and plat records of the county. Upon completion of the required street, drainage, water and wastewater improvements and acceptance by the City, an instrument, in the form as set by the City releasing the subdivider from the requirements of the performance agreement, shall be filed by the City Secretary in the deed and plat records of the county. At the time of filing the guarantee of performance referred to above, the subdivider shall make a written request that the plat be recorded and tender a check in the amount required to pay the recording fee for the plat, the performance agreement and the release of the performance agreement.
 - (4) In the event an approved plat has not been recorded in one of the manners described above within two years of approval, said approval of such plat shall expire. Thereafter, should the subdivider desire to resubmit the plat, it shall be submitted in the same manner as a previously unsubmitted plat.

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- (E) *Processing of vacating and resubdivision plats.* Vacating, resubdivision, amending and correction plats shall be processed as provided for by the state law, and shall meet all the requirements of this chapter.

(Ord. 85-12C, 3-6-2007; Ord. 16-220, 4-13-2016; Ord. 19-256, 3-13-2019)

DESIGN STANDARDS

§ 155.40 GENERAL DESIGN PRINCIPLES AND OBJECTIVES.

- (A) *Conformity with the general plan.* All subdivisions shall conform to a general plan for orderly and unified development of streets, utilities, neighborhood design and public land and facilities, as well as the other provisions of this and other ordinances and codes of the City.
- (B) *Provision for future subdivision.* If a tract is subdivided into parcels larger than five acres, such parcels shall be arranged to allow logical further subdivision and the opening of future streets.
- (C) *Standards for site improvements.* All streets, alleys, utility installations and other site improvements required to be installed by the subdivider under the provisions of these regulations shall conform to the requirements of this section and to the then current policies, specifications and regulations of the City, or other approved agencies responsible for design, construction methods and standards.

(Ord. 85-12C, 3-6-2007)

§ 155.41 STREETS.

- (A) *Street layout.* The arrangement, extent, character, width, grade and location of all streets shall conform to the general plan of the City. Minor residential streets shall provide adequate circulation within the neighborhood and yet discourage through traffic. The street layout shall be arranged to achieve the most desirable development of the entire neighborhood unit with appropriate consideration of creeks, drainage channels, wooded areas and other topographical features which lend themselves to special treatment.
- (B) *Relation to adjoining streets.* Where appropriate to the neighborhood pattern, existing streets in adjoining areas shall be continued and tied into the street layout. The width and alignment of such streets shall be as approved by the Council.
- (C) *Projection of streets.* When adjoining areas are not yet subdivided, the arrangement of streets shall provide for the proper projection of streets into the adjoining unsubdivided areas as well as will be required to complete the neighborhood pattern or conform to the general plan.
- (D) *Block lengths.* In general, block lengths shall not exceed 1,800 feet or be less than 500 feet.
- (E) *Partial or half streets.* In the case of minor streets, no new half streets shall be platted. Where the proposed subdivision abuts upon an existing half street, the remaining half of the street shall be platted.
- (F) *Dead-end streets and cul-de-sacs.*
- (1) Dead-end streets shall be prohibited, except as short stubs projected to be continued in future subdivisions in conformance with § 155.40(B) of this chapter or when designed as cul-de-sacs. Temporary turnarounds shall be provided on projected streets until such time as they are extended.
 - (2) Cul-de-sac streets in general shall not exceed 800 feet in length and shall have a turnaround right-of-way of not less than 100 feet in diameter with a minimum pavement of 80 feet in diameter.
- (G) *Alignment.* The alignment of all major and secondary streets shall conform to the general plan of the City.

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- (H) *Intersections.* All intersections of streets shall be at approximately 90 degrees.
 - (I) *Right-of-way and pavement widths.* All street and pavement widths shall conform to the general plan and any exhibits attached to the ordinance codified herein, but in no case shall the right-of-way widths be less than the following:
 - (1) *Major streets.* As approved by the Council;
 - (2) *Collector streets.* Sixty feet; and
 - (3) *Minor streets.* Fifty feet if curbs are required by this chapter or used, 65 feet otherwise.
 - (J) *Street names.*
 - (1) Names, of new streets shall not duplicate the names of existing streets within the community unless the new street is a continuation of or part of a future continuation of such existing street. Street names shall be chosen to avoid similarity or confusion with existing street names. Names of all new streets shall be subject to approval by the Council, and be coordinated on an area wide basis with the U.S. Postal Service.
 - (2) Street addresses should also be coordinated with present existing addresses.
 - (K) *Other minimum improvements.* Street signs will be installed at each street intersection and shall conform to the existing signs in the City.
 - (L) *Construction standards.* All streets shall be constructed in accordance with *Specifications for Paving and Drainage Improvements of Hays County, Texas*, and exhibits attached to the ordinance codified herein.
 - (M) *Reserve.* A provisional one-foot reserve shall not be allowed along the side or end of streets dedicated to the public trial abut property not subdivided in a recorded plat.
 - (N) *Temporary right-of-way.* When deemed necessary by the Council, temporary right-of-way shall be provided for certain uses or locations, such as the provisions of turnarounds on projected streets. Such temporary right-of-way shall revert to the abutting property owners when no longer required for its original purpose.

