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Subdivision Ordinance

Prepared for:
City of Fredericksburg, Texas



Adopted: March 2014

Prepared by:
FREESE AND NICHOLS, INC.
2711 N. Haskell Avenue, Suite 3300
Dallas, TX 75204 214-217-2200

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Section 1. General Provisions

1.01. Title

This Ordinance and subsequent regulations of the City of Fredericksburg, Texas shall be known as, and may be cited and referred to as, the "[Subdivision Ordinance](#)".

1.02. Authority

This [Subdivision Ordinance](#) and subdivision regulations are adopted pursuant to the authority granted by the U.S. Constitution, the Texas Constitution, and the laws of the State of Texas, specifically including [Chapter 212](#) of the Texas Local Government Code.

1.03. Purpose

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

A. Specific Purposes of the Subdivision Regulations

1. Promote the health, safety and general welfare of the community within the city limits and [Extraterritorial Jurisdiction \(ETJ\)](#);
2. Establish orderly policies and procedures to guide development of the City and ETJ;
3. Provide for the establishment of minimum specifications for construction and engineering design criteria for public infrastructure reduce inconveniences to residents of the area, and to reduce related unnecessary costs to the City for correction of inadequate facilities that are designed to serve the public;
4. Ensure that development of land and subdivisions shall be of such nature, shape and location that utilization will not impair the general welfare;
5. Protect against the dangers of fires, floods, erosion, landslides, or other such menaces;
6. Coordinate new development realistically and harmoniously with existing development;
7. Protect and conserve the value of land throughout the City;
8. Provide the most beneficial circulation of vehicle and pedestrian traffic throughout the City, and to provide for the proper location and width of streets;
9. Establish reasonable standards of design and procedures for the development and redevelopment, provide for the orderly layout and use of land;
10. Ensure proper legal descriptions and documentation of subdivided land;
11. Ensure public facilities with sufficient capacity to serve the proposed subdivision are available for every building site, and to provide public facilities for future development;
12. Ensure the adequacy of drainage facilities; and encourage the wise use and management of natural resources throughout the City in order to preserve the integrity, stability, and beauty of the community;
13. Preserve the topography of the City and ensure appropriate development with regard to natural features;
14. Ensure that new development adequately and fairly participates in the dedication and construction of [Public Improvements](#) and infrastructure that are necessitated by or attributable to the development; and
15. Address other needs necessary for ensuring the creation and continuance of a healthy, attractive, safe and efficient community that provides for the conservation, enhancement and protection of its human and natural resources.



1.04. Applicability

A. General

1. It is hereby declared to be the policy of the City to consider the subdivision and development of land as subject to the control of the City in order to carry out the purpose of the [Comprehensive Plan](#), and to promote the orderly, planned, efficient and economical development of the City.
2. All property not subdivided into lots, blocks, and streets, or property to be re-subdivided, or where a [Development Plat](#) is required shall hereafter be laid out subject to the approval of the City as outlined within this [Subdivision Ordinance](#), and no other subdivision will be recognized by the City.

B. Subdivision and Development of Land Policies

1. Land shall not be subdivided or developed until proper provision has been made for drainage, water, wastewater, transportation and other facilities required by these regulations.
2. All public and private facilities and improvements shall be of at least the capacity necessary to adequately serve the development and shall conform to and be properly related to the Comprehensive Plan and the [Standard Details and Specification for Public Infrastructure Construction Manual \(Standard Details Manual\)](#).
3. These regulations shall supplement, and facilitate the enforcement of, provisions and standards contained in the Zoning Regulations and building codes adopted by the City where applicable.

C. Requirement to Plat

Platting is required for the following purposes:

1. To create a building site on a single lot or tract;
2. To construct or enlarge any exterior dimension of any building, structure, or improvement on land without an existing [Plat](#), in association with a City building permit [Application](#).
3. To subdivide land to divide a lot or tract into two or more parcels;
4. To combine lots or tracts;
5. To amend a Plat; or
6. To correct errors on an approved and recorded Plat.

D. Plat Required

1. Subdivision Plats Required under [LGC 212 Subchapter A](#) (i.e., All plats except Development Plats)
 - a. In accordance with [Texas Local Government Code \(LGC\) Section 212.004](#), the owner of a tract of land located within the city limits or in the Extraterritorial Jurisdiction (ETJ) who divides the tract in two (2) or more parts to lay out a subdivision of the tract, including an addition to a municipality, to lay out suburban, building, or other lots, or to lay out streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts must have a [Plat](#) of the subdivision prepared.
 - b. A division of a tract under this subsection includes a division regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method.
 - c. A division of land under this subsection does not include a division of land into parts greater than five (5) acres, where each part has access to a public road or Right-of-Way and no [Public Improvement](#) is required.



2. Development Plats Required under [LGC 212 Subchapter B](#) (i.e., Development Plats only)
 - a. Any person who proposes the development (i.e., any new construction or the enlargement of any exterior dimension of any building, structure, or improvement) of a tract of land located within the limits of the City shall have a [Development Plat](#) of the tract prepared in accordance with [LGC 212 Subchapter B](#) and this Subdivision Ordinance. (See Section [4.10 Development Plat](#) of this Ordinance for requirements for Development Plats.)
 - b. Whenever a property owner proposes to divide land within the City or its Extraterritorial Jurisdiction (ETJ) into two (2) or more tracts, and claims exemption from [LGC 212 Subchapter A](#) for purposes of development, that results in parcels or lots all greater than five (5) acres in size, a [Development Plat](#) shall be required.
 - c. In the event that development of any tract of land is intended, and where no [Public Improvement](#) is required, the Applicant shall first obtain approval of a Development Plat.
 - d. No [Development Plat](#) is required, when the land has an approved [Final Plat](#), [Minor Plat](#), [Replat](#), or [Amending Plat](#).
- E. [Extraterritorial Jurisdiction \(ETJ\)](#)
 1. Subdivision Regulations Extend into the ETJ
[Subdivision Regulations](#) as they now exist or may hereafter be amended, are hereby extended to all of the area lying within the Extraterritorial Jurisdiction (ETJ) of the City and the rules and regulations within said Subdivision Regulations governing Plats and Subdivision of land shall be applicable to such area within said ETJ from and after the date of final passage of this Subdivision Ordinance.
 2. Subdividing
No person shall subdivide or plat any tract of land within the ETJ of the City except in conformance with the provisions of these Subdivision Regulations.
- F. [Exemptions to the Requirement to Plat](#)
The following are exemptions to the platting requirements in [1.04.C](#):
 1. Use of existing cemeteries complying with all State and local laws and regulations; and
 2. Dedication of an easement or Right-of-Way by a separate document recordable in the county records if approved by the City.

1.05. Documents Comprising Subdivision Rules

The provisions of this [Subdivision Ordinance](#), the standards governing constructed facilities applicable to [Plats](#) in other portions of the City's Code of Ordinances, and the technical standards contained in the [Standard Details and Specification for Public Infrastructure Construction Manual](#) constitute the subdivision rules of the City, which apply to Applications for Plat approval.

1.06. Compliance Required with City Plans and Ordinances

Compliance with all City ordinances pertaining to the subdivision and development of land, and the Comprehensive Plan (where applicable), shall be required prior to approval of any Application pursuant to this [Subdivision Ordinance](#). All such ordinances and the Comprehensive Plan shall be construed to mean those documents as they exist or may be amended. It is the property owner's responsibility to be familiar with, and to comply with, City ordinances, the Comprehensive Plan, and the provisions of this [Subdivision Ordinance](#).

- A. [Applicable City Codes, Ordinances, and Plans](#)
Applicable City codes, ordinances, and plans with which all Applications must comply include, but are not limited to, the following.



1. Comprehensive Plan (including all associated maps and plans);
2. Zoning Ordinance;
3. Parks or Trails Master Plans or Ordinances;
4. Building Codes;
5. Drainage System Design Requirements;
6. International Fire Code;
7. Engineering Documents including the [Standard Details and Specification for Public Infrastructure Construction Manual](#) and other development-related engineering standards;
8. Storm Water Quality and Land Disturbance Requirements;
9. Other Applicable portions of the City's Code of Ordinances; and
10. Federal, State, and local environmental regulations, provided however that the City shall not be liable for the non-enforcement of the same.

1.07. Public Improvements Required

A. Subdivider's Responsibility

1. The subdivider shall furnish, install and/or construct the [Public Improvements](#) (water and wastewater systems and the street and drainage facilities) necessary for the proper development of the subdivision.
2. All such facilities shall be designed and constructed in accordance with the City's [Standard Details and Specification for Public Infrastructure Construction Manual](#), and any other standards, specifications, and drawings as may be hereafter adopted, approved by the City Council and placed on file in the office of the City Secretary.

B. Facilities Sizing

1. Where considered necessary by the [Director of Public Works and Utilities](#), and/or as recommended by the [Planning and Zoning Commission](#) or shown on the Comprehensive Plan, the facilities shall be sized in excess of that dictated by this Subdivision Ordinance or the [Standard Details and Specification for Public Infrastructure Construction Manual](#) to provide for future growth and expansion.
2. The City Council shall establish policies whereby the City may participate in the difference in cost of the facility as sized in the Comprehensive Plan and the cost of the facility as sized per the requirements of this Subdivision Ordinance or the [Standard Details and Specification for Public Infrastructure Construction Manual](#).

C. Performance Agreement

1. Cases that Require a Performance Agreement
 - a. The Subdivider shall be required to enter into a Performance Agreement with the City that shall govern the Subdivision if there are any public improvements, pro rata payments, escrow deposits or other future considerations, or variances are granted to this Subdivision Ordinance, or if the City participates in the cost of any public improvements, or if there are nonstandard development regulations.
 - b. This [Performance Agreement](#) shall be based upon the requirements of this Subdivision Ordinance, and shall provide the City with specific authority to complete the improvements required in the Performance Agreement in the event of failure by the developer, and to recover the full costs of such measures.



2. The Performance Agreement shall be a legally binding agreement between the City and the [Subdivider](#) and shall specify the individual and joint responsibilities of both the City and the [Subdivider](#).
3. The Performance Agreement shall contain:
 - a. As appropriate, provisions for pro rata payments, City participation in community facilities, escrow deposits or other payments for future facilities, variances granted to this chapter, and other particular aspects of the proposed Subdivision;
 - b. Authority for the City to withhold building permits, put a hold on construction and inspections in the event of breach by the [Subdivider](#);
 - c. For financial security;
 - i. Insurance requirements in accordance with the City's requirements for public works projects; and
 - ii. An indemnification clause by which the [Subdivider](#) shall agree to hold the City harmless against any claim arising out of the proposed Subdivision or any actions taken therein.
4. The [Director of Public Works and Utilities](#) may recommend [Performance Agreements](#) that the [City Council](#) may approve or the [City Manager](#) may approve on behalf of the City Council, as authorized by the City Council. In the event of a disagreement between the City staff and the [Subdivider](#) concerning stipulations of the Performance Agreement, the [Subdivider](#) may request City Council approval of alternative provisions.

1.08. General Plat Requirements

A. Development Application

The [City](#) shall have the authority to prepare standard [Development Applications](#) that outline specific submission requirements. All submittals shall conform to the requirements within the appropriate [Development Application](#).

B. Application Fees

All Application fees shall be paid according to the [Fee Schedule](#).

C. Zoning Regulations Requirements

All requirements pertaining to lot size, yard size, dwelling size, lot coverage, height, parking, loading and screening contained in the current Zoning Regulations of the [City](#) shall be adhered to for development under this Subdivision Ordinance within the city limits.

D. Phased Development

1. The [City](#) may establish size limits and requirements for phased development.
2. Phased Developments shall coordinate with the surrounding land use plan and existing developments.
3. Each phase shall submit a [Preliminary Plat](#) and [Final Plat](#).

E. Drainage

If provisions are necessary for drainage facilities on the unplatted future phases of the development, then the Plat shall include separate instruments for (easements) off-site drainage needs and shall include appropriate notes and descriptions providing the City the appropriate permissions and approvals needed for access and for maintaining and improving the drainage system.



1.09. Special Provisions, Enforcement, and Violations

A. Provisions

1. Plat Filing Requirement

- a. A Subdivision Plat shall not be filed or recorded until it has been approved by the City and all Public Improvements have been accepted by the City or otherwise provided for by a [Performance Agreement](#), and any such actual recording shall be void unless such approval shall be endorsed on the face of the Plat as hereinafter provided.
- b. The above paragraph [1.09.A.1.a](#) shall not apply to a [Minor Plat](#) or an [Amending Plat](#).

2. Wastewater (Sanitary Sewer) Collection System Requirement (Septic Tanks/OSSFs)

a. Applicability

i. Areas within the City Limits

Septic tanks/On-Site Sewage Facilities (OSSFs) are not permitted in platted subdivisions within the city limits. All lots within the city limits must be connected to the city's wastewater collection system.

ii. Areas within the ETJ

- (a) Any lot within 200' of existing or proposed wastewater lines shall connect to the [City's](#) facilities.
- (b) Beyond 200' of existing or proposed wastewater lines, septic tanks may be used subject to the approval of a permit for a septic tank by Gillespie County.
- (c) No septic system shall be installed upon any lots in said subdivision located within the ETJ of the City without first having obtained a permit from Gillespie County.

b. County Authorized to Review and Approve Septic Tanks in the ETJ

i. Approval

The County of Gillespie is authorized to be the city's agent for design, installation and approval of septic systems within the ETJ.

ii. Variances to Septic Tank Standards

Variances in the ETJ for septic systems are to be approved by the Gillespie County Commissioners Court and/or the Hill Country Underground Water Conservation District.

c. Septic Tanks Standards

In order for a septic tank to be approved, the septic tank must comply with the Texas Administrative Code, [\(Title 30, Part 1, Chapter 285\), On-Site Sewage Facilities](#) and the current Gillespie County rules and regulations regarding private sewage facilities.

d. Review of subdivision or development plans (per [Texas Administrative Code 285.4.\(c\)](#))

Persons proposing residential subdivisions, manufactured housing communities, multi-unit residential developments, business parks, or other similar structures that use OSSFs for sewage disposal shall submit planning materials for these developments to the County and receive approval prior to submitting a Plat application.

i. The planning materials must be prepared by a professional engineer or professional sanitarian and must include:

- (a) an overall site plan;
- (b) a topographic map;



- (c) a 100-year floodplain map;
 - (d) a soil survey;
 - (e) the locations of water wells;
 - (f) the locations of easements, as identified in [Texas Administrative Code §285.91\(10\)](#) (relating to tables);
 - (g) a comprehensive drainage plan;
 - (h) a complete report detailing the types of OSSFs to be considered and their compatibility with area-wide drainage and groundwater; and
 - (i) other requirements, including Edwards Aquifer requirements that are pertinent to the proposed OSSF.
 - ii. If the proposed development includes restaurants or buildings with food service establishments, the planning materials must show adequate land area for doubling the land needed for the treatment units. The designer may consider increasing the amount of land area for the treatment units beyond doubling the minimum required area.
 - iii. The permitting authority will either approve or deny the planning materials, in writing, within 45 days of receipt.
- e. Lot Sizes Related to the use of Septic Tanks
 - i. The use of septic tanks in a subdivision has a bearing on the ultimate lot size. In determining the minimum lot size for platting purposes, size will be determined by the suitability of the soil to function without creating a nuisance or health hazard. The lot must address any standards adopted by the Hill Country Underground Water District and the Gillespie County Commissioners Court, or as may be amended.
 - ii. The minimum lot size is to be based on water availability as determined by the Hill Country Underground Water Conservation District (HCUWCD).
- 3. [Final Plat](#) or [Development Plat](#) Required for Building Permits or Certificates of Occupancy

No building permit or certificates of occupancy shall be issued by the City for any structure on a lot in a Subdivision for which a [Final Plat](#) or [Development Plat](#) has not been approved and filed for record, nor for any structure on a lot within a Subdivision that the standards contained herein or referred to herein have not been complied with in full.
- 4. Compliance with Standards Required

The City shall not authorize any other person nor shall the City itself be required to repair, maintain, install or provide any streets or public utility services in any Subdivision for which the standards contained herein or referred to herein have not been complied with in full.
- 5. Dedications
 - a. Refusal or denial of a [Plat](#) by the [Planning and Zoning Commission](#) shall be deemed a refusal by the City to accept the offered dedications shown thereon.
 - b. Approval of a Plat shall not impose any duty upon the City concerning the maintenance or improvement of any such dedicated parts until the proper authorities of the City have actually appropriated the same by final acceptance.
 - c. Any such dedication, before or after actual appropriation may be vacated by the Council in any manner provided by law.



6. Services Prohibited to Subdivision

No person or entity including the City itself sell or supply any utility service such as water, gas, electricity, telephone, cable, communication or wastewater service within a [Subdivision](#) for which a [Final Plat](#) has not been approved or filed for record, nor in which the standards contained herein or referred to herein have not been complied with in full.

B. Enforcement

1. Action in a Court

On behalf of the City, the [City Attorney](#) may institute appropriate action in a court of competent jurisdiction to enforce the provisions of this Subdivision Ordinance or the standards referred to herein with respect to any violation thereof that occurs within any area subject to all or a part of the provisions of this Subdivision Ordinance.

2. Abutting Owner or Lessee Action

In addition thereto, any abutting owner or lessee or other person prejudicially affected by the violation of the terms of this Subdivision Ordinance may resort to any court of competent jurisdiction for any writ or writs, or to obtain such relief, either in law or equity, as may be deemed advisable in these premises, provided that the City shall not be a party to such actions.

C. Violations and Fines

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of the [Subdivision Ordinance](#) shall be fined not more than five hundred dollars (\$500.00) for each violation. Each day that a violation is permitted to exist shall constitute a separate offense, and any action seeking fines may allege a time span of violations and shall not be required to file a separate cause of action for each day of the same violation.

1.10. Summary of the General Subdivision Procedure

Any owner or [Developer](#) of any lot, tract, or parcel of land located within the corporate limits of the City or within its Extraterritorial Jurisdiction (ETJ) who wishes to subdivide such land shall conform to the following general procedures. [Figure 1: Subdivision Procedure Summary](#) details the general process of land subdivision.

A. General Procedures

1. Pre-Application Conference (Voluntary)
2. Preliminary Plat
3. Construction Plans
4. Construction of improvements
5. City acceptance of improvements ([Letter of Final Acceptance](#))
6. Final Plat

B. Detailed Steps

The detailed steps with each phase of the Subdivision development procedure are covered in this subsection, [Section 4](#), [Section 5](#), and [Section 6](#).



Figure 1: Subdivision Procedure Summary



Section 2. Development Review Bodies

2.01. City Council

A. Establishment

The City’s Code of Ordinances establishes the standards governing the City Council within the charter.

B. Responsibilities

Table 1 is a summary of the [City Council’s](#) responsibilities within the Subdivision Ordinance.

Table 1: City Council Responsibilities	
4.04.J.4.b	Consider an Appeal of the Commission’s Decision on a Preliminary Plat Extension
4.09.E	Approving a Plat Vacation
6.15.C	Approving a Park Land Dedication
7.01.C.1.b	Approving an Appeal of a Minor Subdivision Waiver Decision
7.01.C.2	Approving a Major Subdivision Waiver
7.02.C.3	Approving a Subdivision Proportionality Appeal
7.03.F.4	Approving a Decision by City Council on a Subdivision Vested Rights Petition
7.03.F.5	Approving an Appeal to the Council of a Decision on Subdivision Vested Rights Petition

2.02. Planning and Zoning Commission

A. Establishment

The City’s Code of Ordinances establishes the standards governing the Planning and Zoning Commission within Article IX of the charter and Appendix B.

B. Responsibilities

Table 2 is a summary of the [Planning and Zoning Commission’s](#) responsibilities within the Subdivision Ordinance.

Table 2: Planning and Zoning Commission Responsibilities	
4.04.J.4.a	Consider an Appeal of the Director of Development Services’ Decision on a Preliminary Plat Extension
4.04.F	Approving a Preliminary Plat
4.05.H	Approving a Final Plat
4.06.H.1.	Approving a Deferral to the Commission of a Minor Plat Decision
4.07.G	Approving a Replat
4.10.I	Approving a Development Plat
4.07.G.2.b.i	Approving a Deferral to the Commission of a Minor Replat Decision
4.08.H.1	Approving a Deferral to the Commission of an Amending Plat Decision
7.01.C.1.b	Recommending an Appeal of a Minor Subdivision Waiver Decision
7.01.C.2.a	Recommending a Major Subdivision Waiver
7.03.F.3	Approving a Decision by Commission on a Subdivision Vested Rights Petition



2.03. Director of Development Services

A. Responsibilities

Table 3 is a summary of the [Director of Development Services'](#) responsibilities within the Subdivision Ordinance.

Table 3: Director of Development Services Responsibilities	
<i>Subdivision Related Responsibilities</i>	
4.04.E	Reviewing a Preliminary Plat
4.05.G	Reviewing a Final Plat
4.06.G	Approving a Minor Plat
4.07.G	Reviewing a Replat
4.07.G.2.b	Approving a Minor Replat
4.08.G	Approving an Amending Plat
4.09.D	Recommending a Plat Vacation
4.10.I	Reviewing a Development Plat
6.15.C	Reviewing a Park Land Dedication
7.01.C.1	Approving a Minor Subdivision Waiver (as applicable)
7.03.F.2	Approving a Decision by the Responsible Official on a Subdivision Vested Rights Petition

2.04. Director of Public Works and Utilities

A. Responsibilities

Table 4 is a summary of the [Director of Public Works and Utilities'](#) responsibilities within the Subdivision Ordinance.

Table 4: Director of Public Works and Utilities Responsibilities	
<i>Subdivision Related Responsibilities</i>	
5.01	Approving Construction Plans
5.01	Approving an Extension of Construction Plans beyond Expiration Date
5.02	Conducting a Pre-Construction Meeting
5.03	Approving a Construction Release
5.05.C	Approving Performance Agreements and Security for Completion
5.06.A	Approving Inspection of Public Improvements
6.17.A.2	Determining the Approved Means of Wastewater Collection and Treatment
7.01.C.1	Approving a Minor Subdivision Waiver (as applicable)
7.02.C	Recommending a Subdivision Proportionality Appeal
7.03.F.2	Approving a Decision by the Responsible Official on a Subdivision Vested Rights Petition



2.05. Development Review Committee

A. Establishment

There is hereby created within and for the City a [Development Review Committee \(DRC\)](#) with the responsibilities as hereinafter set forth.

B. Purpose

1. The purpose of the [DRC](#) is to utilize the expertise of various City departments to review [Plats](#) to ensure that City regulations are met and to provide a recommendation for either approval or denial in a written report to the [Director of Development Services](#).
2. At the discretion of the [Director of Development Services](#), the [DRC](#) shall review [Plats](#) to ensure that City regulations are met and provide a recommendation for either approval or denial in a written report, on an as-needed basis.

C. Membership

The [DRC](#) members may consist of at least one representative from the following [City](#) departments, as appointed by the [City Manager](#).

1. Development Services Department
2. Public Works and Engineering Department
3. Fire Department
4. Parks and Recreation Department
5. Police Department
6. Any other department per the City Manager’s discretion.

D. Term

Members shall serve at the discretion of the [City Manager](#).

E. Responsibilities

The [Director of Development Services](#) shall be responsible for establishing meeting times, determining when the [DRC](#) has finished review of a Plat, and coordinating the DRC’s written report.

Table 5: Development Review Committee Responsibilities	
<i>Subdivision Related Responsibilities</i>	
4.04.E.2	At the discretion of the Director of Development Services, review a Preliminary Plat
4.05.G.2	At the discretion of the Director of Development Services, review a Final Plat
4.06.F.2	At the discretion of the Director of Development Services, review a Minor Plat
4.07.G.1	At the discretion of the Director of Development Services, review a Replat
4.07.G.2.b	At the discretion of the Director of Development Services, review a Minor Replat
4.08.F.2	At the discretion of the Director of Development Services, review an Amending Plat
4.09.D.2	At the discretion of the Director of Development Services, review a Plat Vacation
4.10.I	At the discretion of the Director of Development Services, review a Development Plat



2.06. Summary of Approval Authority of Fundamental Applications

Table 6: Summary of Approval Authority of Fundamental Applications					
Application Type	City Council	Planning and Zoning Commission	Director of Development Services	Director of Public Works and Utilities	Development Review Committee
Preliminary Plat		Approve	Review		Review*
Final Plat		Approve	Review		Review*
Minor Plat			Approve		Review*
Deferral to the Commission of a Minor Plat Decision		Approve			
Replat		Approve	Review		Review*
Minor Replat			Approve		Review*
Deferral to the Commission of a Minor Replat Decision		Approve			
Amending Plat			Approve		Review*
Deferral to the Commission of an Amending Plat Decision		Approve			
Plat Vacation	Approve		Recommend		Review*
Development Plat		Approve	Review		Review*
Construction Plans				Approve	
Extension of Construction Plans beyond Expiration Date				Approve	
Pre-Construction Meeting				Approve	
Construction Release				Approve	
Performance Agreements and Security for Completion	Approve**			Review	
Inspection of Public Improvements				Approve	
Park Land Dedication	Approve	Recommend*	Review		
Determining the Approved Means of Wastewater Collection and Treatment				Approve	
Minor Subdivision Waiver (As Applicable)			Approve	Approve	
Appeal of a Minor Subdivision Waiver Decision	Approve	Recommend			
Major Subdivision Waiver	Approve	Recommend			
Subdivision Proportionality Appeal	Approve			Recommend	
Decision by the Responsible Official on a Subdivision Vested Rights Petition (As Applicable)			Approve	Approve	
Decision by Commission on a Subdivision Vested Rights Petition		Approve			
Decision by City Council on a Subdivision Vested Rights Petition	Approve**	Approve**	Approve**	Approve**	
Appeal to the Council of a Decision on Subdivision Vested Rights Petition	Approve				
<p>*Indicates possible review. ** City Council may authorize the City Manager to approve. ***Approval is based on the original Application and associated Decision-Maker for said Application.</p>					



Section 3. Application Submittal and Processing Procedures

3.01. General Application Processing

A. Initiation of Application

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

2. Initiation by City Manager

The [City Manager](#) can initiate any [Application](#) authorized under this Subdivision Ordinance.

B. Waiver of Application Information

The [Responsible Official](#) may initially waive the submission of any information in the [Application](#) and accompanying materials that are not necessary due to the scope and nature of the proposed activity.

C. Universal Application Contents

1. Application Forms Generally

The City is hereby authorized to prepare [Application Forms](#) that include information requirements, checklists, architectural or engineering drawing sizes, Applicant contact information, and any other information necessary to show compliance with City codes.