(Ord. 85-12C, 3-6-2007)

§ 155.42 EASEMENTS.

- (A) *Utility easements.* Easements shall be provided for installation of utilities, as required by the utility companies providing service to the subdivision.
- (B) *Drainage easements.* Where the subdivision is traversed by a watercourse, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such watercourse, and of sufficient width to accommodate a 100-year return frequency storm, as determined by HUD Flood Hazard Boundary Maps or other appropriate federal agencies.

(Ord. 85-12C, 3-6-2007)

§ 155.43 SINGLE-FAMILY RESIDENTIAL LOTS.

- (A) *General layout.* The shape and orientation of lots shall be appropriate to the topographic features of the site. Side lot lines shall be substantially at right angles to straight streets and radial to curved streets. Corner lots shall have sufficient width to provide appropriate building setbacks from and orientation to both streets. Each lot shall front on a platted public or private street.

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- (B) *Lot area and dimensions.* The area, depth and width of lots shall be appropriate for the existing neighborhood and for the type of development and use contemplated.
- (1) Where individual septic tank and tile fields or absorption beds are used and water service from a state-approved public water supply is not available, the minimum lot size shall be one acre. The average width of each lot in such case shall be 150 feet.
 - (2) Where individual septic tanks and tile fields or absorption beds are used and where water service from a state-approved public water supply is furnished, the minimum lot area shall be 20,000 square feet. The average width of each lot in such case shall be 100 feet.
 - (3) Where wastewater facilities connected to a state-approved wastewater treatment plant are provided and water service from a state-approved public water supply is furnished, the minimum lot area shall be 12,000 square feet and the average width of each lot shall be 80 feet.
- (C) *Building setback lines.* Minimum front setback lines and side setback lines at street intersections shall be shown on the plat and shall conform to the restrictions, if any, imposed on the subdivision by the subdivider. In no event shall the front building setback be less than 25 feet, and the side building setback at street intersections shall not be less than 15 feet.

(Ord. 85-12C, 3-6-2007)

§ 155.44 LOTS OTHER THAN SINGLE-FAMILY RESIDENTIAL AND SINGLE-FAMILY RESIDENTIAL LOTS SMALLER THAN 12,000 SQUARE FEET.

- (A) The minimum lot area, dimensions, building setbacks and side yard requirements for other than single-family residential use, and for lots smaller than 12,000 square feet, will be considered on an individual basis based on the ability of the existing and proposed street system to handle the traffic generated, availability of water and wastewater service, capability of providing adequate fire protection, and provision of off-street parking facilities. The subdivider shall submit a site plan showing building location, building separation, off-street parking and such other details a may be required to adequately evaluate the proposed subdivision.
- (B) All streets, whether public or private, shall be constructed according to the *Specification for Paving and Drainage Improvements of Hays County, Texas*. Three complete sets of plans, specifications and contract documents for all street and drainage improvements and the engineer's cost estimate shall be submitted with the final subdivision plat. The plans shall show such features as typical roadway sections, plan and profile or other satisfactory description of the proposed improvements, and the location, size, length, slope and hydrological and hydraulic calculations for culverts and other drainage facilities.

(Ord. 85-12C, 3-6-2007)

REQUIRED IMPROVEMENTS

§ 155.55 STREET AND DRAINAGE IMPROVEMENTS.

- (A) *General.* The City's authorized representative shall from time to time inspect the construction of street and drainage improvements for compliance with the standards governing the same and the approved plans, specifications and contract documents, inspection by the City's authorized representative or election not to inspect shall not diminish the obligation of the subdivider to construct the improvements according to the standards governing the improvements or the approved plans specifications and contract documents.

(B) *Acceptance of completed street and drainage improvements.* Upon completion of the street and drainage improvements a final inspection will be conducted by the City's authorized representative. The subdivider shall furnish the City the following items at the time of the final inspection:

- (1) An engineer's certificate that the street and drainage improvements have been constructed in substantial compliance with the governing standards and the approved plans, specifications and contract documents;
- (2) Two sets of "as built" plans; and
- (3) A maintenance bond written by a surety company authorized to do business in the state, or other guarantee satisfactory to the City, in the amount of 10 percent of the cost of the street and drainage improvements. Such maintenance bond or guarantee shall provide for the repair of any defects in the street and drainage improvements for a period of one year after acceptance by the City. Upon passing a final inspection and receipt of the above required items, the City will accept the street and drainage improvements by resolution of the Council.