2. Information for All Applications

All Applications shall contain the following information and shall be signed stating that the Applicant believes the information contained therein is true to the best of his or her knowledge:

- a. Identification of property owner and authorized agent;
- b. Description of the property and the nature of the development that is the subject of the application;
- c. Identification of all zoning classifications (inside the City only) for the property;
- d. Identification of all pending legislative applications for the property;
- e. Identification of decisions on all quasi-judicial or administrative Applications for the property that remain in effect;
- f. Identification of all accompanying Applications;
- g. Identification of all pending or accompanying requests for relief;
- h. Demonstration of compliance with prior approved permits;
- i. Application signed by the owner of an interest in the land subject to the Application, or the owner's designated agent;
- j. Title search; and
- k. Statement of indebtedness to the City.

3. All [Application Forms](#) are available from the [Director of Development Services](#).



D. Application Forms

The Director of Development Services shall create, manage, and update Application Forms for all Development Applications authorized under 3.01.C.1.

E. Application Fees

1. Every Application shall be accompanied by the prescribed fees set forth in the adopted Fee Schedule.
2. The prescribed fee shall not be refundable.
3. The Fee Schedule may be amended from time to time by the City Council.

F. Payment of all Indebtedness Attributable to the Subject Property

1. No Application shall be accepted or reviewed for completeness from a person who owes delinquent taxes, assessments, any fees, or is otherwise indebted to the City until the taxes, assessments, debts, or obligations shall have been first fully discharged by payment, or until an arrangement has been made for the payment of such debts or obligations.
2. It shall be the Applicant's responsibility to provide evidence or proof that all taxes, fees, etc. have been paid, or that other arrangements have been made for payment of said taxes, fees, etc.

G. Modification of Applications

The Applicant may modify any complete Application following its Official Vesting Date and prior to the expiration of the period, if any, during which the City is required to act on the Application.

1. Modifications Requested by the City

If the modification is for revisions requested by the City, and the modification is received at least five (5) business days prior to the time scheduled for decision on the Application, then the Application shall be decided within the period for decision prescribed by this Subdivision Ordinance.

2. Modifications not Requested by the City

- a. In all other instances (e.g., when the Applicant chooses to submit a revised Application of his/her own accord because of a change in development decisions), submittal of a modified Application shall be treated as a new Application with regards to review time periods..
- b. The extension of the time for deciding the Application shall commence on the date the modified Application is submitted. For Plat Applications, a modified Application shall be accompanied by a properly executed Waiver of Right to 30-Day Action. If a waiver is not signed, then the modified Application shall be denied and the original Application shall be decided within the period for decision prescribed by this Subdivision Ordinance.

H. Action by Responsible Official

1. Circulate and Compile Comments

After the determination of completeness has been established, the Responsible Official shall circulate the Application to all other administrative officials and departments whose review is required for a decision on the Application and shall compile the comments and recommendations of the officials.

2. Decision Rendered, If Applicable

The Responsible Official shall render a decision in the time prescribed for the applicable Application, if the official is the Decision-Maker for the Application.



3. Forward Application and Provide Notification
 - a. In cases where the **Responsible Official** is not the **Decision-Maker**, the **Responsible Official** shall forward the Application for review to any advisory board/commission and the final **Decision-Maker**, and shall prepare a report to such board or commission, or to the City Council, including the compilation of any comments and recommendations by other administrative officials.
 - b. The **Responsible Official** also shall prepare required notices and schedule the **Application** for decision within the time and in the manner required by this Subdivision Ordinance and as otherwise may be required by law.
- I. Recommendation by Advisory Board/Commission

Unless otherwise prescribed within this Subdivision Ordinance, an advisory board/commission that is required to offer a recommendation to the **Decision-Maker** shall recommend one of the following:

 1. Recommend approval of the Application by the **Decision-Maker**;
 2. Recommend approval of the Application with conditions; or
 3. Recommend denial of the Application.
- J. Action by the Decision-Maker
 1. The **Decision-Maker** for the **Application** shall approve, approve with conditions or deny the Application within the time prescribed by this Subdivision Ordinance.
 2. Unless otherwise prescribed by law or City Charter, where the **Decision-Maker** is a board, commission or the City Council, the **Application** shall be decided by majority vote of a quorum of the members of the board, commission or the City Council.
- K. Conditions

The initial or final **Decision-Maker** may attach such conditions to the approval of an Application as are reasonably necessary to ensure compliance with applicable requirements of this Subdivision Ordinance.



3.02. Pre-Application Conference

A. Purpose

1. The [Pre-Application Conference](#) is intended to allow for the exchange of non-binding information between the [Applicant](#) and [City](#) Staff to ensure that the Applicant is informed of pertinent City development regulations and processes.
2. The Pre-Application Conference provides an opportunity for the Applicant and City Staff to discuss major development considerations such as utilities, roadways, drainage concerns, Comprehensive Plan elements, specific neighborhood characteristics, and historic information.
3. This exchange of information is intended to promote an efficient and orderly review process.

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

1. Prior to formal submittal of any required plan or Application, the [Applicant](#) is encouraged to consult with the [Director of Development Services](#), the [Director of Public Works and Utilities](#), the [Building Official](#), and any other pertinent [City](#) Staff in order for the Applicant to become familiar with the City's development regulations and the development process.
2. At the Pre-Application Conference, the Applicant may be represented by his/her land planner, engineer, surveyor, or other qualified professional.
3. Pre-Application Conferences are encouraged for all [Plat](#) Applications, see Sections [4.04](#) through [4.10](#).

C. Vested Rights Waiver

1. The [Pre-Application Conference](#) is optional and allows for the exchange of information between the [Applicant](#) and City Staff.
 - a. It is not the intent of the [Pre-Application Conference](#) to bind either the [Applicant](#) or City Staff to items discussed at the meeting.
 - b. For consideration of a vested right to develop under previously adopted regulations, refer to [7.03 Subdivision Vested Rights Petition](#).
2. Based on the voluntary and non-binding nature of meeting, a Pre-Application Conference shall not commence or be held unless the property owner, or Applicant as an authorized agent of the property owner, signs a [Vested Rights Waiver](#) stating that no vested rights shall accrue from any discussion that occurs at the [Pre-Application Conference](#). (Note: Vesting occurs on the [Official Vesting Date](#).)
 - a. If the property owner does not sign a [Vested Rights Waiver](#), no such conference shall be held, and the property owner or his/her representatives may proceed with his/her [Application](#) submittal as he/she so chooses.
 - b. A copy of the [Vested Rights Waiver](#) form shall be available in the office of the [Director of Development Services](#).



3.03. Completeness and Expiration of Applications

A. Applicability

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

B. Determination of Completeness for Subdivision Related Applications

Every required Application shall be subject to a determination of completeness by the [Responsible Official](#) for processing the Application.

1. Acceptance Standards

The [Application](#) shall only be accepted by the [Responsible Official](#) for processing when it is accompanied by all documents required by, and prepared in accordance with, the requirements of this Subdivision Ordinance. A typographical error shall not, by itself, constitute an incomplete Application.

2. Acceptance Procedures

A determination of completeness of an Application shall be conducted in accordance with the following procedures:

- a. A determination of completeness shall be made by the [Responsible Official](#) not later than the tenth (10th) business day, unless otherwise specified, after the [Official Vesting Date](#).
- b. If the submitted Application is incomplete, then the Applicant shall be notified in writing not later than the tenth (10th) business day after the Official Vesting Date.
 - i. Such notice shall be served by depositing it in the U.S. Postal Service, or by electronic mail transmission, before the tenth (10th) business day following submission of the Application.
 - ii. The notification shall specify the documents or other information needed to complete the Application, and shall state the date the Application will expire (see [3.03.E Expiration of a Subdivision Related Application – Before Approval Decision](#)) if the documents or other information are not provided to the City.
- c. An Application shall be deemed complete on the eleventh (11th) business day after the Application has been received if notice is not served in accordance with [3.03.B.2.b](#) (above).
- d. If the Application is determined to be complete, the Application shall be processed as prescribed by this Subdivision Ordinance.

3. Acceptance shall not Constitute Compliance

A determination of completeness shall not constitute a determination of compliance with the substantive requirements of this Subdivision Ordinance.

4. Acceptance shall not Guarantee Approval

There is no implied intent or guarantee that an accepted and completed Application will be approved, if after the Application is deemed complete, it is determined that the Application does not comply with this Subdivision Ordinance.



C. Re-Submittal after Notification of Incompleteness

1. If the [Application](#) is re-submitted after a notification of incompleteness, the [Application](#) shall be processed upon receipt of the re-submittal.
2. The statutory 30-day time frame for [Plat](#) approvals shall begin on the date of the re-submittal.
3. To the extent that the information or documents submitted is not sufficient to enable the [Decision-Maker](#) to apply the criteria for approval, the [Application](#) may be denied on such grounds.

D. Waiver of Right to 30-Day Action

The Director of Development Services may approve a Waiver of Right to 30-Day Action.

1. Request

An Applicant may submit in writing a Waiver of Right to 30-Day Action at any time prior to the [Application's](#) final decision.

2. Received

- a. If the Applicant requests a Waiver of Right to 30-Day Action, the Waiver of Right to 30-Day Action must be received by the Director of Development Services on or before the seventh (7th) calendar day prior to the Planning and Zoning Commission meeting at which action would have to be taken (based on the 30-day requirement in State law) on the Application.
- b. Waiver requests that are not received by the time for final decision shall not be considered properly submitted, and action shall be taken on the Application at such meeting as scheduled.

3. Requirements Maintained

- a. Action pursuant to a Waiver of Right to 30-Day Action shall not be deemed in any way a waiver to any requirement within this Subdivision Ordinance.
- b. A waiver from requirements herein is a separate and distinct process (see [7.01 Petition for Subdivision Waiver of Modification](#)).

E. Expiration of a Subdivision Related Application – Before Approval Decision

Pursuant to [Texas Local Government Code Chapter 245](#), a subdivision related [Application](#) shall automatically expire (ending all vesting claims) at the close of business on the forty-fifth (45th) calendar day after the Application's [Official Vesting Date](#), if:

1. The Applicant fails to provide documents or other information necessary to comply with the City's technical requirements relating to the form and content of the permit Application;
2. The City provides to the Applicant, not later than the tenth (10th) business day after the date the Application is filed, written notice that specifies the necessary documents or other information, and the date the Application will expire if the documents or other information is not provided; and
3. The Applicant fails to provide the specified documents or other information necessary to comply with the City's requirements relating to the Application within the time provided in the notification.

F. Vesting Begins on the Official Vesting Date

An Application shall be vested into the standards of the Subdivision Ordinance in effect at the time of the Application's [Official Vesting Date](#).

G. Right to 30-Day Action for Plats Applications Begins on the Official Submission Date

The statutory 30-day time frame for [Plat](#) approvals, established by [TLGC 212](#), shall commence on the [Official Submission Date](#).



3.04. Processing, Action, and Notification Following Subdivision Application Decision

A. Action by the Responsible Official

1. The [Responsible Official](#) for an Application shall initiate internal (i.e., City) review and assessment of the Application following the City's development review procedures.
2. The [Responsible Official](#) shall also, to the extent possible, work with the Applicant by advising on and communicating revisions that may be necessary to bring the Application into compliance with City regulations in preparation for consideration by the appropriate Decision-Maker.

B. Decision

The [Decision-Maker](#) for the Application shall approve, approve with conditions, or deny the Application within the time period prescribed by these Subdivision Regulations.

C. Conditions Attached

The [Decision-Maker](#) may attach such conditions to the approval of an Application as are reasonably necessary to ensure compliance with all applicable requirements of these Subdivision Regulations, in which case the Application is considered denied until the conditions are satisfied.

D. Notification of Decision

The City shall send written notice within fourteen (14) calendar days following the date of a decision on an Application.

E. Notification of Appeal

Whenever appeal is taken from a final decision on an Application, notice of the appeal or revocation proceeding shall be provided to the Applicant by mail to the person and address listed on the Application or as provided to by the City in writing.

3.05. Public Hearings for Replat and Plat Vacation Applications

A. Setting the Hearing

1. When the [Responsible Official](#) determines that an Application is complete and that a public hearing is required by these Subdivision Regulations (see [4.07.B](#) [Replat] and [4.09.C](#) [Plat Vacation]) or by State law, the official shall cause notice of such hearing to be prepared and made in accordance with State law.
2. The time set for the public hearing shall conform to the time periods required by Sections [4.07.B](#) (Replat) and [4.09.C](#) (Plat Vacation) in these Subdivision Regulations and by State law.

B. Conduct of the Hearing

1. The public hearing shall be conducted in accordance with State law.
2. Any person may appear at the public hearing and submit evidence, either individually or as a representative of an organization.
3. Each person who appears at a public hearing shall state his or her name and address, and if appearing on behalf of an organization or Applicant, state the name of the organization or Applicant for the record.

C. Record of Proceedings

The City shall record the hearing proceedings using standard municipal record-keeping procedures.



D. Notice Requirements for Replats

1. Published Notice for Replats

- a. Whenever published notice of a public hearing for a Replat approval before the [Planning and Zoning Commission](#) is required under State law, or this Subdivision Ordinance, the [Responsible Official](#) shall cause notice to be published in a newspaper of general circulation in the City before the fifteenth (15th) calendar day before the date set for the required hearing.
- b. The notice shall set forth the date, time, place and purpose of the hearing, and identification of the subject property, where the decision concerns an individual tract or parcel of land.

2. Personal Notice for Replats

a. Notification by Mail

Whenever personal notice of a Replat public hearing is required by State law or this Subdivision Ordinance before the [Planning and Zoning Commission](#), the [Director of Development Services](#) shall cause notice to be sent by regular mail before the tenth (10th) calendar day before the hearing date to the following:

- i. Each owner of real property located within the original subdivision within two hundred feet (200') of the exterior boundary of the property in question, and
- ii. The Applicant and/or property owner.

b. Notification Details

- i. The notice shall set forth the name of the Applicant, the time, place and purpose of the hearing, identification of the subject property.
- ii. Notice shall be sent to each owner indicated in the records of the Gillespie County Central Appraisal District, published as of January of each year..
- iii. Notice shall be considered served by depositing the notice, addressed in accordance with [3.05.D.2.b.ii](#) (above) and first class postage prepaid, in the United States Postal Service mail.

E. Notice Requirements for Plat Vacations

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



3.06. Amendments and Expiration to Approved Subdivision Applications

A. Amendments/Revisions to an Approved Subdivision Application

Unless another method is expressly provided by these Subdivision Regulations, any request to amend or revise an approved [Application](#) shall be considered a new [Application](#), which must be decided in accordance with the procedures governing the original [Application](#) and the standards in effect at the time such new [Application](#) is filed with the City.

B. Expiration of an Approved Subdivision Application

1. Subdivision Application Expiration – Two (2) Years

- a. Unless otherwise expressly provided by these Subdivision Regulations, an approved Application shall automatically expire two (2) years following the approval date of the [Application](#) (see [5.01.G Expiration Date for Construction Plans](#) for expiration of Construction Plans), and shall become null and void.
- b. All activities under the Application thereafter shall be deemed in violation of these Subdivision Regulations, if:
 - i. The Applicant fails to satisfy any condition that was imposed by these Subdivision Regulations or as part of the approval of the Application or that was made under the terms of any [Performance Agreement](#), within the time limits established for satisfaction of such condition or term; or
 - ii. A [Performance Agreement](#), if applicable, ([5.05 Performance Agreements and Security for Completion](#)) is not approved for the development.

2. Applications with No Time Limit

If no time limit for satisfaction of conditions is specified in the decision on the Application or in the regulations governing, the time shall be presumed to be two (2) years following the date the Application was approved.

3. Applications with Vested Right

Unless a different date is determined pursuant to and upon review of a vested rights petition, an Application approved prior to the effective date of these Subdivision Regulations shall expire in accordance with the terms of the regulations in effect at the time the Application was filed.

C. Effect of Expiration

A new Application must be submitted for consideration and approval subject to regulations in effect at the time the new Application is filed.



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Section 4. Platting Requirements

4.01. General Subdivision and Platting Procedures

A. Plats Required for Land Subdivision

A [Final Plat](#) or [Minor Plat](#) shall be approved prior to any land division that is subject to these regulations and prior to commencement of any new development.

B. Replats and Amending Plats

1. Replat

A [Replat](#), in accordance with State law, and the provisions of Section [4.07 Replat](#) shall be required any time a platted, recorded lot is further divided or expanded, thereby changing the boundary and dimensions of the property.

2. Amending Plat

In the case of minor revisions to recorded Plats or lots, an [Amending Plat](#) may also be utilized if in accordance with Section [4.08 Amending Plat](#)

C. Zoning

1. Conformance with Existing Zoning

All Applications for land within the city limits shall be in conformance with the existing zoning on the property.

2. Request to Rezone First

If an Applicant seeks to amend the zoning for the property, the request to rezone the land shall be submitted and approved prior to acceptance of an Application for filing of a plat, unless as otherwise provided below.

a. The Applicant may request approval from the [Director of Development Services](#) to submit an Application simultaneously with the zoning change request, in which case the Application for the zoning amendment shall be acted upon first, provided that the Application is accompanied by a properly executed [Waiver of Right to 30-Day Action](#) (due to the more lengthy time frame necessary to advertise and process zoning Applications).

b. In the event that the requested zoning amendment is denied, the Plat Application shall also be rejected or denied.

3. Zoning Ordinance Site Plan Approval

Where Site Plan approval is required by the Zoning Ordinance prior to development, no [Final Plat](#) shall be approved until a Site Plan has been approved for the land subject to the proposed Plat.

4.02. Pre-Application Conference

See [3.02 Pre-Application Conference](#).

4.03. Sketch Plat

A. Purpose

The purpose of a Sketch Plat shall be to serve as a visual aid to the [Applicant](#) and [Director of Development Services](#) during the [Pre-Application Conference](#) (Section [3.02](#)). The Sketch Plat shall be used to identify major development considerations such as utilities, roadways, drainage concerns, comprehensive plan elements, specific neighborhood characteristics, and historic information.



B. Sketch Plat for Pre-Application Meeting

A Sketch Plat shall be prepared by the Applicant. The Applicant shall bring the Sketch Plat to the [Pre-Application Conference](#), but is not required to submit the Sketch Plat prior to the [Pre-Application Conference](#).

C. Sketch Plat Standards

The Sketch Plat shall be a freehand pencil sketch or computer drawn sketch to approximate scale showing streets, lots, public areas, and other significant features.

4.04. Preliminary Plat

A. Purpose

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

B. Applicability

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

C. Exceptions

1. A [Preliminary Plat](#) is not required when a [Minor Plat](#) is submitted (refer to [4.06 Minor Plat](#)).
2. A [Final Plat](#) in accordance with [4.05 Final Plat](#), along with [Construction Plans](#) in accordance with [5.01 Construction Plans](#), may be submitted in lieu of a [Preliminary Plat](#) if a [Performance Agreement](#) and appropriate surety (see [5.05 Performance Agreements and Security for Completion](#)) are submitted along with the Application.

D. Accompanying Applications

1. Preliminary and Other Types of Plans

An Application for a Preliminary Plat shall be accompanied by the following:

- a. A Preliminary Plat [Application Form](#), which can be obtained from the Director of Development Services;
- b. [Preliminary Drainage Plan](#) (Section 6.18.I);
- c. [Preliminary Storm Water Management Plan](#) (Section 6.18.J);
- d. [Preliminary Utility Plan](#) (Section 6.16.C); and
- e. Other plans if deemed necessary for thorough review by the Director of Development Services or the Director of Public Works and Utilities, such as a Planned Development Master Plan.

Approval of each shall be separate and in accordance with this [4.04 Preliminary Plat](#).

2. Current Title Commitments

The Applicant shall furnish with the Application to the City a current title commitment issued by a title insurance company authorized to do business in Texas, a title opinion letter from an attorney licensed to practice in Texas, or some other acceptable proof of ownership, identifying all persons or entities having an ownership interest in the property subject to the Preliminary Plat to include all lienholders.



E. Review by Director of Development Services

The Director of Development Services shall:

1. Initiate review of the plat and materials submitted (including the required [Preliminary Drainage Plan](#), [Preliminary Storm Water Management Plan](#), and [Preliminary Utility Plan](#)).
2. Request written comments from the [Development Review Committee \(DRC\)](#), if deemed necessary.
3. Make available Plats and reports to the Commission for review.
4. Upon determination that the Application is ready to be acted upon, schedule the Preliminary Plat for consideration on the agenda of the next available meeting of the Planning and Zoning Commission.

F. Action by the Planning and Zoning Commission

The Commission shall:

1. Review the Preliminary Plat Application, the findings of the [Director of Development Services](#), and any other information available.
 - a. From all such information, the [Commission](#) shall determine whether the Preliminary Plat conforms to these Subdivision Regulations.
2. Act within thirty (30) calendar days following the [Official Submission Date](#), unless the Applicant submits a Waiver of Right to 30-Day Action as outlined in [3.03.D](#).
 - a. If no decision is rendered by the [Commission](#) within the thirty (30) day period described above or such longer period as may have been agreed upon, the Preliminary Plat, as submitted, shall be deemed approved by the [Commission](#).
3. Take one of the following actions:
 - a. Approve the Preliminary Plat;
 - b. Approve the Preliminary Plat with conditions, which shall mean that the Preliminary Plat shall be considered to have been approved once such conditions are fulfilled and until the conditions are satisfied, it is considered denied; or
 - c. Deny the Preliminary Plat.

G. Criteria for Approval

The following criteria shall be used by the [Commission](#) to determine whether the Application for a Preliminary Plat shall be approved, approved with conditions, or denied:

1. All Plats must be drawn to conform to the zoning regulations currently applicable to the property. If a zoning change for the property is proposed, then the zoning change must be completed before the approval of any Preliminary Plats/Final Plats;
2. No Plat or Replat may be approved that leaves a structure located on a remainder subdivided lot.
3. The Preliminary Plat is consistent with any approved [Performance Agreement](#);
4. The proposed provision and configuration of Public Improvements including, but not limited to, roads, water, wastewater, storm drainage, electric, park facilities, open spaces, habitat restoration, easements and [Right-of-Way](#) that are adequate to serve the development, meet applicable standards of these Subdivision Regulations, and conform to the City's adopted master plans for those facilities;
5. The Preliminary Plat has been duly reviewed by applicable City staff;
6. The Preliminary Plat conforms to design requirements and construction standards as set forth in the [Standard Details and Specification for Public Infrastructure Construction Manual](#);



7. The Preliminary Plat is consistent with the adopted Comprehensive Plan, except where application of the Plan may conflict with State law;
8. The proposed development represented on the Preliminary Plat does not endanger public health, safety or welfare; and
9. The Preliminary Plat conforms to the Director of Development Services' subdivision Application checklists.

H. Effect of Approval

1. Approval of a Preliminary Plat shall allow the Applicant to proceed with the development and platting process by submitting [Construction Plans \(5.01\)](#) and a [Final Plat \(4.05\)](#).
2. Approval of the Preliminary Plat shall be deemed general approval of the subdivision's layout only, and shall not constitute approval or acceptance of Construction Plans or a Final Plat.

I. Expiration

1. Two-Year Validity
 - a. The approval of a Preliminary Plat shall remain in effect for a period of two (2) years following the date of approval, during which period the Applicant shall submit and receive approval for [Construction Plans](#) and a [Final Plat](#) for the land area shown on the [Preliminary Plat](#).
 - b. If Construction Plans and a Final Plat Application have not been approved within the two (2) year period, the Preliminary Plat shall expire.

2. Relationship to Construction Plans

A Preliminary Plat shall remain valid for the period of time in which approved Construction Plans are valid ([5.01.G Expiration Date for Construction Plans](#)).

3. Action on Final Plat

Should a Final Plat Application be submitted within the two (2) year period, but not be acted upon by the Commission within the two (2) year period, the Preliminary Plat shall expire unless an extension is granted as provided in [4.04.J Preliminary Plat Extension](#).

4. Void If Not Extended

If the Preliminary Plat is not extended as provided in [4.04.J Preliminary Plat Extension](#), it shall expire and shall become null and void.

J. Preliminary Plat Extension

A [Preliminary Plat](#) may be extended for a period not to exceed one (1) year beyond the Preliminary Plat's initial expiration date. A request for extension shall be submitted to the [Director of Development Services](#) in writing at least thirty (30) calendar days prior to expiration of the [Preliminary Plat](#), and shall include reasons why the [Preliminary Plat](#) should be extended.

1. Decision by the Director of Development Services

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



2. Considerations

In considering an extension, the Director of Development Services shall consider whether the following conditions exist:

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

3. Conditions

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

4. Appeal of Denial for Extension

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



K. Amendments to Preliminary Plats Following Approval

1. Minor Amendments to Preliminary Plats

- a. Minor amendments to the design of the subdivision subject to an approved [Preliminary Plat](#) may be incorporated in an [Application](#) for approval of a [Final Plat](#) without the necessity of filing a new [Application](#) for re-approval of a [Preliminary Plat](#).
- b. Minor amendments may only include minor adjustments in street or alley alignments, lengths and paving details, and minor adjustments to lot lines that:
 - i. Do not result in creation of additional lots or any non-conforming lots (such as to zoning standards), and
 - ii. Are consistent with approved prior Applications.

2. Major Amendments to Preliminary Plats

All other proposed changes to the design of the subdivision subject to an approved [Preliminary Plat](#) shall be deemed major amendments that require submittal and approval of a new [Application](#) for approval of a [Preliminary Plat](#) (including new fees, new reviews, new [Official Vesting Date](#), new [Official Submission Date](#) etc.) before approval of [Construction Plans](#) and/or a [Final Plat](#).

3. Determination of Minor or Major Amendment

The [Director of Development Services](#) shall make a determination of whether proposed amendments are deemed to be minor or major, thereby requiring new submittal of a Preliminary Plat.



4.05. Final Plat

A. Purpose

The purpose of a [Final Plat](#) is to ensure:

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

B. Applicability

No subdivision of land shall be allowed without proper submittal, approval, and adoption of a Final Plat.

C. Exceptions

A Final Plat is not required when a [Minor Plat](#) is submitted (refer to [4.06 Minor Plat](#)).

D. Ownership

1. The Applicant shall furnish with the Application to the City a current title commitment issued by a title insurance company authorized to do business in Texas, a title opinion letter from an attorney licensed to practice in Texas, or some other acceptable proof of ownership, identifying all persons having an ownership interest in the property subject to the Final Plat.
2. The Final Plat shall be signed by each owner, or by the representative of the owners authorized to sign legal documents for the owners and lienholder, effectively denoting that they are consenting to the platting of the property and to the dedications and covenants that may be contained in the [Final Plat](#).

E. Accompanying Applications

1. A Final Plat [Application Form](#), which can be obtained from the Director of Development Services.
2. An Application for a Final Plat may be accompanied by [Construction Plans](#) if also accompanied by a [Performance Agreement](#) and appropriate surety in accordance with [5.05 Performance Agreements and Security for Completion](#).
3. Approval of each shall be separate and in accordance with this Section [4.05 Final Plat](#) and with Section [5.01 Construction Plans](#).