(Ord. 85-12C, 3-6-2007)

§ 155.56 WATER SUPPLY.

All lots less than one acre in area must be served by a state-approved public water supply. The subdivider shall submit three complete sets of plans, specifications and contract documents of all water system improvements along with evidence of approval of the same by the State Department of Health, along with the engineer's cost estimate for these facilities. In addition to State Department of Health requirements, the minimum water line size shall be six inches in diameter for residential areas and eight inches in diameter in commercial areas. National Standard type, three-way fire hydrants with a minimum of a five-inch valve opening must be provided so that every lot is within 500 feet of a fire hydrant. All subdivisions of land within the corporate limits of the City regardless of lot size shall have water service from a state-approved central water system and meet the requirement for main size and fire hydrants as set out above; provided that, this sentence shall not apply to the City's extraterritorial jurisdiction.

(Ord. 85-12C, 3-6-2007)

§ 155.57 STORM WATER DRAINAGE FACILITIES.

(A) *General policies.*

- (1) Storm water drainage improvements shall be provided for the subdivision. Storm water drainage improvements must not adversely affect abutting properties. Storm water drainage facilities shall be designed in compliance and in accordance with this section and generally recognized accepted engineering practices.
- (2) All storm water drainage facilities shall be designed to intercept and transport the projected runoff from a 25-year frequency storm. In addition, those flows greater than a 25-year frequency up to and including a 100-year frequency storm shall be contained within the right-of-way of public streets and drainage easements.
- (3) Projected runoff rates for the design and analysis of storm water drainage facilities shall be based on the expected ultimate developed state of the upstream contributing area and shall apply to any and all references to floodplain, flows, design frequencies or any other quantitative hydraulic description.
- (4) The requirements provided in this section shall not relieve the owner of responsibility under state law to adjacent and downstream property owners.

(B) *Storm water drainage facilities.* Except as stated herein, all development establishing impervious cover or otherwise modifying an existing site shall incorporate on-site drainage facilities to prevent any increase in the peak rate of runoff from the two-, ten- and 25-year frequency storm. The City Engineer may modify this requirement under either of the following circumstances:

- (1) An approved off-site storage is provided by the developer for the required regulation of peak flows; or
- (2) Sealed engineering data and calculations are presented which fully describe, explain and justify recommended alternatives.

(C) *Computation and plans.*

- (1) Plans for proposed drainage facilities shall be submitted to the City Engineer for acceptance prior to construction.
- (2) Computations for all drainage related design shall be submitted with the plans for review. Data submitted shall include, but is not limited to, a drainage area map, a summary of methodology employed and resulting data, land use and runoff coefficient assumptions and other pertinent hydrologic and hydraulic data.
- (3) Certification shall be submitted by an engineer that the plans and computations are in compliance with the requirements of this section.

(D) *Subdivision plats.*

- (1) Final plats for subdivisions shall show the limits of the 100-year floodplain for all waterways draining 50 or more acres by hatchmarking said floodplain on the plat.
- (2) The final plat of any proposed residential subdivision shall provide public rights-of-way, drainage easements or separate lots dedicated for such purposes to cover at a minimum the 100-year floodplain areas, drainage channels, pipe systems and any other related drainage facilities. All other final plats shall provide drainage easements or separate lots dedicated for such purposes to cover at a minimum the 25-year floodplain areas, drainage channels, pipe systems and any other related drainage facilities.
- (3) The final plat shall establish minimum finished floor elevations for all lots at two feet above the 100-year floodplain elevation.

(Ord. 85-12C, 3-6-2007; Ord. 85-12D, 3-6-2007)

§ 155.58 DRAINAGE.

(A) *General.* No lot in any subdivision which falls within the 100-year floodplain as determined by appropriate federal agencies shall be approved unless the affected area is delineated on the plat and a restriction prohibiting buildings or septic tank installations in the area so designated is incorporated on the plat. The minimum lot area requirements of this chapter must be met exclusive of any part of the lot which is located in the 100-year floodplain.

(B) *Facilities required.* All necessary storm drainage facilities including enclosed storm sewers, bridges, culverts and watercourse improvements to carry off storm water from a 25-year return frequency storm within the subdivision and integrate such subdivision drainage with the overall drainage system shall be provided.

(Ord. 85-12C, 3-6-2007)

§ 155.99 PENALTY.

Anyone violating any provision of this chapter within the corporate limits of the City shall be guilty of a misdemeanor and, upon conviction, shall be fined an amount not to exceed \$2,000. Each day that such a violation continues shall be deemed a separate offense, and be punishable as such. Prosecution or conviction under this section shall not be a bar to other remedies of relief for violation of this chapter.

(Ord. 85-12C, 3-6-2007)