F. Prior Approved Preliminary Plat

The Final Plat and all accompanying data shall conform to the approved Preliminary Plat, or as the Preliminary Plat may have been amended subsequently Section [4.04.K Amendments to Preliminary Plats Following Approval](#), if applicable, incorporating all conditions imposed or required, if applicable.

G. Review by Director of Development Services

The Director of Development Services shall:

1. Initiate review of the plat and materials submitted,
2. Request written comments from [Development Review Committee \(DRC\)](#), if deemed necessary,
3. Make available [Plats](#) and reports to the [Commission](#) for review, and
4. Upon determination that the Application is ready to be acted upon, schedule the Final Plat for consideration on the agenda of the next available meeting of the [Commission](#).



H. Action by Planning and Zoning Commission

The Commission shall:

1. Review the Final Plat Application, the findings of the [Director of Development Services](#), and any other information available.
 - a. From all such information, the [Commission](#) shall determine whether the Final Plat conforms to the applicable regulations of these Subdivision Regulations.
2. Act within thirty (30) calendar days following the [Official Submission Date](#), unless the Applicant submits a Waiver of Right to 30-Day Action as outlined in [3.03.D](#).
 - a. If no decision is rendered by the [Commission](#) within the thirty (30) day period described above or such longer period as may have been agreed upon, the Final Plat, as submitted, shall be deemed to be approved by the [Commission](#).
3. Take one of the following actions:
 - a. Approve the Final Plat;
 - b. Approve the Final Plat with conditions, which shall mean that the Final Plat shall be considered to have been approved once such conditions are fulfilled, and until the conditions are satisfied, it is considered denied; or
 - c. Deny the Final Plat.
4. A motion to approve a Final Plat shall be subject to the following conditions, whether or not stated in the motion to approve:
 - a. All required fees shall be paid.
 - b. All covenants required by ordinances have been reviewed and approved by the City.
 - c. On-site easements and rights-of-way have been dedicated and filed of record and properly described and noted on the proposed plat.
 - d. All required abandonments of public rights-of-way or easements that must be approved by the City Council and the abandonment ordinance numbers are shown on the plat.
 - e. Original tax certificates have been presented from each taxing unit with jurisdiction of the real property showing the current taxes are paid.



I. Final Plat Criteria for Approval

The following criteria shall be used by the Commission to determine whether the Application for a Final Plat shall be approved, approved with conditions, or denied.

1. With Prior Approved Preliminary Plat

- a. The Final Plat conforms to the approved Preliminary Plat except for minor amendments that are authorized under Section [4.04.K Amendments to Preliminary Plats Following Approval](#) and that may be approved without the necessity of revising the approved Preliminary Plat;
- b. All conditions imposed at the time of approval of the Preliminary Plat, as applicable, have been satisfied;
- c. The Construction Plans conform to the requirements of Section [5.01 Construction Plans](#) and have been approved by the Director of Public Works and Utilities;
- d. Where Public Improvements have been installed, the improvements conform to the approved Construction Plans and have been approved for acceptance by the Director of Public Works and Utilities;
- e. Where the Director of Public Works and Utilities has authorized Public Improvements to be deferred, a [Performance Agreement](#) has been executed and submitted by the property owner in conformance with [Section 5 Construction Plans & Procedures](#);
- f. The final layout of the Subdivision or development meets all standards for adequacy of public facilities contained in this Subdivision Ordinance;
- g. The Plat conforms to design requirements and construction standards as set forth in the [Standard Details and Specification for Public Infrastructure Construction Manual](#); and
- h. The plat conforms to Director of Development Services subdivision Application checklists and Subdivision Ordinance regulations.

2. Without Prior Approved Preliminary Plat

- a. The Final Plat conforms to all criteria for approval of a Preliminary Plat;
- b. The Construction Plans conform to the requirements of Section [5.01 Construction Plans](#) and have been approved by the Director of Public Works and Utilities;
- c. A [Performance Agreement](#) with surety for installation of Public Improvements has been prepared and executed by the property owner in conformance with [Section 5 Construction Plans & Procedures](#);
- d. The final layout of the Subdivision or development meets all standards for adequacy of public facilities contained in this Subdivision Ordinance; and
- e. The Final Plat conforms to the Director of Development Services' subdivision Application checklist and Subdivision Ordinance regulations.



J. Procedures for Final Plat Recordation upon Approval

The Applicant shall provide to Director of Development Services the required number of signed and executed copies of the Final Plat that will be needed to file the Plat, upon approval, with the County (in the County's required format) at least seven (7) calendar days prior to the meeting at which it will be considered for approval.

1. General

a. Signatures

After approval of the Final Plat, the Director of Development Services shall procure the appropriate City signatures on the Final Plat.

b. Recording upon Performance

The Final Plat shall be recorded after:

- i. The Final Plat is approved by the City;
- ii. All required Public Improvements have been completed and accepted by the City or a Performance Agreement has been executed and appropriate surety provided in accordance with Section 5.05 Performance Agreements and Security for Completion;
- iii. All County filing requirements are met; and
- iv. All fees are paid to the City.

2. Submittal of Final Plat Where Improvements Installed

Where all required Public Improvements have been installed prior to recording of the Final Plat, the Applicant shall meet all requirements in accordance with Section 5 Construction Plans & Procedures.

3. Submittal of Final Plat Where Improvements Have Not Been Installed

Where some or all required Public Improvements are not yet completed in connection with an approved Final Plat, the Applicant shall submit the Final Plat as approved, revised to reflect any conditions imposed as part of approval.

4. Update of Proof of Ownership

If there has been any change in ownership since the time of the Proof of Ownership provided under 4.05.D Ownership, the Applicant shall submit a new consent agreement executed by each owner and lienholder consenting to the platting of the property and the dedications and covenants contained in the Plat.

K. Effect of Approval

The approval of a Final Plat:

- 1. Supersedes any prior approved Preliminary Plat for the same land.
- 2. If applicable, authorizes the Applicant to install any improvements in public Right-of-Way in conformance with approved Construction Plans and under a Performance Agreement (refer to Section 5 Construction Plans & Procedures).
- 3. Authorizes the Applicant to seek 5.03 Construction Release and/or issuance of a Building Permit.

L. Revisions Following Recording/Recordation

Revisions may only be processed and approved as a Replat, Minor Replat, or Amending Plat, as applicable.



M. Signature Blocks

Unless otherwise modified by the [Director of Development Services](#), the following signature blocks shall be used in conjunction with the [Final Plat](#).

1. Certificate of Surveyor

CERTIFICATE OF SURVEYOR

STATE OF TEXAS §
COUNTY OF GILLESPIE §

I, the undersigned, a (Licensed Professional Engineer/ Registered Professional Surveyor) in the State of Texas, hereby certify that this plat is true and correct and was prepared from an actual survey of the property made under my supervision on the ground.

(Engineer’s or Surveyor's Seal)

Licensed Professional Engineer
or Registered Professional Surveyor

Date

STATE OF TEXAS §
COUNTY OF GILLESPIE §

BEFORE ME, the undersigned authority, on this day personally appeared, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein stated.

Given under my hand and seal of office this _____ day of _____, _____.

Notary Public in and for the State of Texas

Type or Print Notary's Name

My Commission Expires:_____

Figure 2: Certificate of Surveyor



2. Owner's Statement for Fire Lane Easement

OWNER'S STATEMENT FOR FIRE LANE EASEMENT

The undersigned covenants and agrees that he/she (they) shall construct upon the fire lane easements, as dedicated and shown hereon, a fire lane in accordance with the Fire Code and City standards and that he/she (they) shall maintain the fire lane in a state of good repair at all times in accordance with City Ordinance. The fire lane easement shall be kept free of obstructions in accordance with the City Ordinance. The maintenance of pavement in accordance to City Ordinance of the fire lane easements is the responsibility of the owner. The owner shall identify the fire lane on the ground in accordance with City Ordinance. The Chief of Police or his/her duly authorized representative is hereby authorized to cause such fire lane and utility easements to be maintained free and unobstructed at all times for fire department and emergency use.

Owner (Printed Name): _____
Owner (Signature): _____
Date: _____

Figure 3: Owner's Statement for Fire Lane Easement



3. Owner’s Acknowledgement and Dedication

OWNER'S ACKNOWLEDGEMENT AND DEDICATION

STATE OF TEXAS §
COUNTY OF GILLESPIE §

I (we), the undersigned, owner(s) of the land shown on this plat within the area described by metes and bounds as follows:

(Metes and Bounds Description of Boundary)

and designated herein as the _____ Subdivision to the City of Fredericksburg, Texas, and whose name is subscribed hereto, hereby dedicate to the public use forever by fee simple title, free and clear of all liens and encumbrances, all streets, thoroughfares, alleys, parks, and trails, and to the public use forever easements for sidewalks, storm drainage facilities, floodways, water mains, wastewater mains and other utilities, and any other property necessary to serve the plat and to implement the requirements of the platting ordinances, rules, and regulations thereon shown for the purpose and consideration therein expressed.

Owner: _____
Date: _____

STATE OF TEXAS §
COUNTY OF GILLESPIE §

BEFORE ME, the undersigned authority in and for _____ County, Texas, on this day personally appeared _____, known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that he/she is _____, and that he/she is authorized to execute the foregoing instrument for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the _____ day of _____, 20__.

Notary Public in and for the State of Texas

Type or Print Notary's Name

My Commission Expires: _____

Figure 4: Owner’s Acknowledgement and Dedication



4. Lienholder’s Ratification of Plat Dedication

LIENHOLDER’S RATIFICATION OF PLAT DEDICATION

STATE OF TEXAS §
COUNTY OF GILLESPIE §

Whereas, _____, acting by and through the undersigned, its duly authorized agent, is the lienholder of the property described hereon, does hereby ratify all dedications and provisions of this plat as shown.

Lienholder: _____

Date: _____

STATE OF TEXAS §
COUNTY OF GILLESPIE §

BEFORE ME, the undersigned authority in and for _____ County, Texas, on this day personally appeared _____, known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that he/she is _____, and that he/she is authorized to execute the foregoing instrument for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the _____ day of _____, 20__.

Notary Public in and for the State of Texas

Type or Print Notary's Name

My Commission Expires: _____

Figure 5: Lienholder’s Ratification of Plat Dedication



- 5. Certificate of Final Plat Approval (For Final Plats with Required [Public Improvements](#) Installed After Approval)

CERTIFICATE OF FINAL PLAT APPROVAL
(FOR FINAL PLATS WITH REQUIRED [PUBLIC IMPROVEMENTS](#) INSTALLED AFTER APPROVAL)

Approved

Chairman, Planning and Zoning Commission _____
City of Fredericksburg, Texas Date

The undersigned, the City Secretary of the City of Fredericksburg, Texas, hereby certifies that the foregoing Final Plat of the _____ Subdivision or Addition to the City of Fredericksburg was submitted to the Planning and Zoning Commission on the _____ day of _____, _____, and the Commission, by formal action, then and there accepted the Final Plat and hereby authorizes the developer to proceed with the construction of public works improvements and infrastructure as indicated on the accompanying construction plans, and said Commission further authorizes the Chairman of the Planning and Zoning Commission to note the acceptance thereof by signing his/her name as hereinabove subscribed.

Witness by hand this _____ day of _____, 20__.

City Secretary
City of Fredericksburg, Texas

Figure 6: Certificate of Final Plat Approval



- 6. Certificate of Final Plat Approval (For Final Plats with Required [Public Improvements](#) Installed Before Approval)

CERTIFICATE OF FINAL PLAT APPROVAL
(FOR FINAL PLATS WITH REQUIRED [PUBLIC IMPROVEMENTS](#) INSTALLED BEFORE APPROVAL)

Approved

Chairman, Planning and Zoning Commission _____
Date
City of Fredericksburg, Texas

The undersigned, the City Secretary of the City of Fredericksburg, Texas, hereby certifies that the foregoing Final Plat of the _____ Subdivision or Addition to the City of Fredericksburg was submitted to the Planning and Zoning Commission on the _____ day of _____, _____, and the Commission, by formal action, then and there accepted the Final Plat and public works improvements and infrastructure, and said Commission further authorizes the Chairman of the Planning and Zoning Commission to note the acceptance thereof by signing his/her name as hereinabove subscribed.

Witness by hand this _____ day of _____, 20____.

City Secretary
City of Fredericksburg, Texas

Figure 7: Certificate of Final Plat Approval



4.06. Minor Plat

A. Purpose

The purpose of a Minor Plat is to simplify divisions of land under certain circumstances as outlined in [Texas Local Government Code Section 212.0065](#).

B. Applicability

An Application for approval of a Minor Plat may be filed only in accordance with State law, when all of the following circumstances apply:

1. The proposed division results in four (4) or fewer lots;
2. All lots in the proposed Subdivision front onto an existing public street and the construction or extension of a street or alley is not required to meet the requirements of these Subdivision Regulations; and
3. Except for Right-of-Way widening and easements, the plat does not require the extension of any municipal facilities to serve any lot within the Subdivision.

C. Application Requirements

The requirements for the submittal of a [Minor Plat](#) shall be determined by the Director of Development Services on the [Application Form](#).

D. Additional Requirements

To be considered a [Minor Plat](#) it must also meet the following requirements:

1. The proposed Plat shall be for the Subdivision of one (1) tract into four (4) or fewer lots.
2. The person, firm or corporation presenting the proposed Plat shall dedicate all easements and Right-of-Way as required elsewhere in these regulations.
3. Private wells and private wastewater treatment facilities that meet the current TCEQ health standards shall be considered adequate when existing public water and wastewater lines are not within one hundred (100) feet of the proposed Plat.

E. Minor Plat Criteria for Approval

The following criteria shall be used to determine whether the Application for a Minor Plat shall be approved, approved with conditions, or denied:

1. The Minor Plat is consistent with all zoning requirements for the property (if applicable), any approved [Performance Agreement](#) (if applicable), and all other requirements of these Subdivision Regulations that apply to the Plat;
2. All lots to be created by the plat already are adequately served by improved public street access and by all required City utilities and services and by alleys, if applicable;
3. The ownership, maintenance, and allowed uses of all designated easements have been stated on the Minor Plat; and
4. Except for Right-of-Way widening and easements, the plat does not require the extension of any municipal facilities to serve any lot within the subdivision.

F. Review by Director of Development Services

The Director of Development Services shall:

1. Initiate review of the plat and materials submitted; and
2. Request written comments from the [Development Review Committee \(DRC\)](#), if deemed necessary.



G. Action by Director of Development Services

Authority to approve a [Minor Plat](#) is delegated to the Director of Development Services. The Director of Development Services shall:

1. Determine whether the [Minor Plat](#) meets the regulations of these Subdivision Regulations.
2. Act within thirty (30) calendar days following the Official Submission Date, unless the Applicant submits a Waiver of Right to 30-Day Action as outlined in [3.03.D](#).
 - a. If no decision is rendered by the Director of Development Services, or if the Director of Development Services has not deferred the Application to the Planning and Zoning Commission for decision, within the thirty (30) day period described above or such longer period as may have been agreed upon, the Minor Plat, as submitted, shall be deemed to be approved.
3. Take one of the following actions:
 - a. Approve the Minor Plat;
 - b. Approve the Minor Plat with conditions, which shall mean that the Minor Plat shall be considered to have been approved once such conditions are fulfilled and until the conditions are satisfied, it is considered denied; or
 - c. Defer the Minor Plat to the Planning and Zoning Commission for consideration prior to expiration of the required 30-day approval period unless a Waiver of Right to 30-Day Action is submitted in accordance with [3.03.D](#).

H. Deferral of Decision of a Minor Plat Application

1. Deferral to the Commission of a Minor Plat Decision

Per Section [4.06.G.3.c](#), if the Director of Development Services defers the Minor Plat Application to the Planning and Zoning Commission, the Commission shall consider the Application at a regular meeting no later than thirty (30) calendar days after the date on which the Director of Development Services deferred the Application to the Commission. The Commission shall, upon simple majority vote, take one of the following actions:

- a. Approve the Minor Plat;
- b. Approve the Minor Plat with conditions, which shall mean that the Minor Plat shall be considered to have been approved once such conditions are fulfilled and until the conditions are satisfied, it is considered denied; or
- c. Deny the Minor Plat.

I. Procedures for Minor Plat Recordation Following Approval

The procedures for recordation of a [Minor Plat](#) shall be the same as the procedures for recordation of a [Final Plat](#), as outlined in Section [4.05.J Procedures for Final Plat Recordation upon Approval](#).

J. Revisions Following Approval

Revisions may only be processed and approved as a [Replat](#), [Minor Replat](#), or [Amending Plat](#), as applicable.



4.07. Replat

A. Purpose and Applicability

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

B. General Notice and Public Hearing Requirements

1. Published notice of the public hearings on the Replat Application shall be given in accordance with [3.05 Public Hearings for Replat and Plat Vacation Applications](#), if applicable.
 - a. See specific notice and hearing requirements for Certain Replats in Section [4.07.F.2 Notice and Public Hearing Requirements for Certain Replats](#)).
2. A public hearing shall be conducted by the [Commission](#) on all Replat Applications.

C. Application

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

D. Partial Replat Application

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

E. Criteria for Approval

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

F. Additional Requirements for Certain Replats

1. Applicability of Certain Replats

Pursuant to [Texas Local Government Code Chapter 212.015](#), a Replat without vacation of the preceding Plat must conform to the requirements of this Section [4.07.F Additional Requirements for Certain Replats](#) if:

- a. During the preceding five (5) years, any of the area to be replatted was limited by an interim or permanent zoning classification to residential use for not more than two (2) residential units per lot; or
- b. Any lot in the preceding plat was limited by deed restrictions to residential use for not more than two (2) residential units per lot.

2. Notice and Public Hearing Requirements for Certain Replats

Notice of the required public hearing shall be given before the fifteenth (15th) calendar day before the date of the hearing by:



- a. Publication in an official newspaper or a newspaper of general circulation in the applicable City or unincorporated area (as applicable) in which the proposed Replat property is located; and
 - b. Written notice, with a copy of [Section 212.015\(c\) of the Texas Local Government Code](#) (as amended) attached, forwarded by the City to the owners of lots that are in the original Subdivision and that are within two hundred feet (200') of the lots to be replatted, as indicated on the most recently approved municipal tax roll or in the case of a Subdivision within the ETJ, the most recently approved applicable county tax roll of the property upon which the Replat is requested. The written notice may be delivered by depositing the notice, properly addressed with postage prepaid, in a post office or postal depository within the boundaries of the City.
3. Protest
- a. If the [Replat Application](#) is accompanied by a waiver petition (per [7.01 Petition for Subdivision Waiver of Modification](#)) and is protested in accordance with this Section [4.07.F.3 Protest](#)), approval of the Replat shall require the affirmative vote of at least three-fourths of the voting members of the Commission present at the meeting.
 - b. For a legal protest, written instruments signed by the owners of at least twenty percent (20%) of the area of the lots or land immediately adjoining the area covered by the Replat Application and extending two hundred feet (200') from that area, but within the original Subdivision, must be filed with the Commission prior to the close of the public hearing.
 - c. The area of streets and alleys shall be included in the area computations.

G. Replat Review and Approval

1. Replat

The review and approval processes for a Replat shall be the same as the review and approval processes for a Final Plat (except for the special public hearing and notice requirements described in Section [4.07.F.2 Notice and Public Hearing Requirements for Certain Replats](#)).

2. Minor Replat

- a. Pursuant to [Texas Local Government Code 212.0065](#), a [Replat](#) involving four (4) or fewer lots fronting on an existing street and not requiring the creation of any new street or the extension of municipal facilities may be approved by the [Director of Development Services](#) in accordance with this Section [4.07 Replat](#).
- b. Prior to the [Director of Development Services](#) taking action on a proposed [Minor Replat](#), the Planning and Zoning Commission shall hold at least one public hearing thereon. Otherwise, the review and approval process shall be the same as [4.06 Minor Plat](#), including:
 - i. Deferral to the Commission of a Minor Replat Decision.

H. Effect

Upon approval of the [Application](#), the [Replat](#) may be recorded and is controlling over the previously recorded [Plat](#) for the portion replatted.



4.08. Amending Plat

A. Purpose

The purpose of an [Amending Plat](#) shall be to provide an expeditious means of making minor revisions to a recorded [Plat](#) consistent with provisions of State law.

B. Applicability

The procedures for an Amending Plat shall apply only if the sole purpose of the Amending Plat is to achieve one or more of the following Purposes:

1. Error Corrections or Administrative Adjustments
 - a. Correct an error in a course or distance shown on the preceding Plat.
 - b. Add a course or distance that was omitted on the preceding Plat.
 - c. Correct an error in a real property description shown on the preceding Plat.
 - d. Indicate monuments set after the death, disability or retirement from practice of the engineer or surveyor responsible for setting monuments.
 - e. Show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding Plat.
 - f. Correct any other type of scrivener or clerical error or omission previously approved by the municipal authority responsible for approving Plats, including lot numbers, acreage, street names, and identification of adjacent recorded Plats.
 - g. Correct an error in courses and distances of lot lines between two adjacent lots if:
 - i. Both lot owners join in the Application for amending the Plat;
 - ii. Neither lot is abolished;
 - iii. The amendment does not attempt to remove recorded covenants or restrictions; and
 - iv. The amendment does not have a material adverse effect on the property rights of the other owners in the Plat.
2. Relocate Lot Lines
 - a. Relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement.
 - b. Relocate one or more [Lot Lines](#) between one or more adjacent lots if:
 - i. The owners of all those lots join in the Application for amending the Plat;
 - ii. The amendment does not attempt to remove recorded covenants or restrictions; and
 - iii. The amendment does not increase the number of lots.
3. Replatting
 - a. Replat one or more lots fronting on an existing street if:
 - i. The owners of all those lots join in the Application for amending the Plat;
 - ii. The amendment does not attempt to remove recorded covenants or restrictions;
 - iii. The amendment does not increase the number of lots; and
 - iv. The amendment does not create or require the creation of a new street or make necessary the extension of municipal facilities.



C. Certificates of Correction

Certificates of Correction are prohibited.

D. Application Requirements

E. The requirements for the submittal of an **Amending Plat** shall be determined by the Director of Development Services on the **Application Form**. Notice Not Required

The approval and issuance of an Amending Plat shall not require notice, hearing or approval of other lot owners.

F. Review by Director of Development Services

The Director of Development Services shall:

1. Initiate review of the plat and materials submitted; and
2. Request written comments from the Development Review Committee (DRC), if deemed necessary.

G. Action by Director of Development Services

The Director of Development Services shall:

1. Determine whether the Amending Plat meets the regulations of these Subdivision Regulations.
2. Act within thirty (30) calendar days following the Official Submission Date, unless the Applicant submits a Waiver of Right to 30-Day Action as outlined in 3.03.D.
3. Take one of the following actions:
 - a. Approve the Amending Plat;
 - b. Approve the Amending Plat with conditions, which shall mean that the Amending Plat shall be considered to have been approved once such conditions are fulfilled and until the conditions are satisfied, it is considered denied; or
 - c. Defer the Amending Plat to the Commission for consideration prior to expiration of the required 30-day approval period unless a Waiver of Right to 30-Day Action is submitted in accordance with 3.03.D.

H. Deferral of Decision on an Amending Plat Application

1. Deferral to the Commission of an Amending Plat Decision

Per Section 4.08.G.3.c, if the Director of Development Services defers the Amending Plat Application to the Planning and Zoning Commission, the Commission shall consider the Application at a regular meeting no later than thirty (30) calendar days after the date on which the Director of Development Services deferred the Application to the Commission. The Commission shall, upon simple majority vote, take one of the following actions:

- a. Approve the Amending Plat;
- b. Approve the Amending Plat with conditions, which shall mean that the Amending Plat shall be considered to have been approved once such conditions are fulfilled and until the conditions are satisfied, it is considered denied; or
- c. Deny the Amending Plat.



4.09. Plat Vacation

A. Purpose

The purpose of a Plat Vacation is to provide an expeditious means of vacating a recorded Plat in its entirety, consistent with provisions of State law.

B. Initiation of a Plat Vacation

1. By Property Owner

The property owner of the tract covered by a Plat may submit an Application to vacate the Plat at any time before any lot in the Plat is sold.

2. By All Lot Owners

If lots in the Plat have been sold, an Application to vacate the plat must be submitted by all the owners of lots in the Plat.

3. By City Council

If the City Council, on its own motion, determines that the Plat should be vacated in the interest of and to protect the public's health, safety and welfare; and:

- a. No lots within the approved Plat have been sold within five (5) years following the date that the Final Plat was approved by the City; or
- b. The property owner has breached a [Performance Agreement](#), and the City is unable to obtain funds with which to complete construction of Public Improvements, except that the vacation shall apply only to lots owned by the property owner or its successor; or
- c. The Plat has been of record for more than five (5) years, and the City Council determines that the further sale of lots within the Subdivision or addition presents a threat to public health, safety and welfare, except that the vacation shall apply only to lots owned by the property owner or its successors.

C. Notice

Published notice of the public hearing shall be given in accordance with [3.05 Public Hearings for Replat and Plat Vacation Applications](#).

D. Review and Recommendation by the Director of Development Services

The Director of Development Services shall:

1. Initiate review of the [Plat Vacation Application](#) and materials submitted;
2. Request written comments from the [Development Review Committee \(DRC\)](#), if deemed necessary; and
3. Recommend action on [Plat Vacation](#) to the [City Council](#).



E. Action by the City Council

The City Council shall:

1. Review the Plat Vacation Application, the findings of the Director of Development Services, and any other information available. From all such information, the City Council shall make a finding as to whether or not the plat should be vacated.
2. Take one of the following actions:
 - a. Approve the Plat Vacation;
 - b. Approve the Plat Vacation with conditions, which shall mean that the Plat Vacation shall be considered to have been approved once such conditions are fulfilled and until the conditions are satisfied, it is considered denied; or
 - c. Deny the Plat Vacation.
3. The City Council's decision on a Plat Vacation shall be final.

F. Procedures for Recordation Following Approval

1. If the [City Council](#) adopts a resolution vacating a plat in whole, it shall record a copy of the resolution in the County Clerk's Office.
2. If the [City Council](#) adopts a resolution vacating a plat in part, it shall cause a revised [Final Plat](#) to be recorded along with the resolution which shows that portion of the original plat that has been vacated and that portion that has not been vacated.

G. Effect

1. On the execution and recording of the vacating instrument, the previously filed plat shall have no effect.
 - a. Regardless of the City Council's action on the petition, the property owner(s) or Developer will have no right to a refund of any monies, fees or charges paid to the City nor to the return of any property or consideration dedicated or delivered to the City except as may have previously been agreed to by the City Council.
2. The Plat is vacated when a signed, acknowledged instrument declaring the Plat vacated is approved and recorded in the manner prescribed for the original Plat.
3. The City Council, at its discretion, shall have the right to retain all or specific portions of road Right-of-Way or easements shown on the Plat being considered for vacation. However, the City Council shall consider Plat Vacation upon satisfactory conveyance of easements and/or Right-of-Way in a separate legal document using forms provided by the City Attorney's office.



4.10. Development Plat

A. Purpose

The purpose of a [Development Plat](#) is to assure the adequacy of public facilities needed to serve the intended development and the overall compliance of such development with applicable requirements of this Subdivision Ordinance.

B. Authority

This Section [4.10](#) is adopted pursuant to the [Texas Local Government Code, Chapter 212, Subchapter B](#), Sections [212.041](#) through [212.050](#), as amended.

C. Applicability

1. To Whom Development Plat Regulations Apply

Any person who proposes the development of a tract of land located within the limits or in the Extraterritorial Jurisdiction (ETJ) of the City must have a [Development Plat](#) of the tract prepared in accordance with [LGC 212 Subchapter B](#) and this Subdivision Ordinance, unless a [Development Plat](#) is not required in accordance with Section [4.10.D Exceptions](#).

2. The Term "Development"

For purposes of this Section [4.10](#), "development" means the new construction or the enlargement of any exterior dimension of any building, structure, or improvement.

3. Cases Where Development Plat Regulations Apply

Development Plat regulations shall apply to any land within the City or within its Extraterritorial Jurisdiction (ETJ) in the following circumstances:

- a. The development of any tract of land which has not been platted or replatted prior to the effective date of this Subdivision Ordinance, unless expressly exempted herein; or
- b. The development of any tract of land for which the property owner claims an exemption from the City's subdivision requirements, including requirements to replat, which exemption is not expressly provided for in Section [4.10.D Exceptions](#); or
- c. The development of any tract of land for which the only access is a private easement or street; or
- d. The division of any tract of land resulting in parcels or lots each of which is greater than five (5) acres in size, and where no public improvement is proposed to be dedicated or constructed.

D. Exceptions

A Development Plat is not required:

- 1. When the land has an approved [Final Plat](#), [Minor Plat](#), [Replat](#), or [Amending Plat](#); or
- 2. For bona fide agricultural activities; or
- 3. For construction of agricultural accessory structures and related development activities.

E. Prohibition on Development

No development shall commence, nor shall any building permit, utility connection permit, electrical connection permit or similar permit be issued for any development or land division subject to this Section [4.10](#) until a Development Plat has been approved by the [Planning and Zoning Commission](#) and submitted to the City for filing at the County. Notwithstanding the provisions of this Section, the City shall not require building permits or otherwise enforce the City's Building Code in the City's Extraterritorial Jurisdiction (ETJ) in relation to any Development Plat required by this Subdivision Ordinance.



F. Required Information for all Development Plat Applicants

All Applications shall be submitted with the required information as stated on the [Application Form](#). Information required shall be the same as required for a Final Plat. In addition to this information, a Development Plat shall:

1. Be prepared by a Texas Registered Professional Land Surveyor as a boundary survey;
2. Clearly show the boundary of the Development Plat;
3. Clearly show each existing or proposed building, structure, or improvement or proposed modification of the external configuration of the building, structure, or improvement involving a change of the building, structure, or improvement;
4. Clearly show each easement and right-of-way within or abutting the boundary of the surveyed property;
5. Clearly show the dimensions of each street, sidewalk, alley, square, park, or other part of the property intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the street, sidewalk, alley, square, park, or other part; and
6. Be accompanied by the required number of copies of the Development Plat, a completed [Application Form](#), the required submission fee (per the City's current [Fee Schedule](#)), and a certificate or some other form of verification from the County appraisal district showing that all taxes have been paid on the subject property and that no delinquent taxes exist against the property.

G. Accompanying Applications

An Application for a Development Plat may be accompanied by an application for rezoning approval. The rezoning Application and shall be decided first. The applicant must execute a [Waiver of Right to 30-Day Action](#) that is mandated by the State for general approval of Plats, including Development Plat approval.

H. Development Plat Criteria for Approval

The following criteria shall be used to determine whether the application for a Development Plat shall be approved, approved with conditions, or denied.

1. The proposed development conforms to all City plans, including but not limited to, the Comprehensive Plan, utility plans and applicable capital improvements plans;
2. The proposed development conforms to the requirements of the Zoning Ordinance (if located within the City's corporate limits) and this Subdivision Ordinance;
3. The proposed development is adequately served by public facilities and services, in conformance with City regulations;
4. Appropriate agreements for acceptance and use of public dedications to serve the development have been tendered; and
5. The proposed development conforms to the design and improvement standards contained in this Subdivision Ordinance, [Standard Details and Specification for Public Infrastructure Construction Manual](#), and any other applicable codes or ordinances of the City that are related to development of a land parcel.

I. Development Plat Review and Approval

The review and approval procedure for a Development Plat shall be the same as the review and approval processes for a [Final Plat](#) (see Section 4.05 Final Plat).

J. Effect

Upon approval, the Development Plat shall be filed at the County by the City in the same manner as prescribed for a [Final Plat](#) (see Section 4.05 Final Plat).



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Section 5. Construction Plans & Procedures

5.01. Construction Plans

A. Purpose

To require that [Public Improvements](#) be installed to serve a development in accordance with all Subdivision Regulations.

B. Submitting Plans

Plans shall be submitted in accordance with Director of Development Services' requirements, as provided in the related [Application Form](#). Incomplete Construction Plans shall not be accepted and such plans shall be returned to the Applicant.

C. Responsible Official and Decision Authority for Construction Plans

1. Review and Approval Action

The Director of Public Works and Utilities shall be the Responsible Official for review and approval of Construction Plans.

2. Outside Review

If an outside consultant is contracted to review Construction Plans, then the Applicant shall reimburse the City for the review fees.

3. Decision-Maker Options

In this capacity, therefore, the Director of Public Works and Utilities shall approve, approve subject to modifications, or deny the Construction Plans.

D. Approval Required and Timing of Construction

Construction Plans must be approved in accordance with this [Section 5 Construction Plans & Procedures](#) prior to the approval and/or recordation of the Final Plat, unless otherwise stated within this Subdivision Ordinance.

E. Criteria for Approval

The Director of Public Works and Utilities shall approve Construction Plans if:

1. The Construction Plans are consistent with the approved Preliminary Plat, or the proposed Final Plat; and
2. The Construction Plans conform to the subject property's zoning and any planned development (PD) standards (including zoning design standards), and to the standards for adequate public facilities, contained in these Subdivision Regulations and all other applicable City codes.

F. Effect

Approval of Construction Plans authorizes the Applicant to:

1. Schedule a [Pre-Construction Meeting \(5.02\)](#); and
2. Apply for [Construction Release \(5.03\)](#).

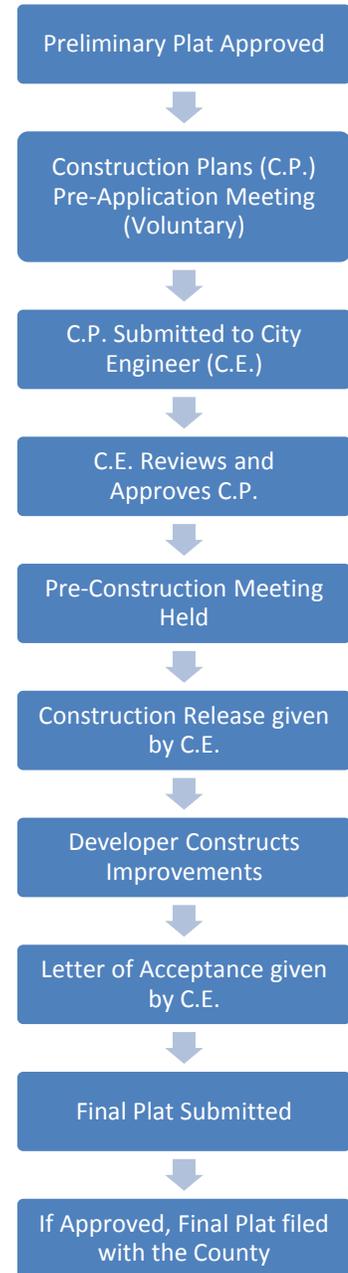


Figure 9: Construction Plan Process



G. Expiration Date for Construction Plans

The approval of Construction Plans shall remain in effect for a period of one (1) year from the date of approval, or for the duration of construction of the project, provided that progress toward completion of the project continues to be demonstrated, unless the Construction Plans are extended in accordance with Section [5.01.H Extension of Construction Plans beyond Expiration Date](#).

H. Extension of Construction Plans beyond Expiration Date

1. General

- a. Construction Plans may be extended for a period of six (6) additional months beyond the expiration date.
- b. A request must be made in writing to the [Director of Public Works and Utilities](#) for such extension prior to expiration of the plans, and shall include reasons why the plans should be extended.

2. Decision by the Director of Public Works and Utilities

- a. The Director of Public Works and Utilities will review the extension request, and shall approve, approve with conditions, or deny the extension request within thirty (30) calendar days following the date of the extension request.
- b. Should the Director of Public Works and Utilities fail to act on an extension request within thirty (30) calendar days, the extension shall be deemed to be approved.

3. Consideration

The Director of Public Works and Utilities shall extend Construction Plans approval for a period of six (6) additional months beyond the expiration date if:

- a. A Final Plat has been submitted, approved or filed of record for any portion of the property shown on the Construction Plans;
- b. The Construction Plans comply with new ordinances (i.e., ordinances that have been adopted after approval of the original Construction Plans) that impact the health, safety and general welfare of the City;
- c. Demonstrable forward progress has been made to proceed with construction or required improvements; and
- d. A [Performance Agreement](#) (Section [5.05 Performance Agreements and Security for Completion](#)), if applicable, is still valid and in full effect.

4. Conditions

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

5. Total Extension

A second six (6) month extension may be requested using the same process outlined above.



5.02. Pre-Construction Meeting

A. Requirement

1. The Applicant(s) shall attend a [Pre-Construction Meeting](#) with the [Director of Public Works and Utilities](#) following the approval of [Construction Plans](#) and prior to commencement of any construction on the property.
2. The [Applicant](#) shall be responsible for contacting the [Director of Public Works and Utilities](#), requesting a meeting time, and notifying all participants of the meeting.
3. After receiving a meeting request from the [Applicant](#), the [Director of Public Works and Utilities](#) shall promptly schedule a [Pre-Construction Meeting](#).

B. Purpose

1. Discussion of Procedures

The purpose of the Pre-Construction Meeting is to discuss administrative, communication, and operating procedures for project construction prior to [Construction Release](#) or issuance of a Building Permit.

2. Review of Criteria

A list of typical inspection items, procedures, and acceptance criteria for items in public Right-of-Way and easements will also be furnished to the Applicant.

C. Review time for Construction Plans

The [Director of Public Works and Utilities](#) shall review Construction Plans within 60 days.

D. Notice

The Applicant shall receive written notice from the Director of Public Works and Utilities that [Construction Plans](#) have been approved and that the project is eligible for a [Pre-Construction Meeting](#).

E. Effect

Following the [Pre-Construction Meeting](#) and upon approval of the [Construction Plans](#) and full compliance with all pre-construction requirements, the Director of Public Works and Utilities shall authorize [Construction Release](#), allowing the Applicant to commence with construction of the project.

5.03. Construction Release

1. Requirements for a Construction Release

- a. Upon approval of the [Preliminary Plat](#) and/or the [Construction Plans](#), receipt of all documentation (e.g., insurance information, bonds, etc.) and fees, and after the [Pre-Construction Meeting](#) with City staff and a franchise utility representative, the [Director of Public Works and Utilities](#) shall release the plans for construction if all City requirements pertaining to construction have been met.

- b. The [Construction Release](#) shall remain in effect for a period of one (1) year from the date of issuance, or for the duration of construction of the project, provided that progress toward completion of the project continues to be demonstrated.

2. Construction Release Expiration and Extension

Expiration, and possible extension, of the [Construction Release](#) shall be the same as for the [Construction Plans](#) (see Sections [5.01.G](#) and [5.01.H](#)).



5.04. Timing of Public Improvements

A. Timing Options for Approval of the Final Plat

1. Option 1: Public Improvements Completed Prior to Final Plat Approval & Recordation
 - a. Option 1A: 100 Percent Completion of Public Improvements

Unless developed in accordance with Sections 5.04.A.1.b or 5.04.A.2 (below), completion of all required Public Improvements shall occur prior to Final Plat approval and recordation.
 - b. Option 1B: 90 Percent of Completion of Public Improvements

A Final Plat may be approved and recorded if 90 percent of the Public Improvements and 100 percent of the franchise utilities have been completed and installed. The determination of percentage complete shall be made by the Director of Public Works and Utilities. The Final Plat shall be conditioned on execution of a Performance Agreement and provision of security, in accordance with Section 5.05 Performance Agreements and Security for Completion.
2. Option 2: Public Improvements to be Completed After Final Plat Approval & Recordation
 - a. The Director of Public Works and Utilities shall allow construction of all Public Improvements after Final Plat approval and recordation.
 - b. The construction of Public Improvements after Final Plat approval and recordation shall be conditioned on execution of a Performance Agreement and provision of security, in accordance with Section 5.05 Performance Agreements and Security for Completion.
 - c. It shall be at the Director of Public Works and Utilities' discretion to determine whether postponing construction of Public Improvements until after Final Plat approval and recordation is appropriate, and whether financial guarantee is acceptable through a Performance Agreement.
 - d. All construction of the required Public Improvements shall be completed within two (2) years of construction release. An extension may be granted by the city council for up to one (1) year.
3. Option 3: Special Provision for the Deferral of Public Improvements and obligations on Gifted or Inherited Tracts
 - a. When property is being subdivided to partition the same among individuals who own the property in undivided interests, ("Original Owners") including an individual's trust, certain Public Improvements and obligations, described below, may be deferred and the Plat recorded and lots sold under the following circumstances:
 - i. All Original Owners shall apply for Plat approval.
 - ii. All Original Owners shall request deferral of improvements (all or part) under this section.
 - iii. Proof of the vesting deed or inheritance shall be submitted at the time of Plat Application.
 - iv. The tract being subdivided shall not be divided into more tracts than the number of Original Owners.
 - v. The following Public Improvements and obligations may be deferred:
 - (a) installation of onsite or offsite utilities,
 - (b) street improvements,
 - (c) curbing,
 - (d) driveways,
 - (e) drainage improvements,
 - (f) detention improvements,



- (g) sidewalk improvements,
- (h) curb cuts,
- (i) tap fees and
- (j) park dedication requirements.

vi. For properties containing flood plain: If the Original Owners desire to defer determination of the base flood elevation, the current FEMA map will be used to determine initial dedications. The **Plat** will be notated as follows: *"This plat does not comply with the flood plain requirements of the City, and notice is given that any and all improvements, including those not requiring a building permit, must comply with such requirements. The flood plain shown hereon is based on the FEMA maps on file with the City, are approximate only and may not be relied upon."* A study, if required, will be performed at the time completion of the deferred **Public Improvements** and obligations is required (see [5.04.A.3.a.ix](#) below,) and additional dedications made or requirements completed at such time. The **Plat** will be amended (see [4.08 Amending Plat](#)) to reflect the study and amended dedications or requirements.

vii. No other subdivision requirements or dedications may be deferred.

viii. All deferrals will be specifically noted on the recorded plat and assigned to each lot.

ix. All deferred **Public Improvements** and obligations assigned to a lot will be completed by the earlier of (1) re-conveyance of the lot by the Original Owner, or (2) the issuance of a building permit, or (3) any further subdivision of the lot to which the improvements are assigned. No building permit shall be issued prior to completion of said improvements or obligations.

b. No deferrals shall be granted if a vesting deed results in the owner (or his or her trust) continuing to own an undivided interest or if the **Director of Development Services** determines that a conveyance was made to effect a deferral. The **Director of Development Services** may require affidavits of all applicants in making his or her determination.

B. Phased Development

If the development is being platted and constructed in phases, improvements shall be completed as platted areas are approved and phases are constructed.

C. Easements for Utility Providers

1. The Applicant is responsible for contacting all utility providers prior to beginning construction, and for securing all necessary easements for same prior to Final Plat approval and recordation.

2. The Applicant's engineer shall provide the Director of Public Works and Utilities with written certification that all necessary easements are secured for the various utility providers, and such easements shall be shown on the Final Plat with the recording information for each.

D. Off-Site Easements

1. All necessary off-site easements required for installation of required off-site Public Improvements to serve the development shall be acquired by the Applicant prior to the **Pre-Construction Meeting** (see Section [5.02 Pre-Construction Meeting](#)).

2. Off-site easements shall be conveyed and recorded at the County by an instrument approved by the City.

3. If the property on which the off-site easement is required has been platted, a separate instrument shall be required to dedicate the easement.



4. The Applicant shall be responsible for the acquisition of all required off-site easements. If the Applicant is unable to acquire the necessary off-site easements, the Applicant may request assistance from the City. The Applicant shall provide the City with easements or Right-of-Way survey documents and exhibits, documentation, including evidence of a reasonable offer made to the affected property owner. Upon receiving a written request for assistance, the City may, at its option, acquire these easements either through negotiations, or in appropriate situations through eminent domain proceedings.
5. The Applicant shall reimburse the City for the costs of acquiring the necessary easements including but not limited to attorney's fees and costs.



5.05. Performance Agreements and Security for Completion

A. Performance Agreements and Security for Completion

When any of the required Public Improvements will be postponed and constructed after Final Plat approval and recordation, the Final Plat shall not be accepted for filing, nor shall it be approved, unless and until the Applicant enters into a [Performance Agreement](#) of standardized format approved by the City by which the Applicant:

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

B. Agreement to Run with the Land

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

C. Decision by the City Council

1. The [Director of Public Works and Utilities](#) shall review all [Performance Agreements](#).
2. The [Director of Public Works and Utilities](#) shall recommend an action to the [City Council](#) (or [City Manager](#) if applicable) for all [Performance Agreements](#).
3. The [Performance Agreement](#) shall require the approval of the [City Council](#). The [City Council](#) may approve, approve with conditions, or deny a [Performance Agreement](#).
 - a. The [City Council](#) may authorize the [City Manager](#) to approve specific Performance Agreements on behalf of the City Council (e.g., Performance Agreements under a specific dollar amount). In the event of a disagreement between the City staff and the [Subdivider](#) concerning stipulations of the Performance Agreement, the [Subdivider](#) may request City Council approval of alternative provisions.

D. Security for Completion of Improvements

1. Type of Security
 - a. When any of the required Public Improvements will be constructed after approval and recordation of the Final Plat, the Applicant shall guarantee proper construction of such postponed improvements and payment of all claimants supplying labor and materials for the construction of the improvements, in accordance with the City's standards and with these Subdivision Regulations, by a bond executed by a surety company holding a license to do business in the State of Texas, and acceptable to the City, on the form provided by the City.



- b. The performance and payment bonds shall be approved as to form by the City Attorney. Alternatively, irrevocable letter of credit (ILOC) or cash may be accepted and approved as to form by the City Attorney.
- 2. Estimated Cost and Security Approval
 - a. Security shall be issued in the amount of one hundred and ten percent (110%) of the cost to construct and complete all required Public Improvements to the City’s standards as estimated by the Applicant’s professional engineer, and as approved by the Director of Public Works and Utilities.
 - b. Security shall be subject to the review and approval of the City Attorney.
 - c. The Applicant shall reimburse the City for all related legal costs for review (this reimbursement shall be paid in full prior to filing of the Final Plat).
- E. Escrow Policies and Procedures
 - 1. Request for Escrow
 - a. The City may require or the Developer may petition the City to defer required improvements in exchange for a deposit of escrow up to an amount not to exceed \$25,000 for a period of two (2) years from acceptance of the project. An example may include a timing issue due to pending street improvements by another agency such as TXDOT.
 - b. The Director of Public Works and Utilities may require studies and other information to support the Developer’s request to escrow.
 - 2. Escrow Deposit with the City
 - a. When the Director of Public Works and Utilities requires or agrees to accept escrow deposits, the Developer shall deposit in escrow with the City, at a financial institution to be determined by the City, an amount equal to one hundred and ten percent (110%) of the total “turnkey” costs including, but not limited to, the design, permitting, acceptance and inflation costs related to the improvement(s). The full amount of escrow shall remain deposited with the City until completion of the project.
 - b. The Director of Public Works and Utilities shall review and approve the amount, which shall be approved and paid prior to recordation of the Final Plat.
 - 3. City Usage of Escrowed Funds

The City may also use the escrowed funds in participation with another entity (such as TXDOT or the County, etc.) to jointly construct the Public Improvement(s).
 - 4. Termination of Escrow
 - a. Escrows, or portions of escrowed amounts, which remain unused after a period of ten (10) years following the date of such payment shall, upon written request, be returned to the Developer.
 - b. Such return of escrowed funds does not remove any obligations of the Developer for construction of the required improvement(s).
 - 5. Refund

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



6. Interest on Escrowed Funds

When escrowed funds are returned or refunded to the escrowing Developer, the City shall retain all of the interest accrued by the funds.

7. Escrow Fee Agreement

The Director of Public Works and Utilities, at his/her discretion, may require an escrow fee agreement be executed.



5.06. Inspection, Maintenance, and Acceptance of Public Improvements

A. Inspection of Public Improvements

1. Timing and Contact

- a. The [Director of Public Works and Utilities](#) shall inspect the construction of improvements while in progress, as well as upon completion.
- b. The Applicant, or Applicant’s contractor, shall maintain contact with the Director of Public Works and Utilities during construction of improvements.

2. Conformance with Construction Plans

- a. Construction shall be in accordance with the approved Construction Plans.
- b. Any significant change in design required during construction shall be made by the Applicant's engineer, and shall be subject to approval by the Director of Public Works and Utilities.

3. Corrections to Improvements

If the Director of Public Works and Utilities finds, upon inspection, that any of the required Public Improvements have not been constructed properly and in accordance with the approved Construction Plans, the Applicant shall be responsible for completing and/or correcting the Public Improvements to bring such into compliance.

B. Public Works Inspection Fees

1. Fee Standards

- a. The Developer may be charged an inspection fee to reimburse the City inspection cost if the City is required to have third party inspections of the public infrastructure in each Subdivision or development.
- b. Inspections shall be conducted during normal business hours, Monday through Friday.

2. Cost for Construction

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

3. Inspection During Non-Business Hours

- a. Public works inspections may be conducted at times other than normal working hours with prior approval.
- b. A minimum forty-eight (48) hour notice must be given and the Developer shall reimburse the City a minimum of four (4) hours at the current overtime rate per hour upon receipt of an invoice.

C. Maintenance during Construction

The Applicant shall maintain all required Public Improvements during construction of the development.



D. Submission of Record Drawings

1. The City shall not accept dedication of required Public Improvements until the Applicant's engineer has certified to the Director of Public Works and Utilities, through submission of detailed [Record Drawings](#), which have been approved by the City, of the project and filed copies of any off-site easements that the Public Improvements have been built in accordance with the approved Construction Plans.
2. Applicable [Record Drawings](#) shall be submitted to the City before a Plat is approved.
3. Each record drawing sheet shall show all changes made in the Construction Plans during construction, and on each sheet, there shall be a "record" stamp bearing the signature of the engineer and date, which shall be maintained by the Director of Public Works and Utilities. One (1) Mylar copy may be requested.
4. Digital files of all the [Record Drawings](#) shall be submitted by the [Applicant](#) in AutoCAD and Adobe PDF formats, as required by the City.

E. Acceptance or Rejection of Improvements by the Director of Public Works and Utilities

1. Responsible Official

The Director of Public Works and Utilities shall be responsible for inspecting all required Public Improvements shown in the Construction Plans, and for accepting completed subdivision improvements intended for dedication to the City.

2. Final Inspection

After completion of all improvements, franchise utilities, grading, and erosion control, the Director of Public Works and Utilities and other designated representatives (as applicable) will perform a final inspection before recommending acceptance of the improvements via a [Letter of Final Acceptance](#).

3. Letter of Final Acceptance

If all improvements are completed, inspected, tested (if applicable), and determined by the City to be in conformance with Subdivision Ordinance regulations and with the City's design standards and all inspection fees have been paid, then the [Director of Public Works and Utilities](#) shall issue a [Letter of Final Acceptance](#) to the Applicant, thereby notifying the Applicant of the City's approval of improvements and acceptance or future acceptance subject to approval of a [Final Plat](#).

- a. In cases where a [Final Plat](#) has not been approved, the [Letter of Final Acceptance](#) will indicate that the City's acceptance of the Public Improvements will occur concurrently with the approval of a [Final Plat](#).
- b. In cases where a [Final Plat](#) has already been approved with a [Performance Agreement](#), the [Letter of Final Acceptance](#) will indicate the City's acceptance of the Public Improvements.
- c. Dedication and acceptance language shall be shown on the [Final Plat](#).

4. Meaning of Acceptance

Acceptance of the Improvements shall mean that the Applicant has transferred all rights to all the Public Improvements to the City for title, use, and maintenance, this shall not release the Developer from the maintenance bond (see Section [5.06.G Maintenance Bond](#) for more information).

5. Rejection

The Director of Public Works and Utilities shall reject those Improvements that fail to comply with the City's standards and specifications. The City shall enforce the guarantee provided by agreement(s).



F. Disclaimer

1. Approval of a [Preliminary Plat](#) by the [Planning and Zoning Commission](#), or [Construction Plans](#) by the Director of Public Works and Utilities, shall not constitute acceptance of any of the Public Improvements required to serve the Subdivision or development.
2. No Public Improvements shall be accepted for dedication by the City except in accordance with this Section.

G. Maintenance Bond

1. Per requirements established and maintained by the Director of Public Works and Utilities, the Developer shall furnish maintenance bonds to the City for Public Improvements for a period of two (2) years from the date of acceptance by the City (see [5.06.E.3 Letter of Final Acceptance](#) for acceptance dates).
2. The maintenance bond or other surety shall be a good and sufficient bond executed by a corporate surety approved by the City in an amount equal to the total cost of said improvements and guaranteeing their maintenance for two (2) years from the date of [Final Plat](#) approval or acceptance of the related Public Improvements (if the Public Improvement is accepted after [Final Plat](#) approval).
3. Maintenance bonds shall be in a form acceptable to the City Attorney.



Section 6. Subdivision Design Standards

6.01. Minimum Standards

A. Basis for Standards

The standards established within this [Subdivision Ordinance](#) for dedication and construction of public facilities and infrastructure are based upon engineering studies and historical usages and demands by different categories of development.

B. Minimum Level of Service Necessary

This Subdivision Ordinance identifies certain minimum requirements and sizes for utilities, roadways, parks, and other facilities that have been determined by the City Council to be necessary in order to provide the minimum level of service necessary to protect or promote the public health, safety, and welfare and to ensure the quality of life currently enjoyed by the citizens.

1. It is the intent of this Subdivision Ordinance that no development occur until, and unless, these minimum levels of service are met.
2. Therefore, each Subdivision in the City shall be required to dedicate, construct or upgrade required facilities and infrastructure to a capacity that meets these minimum levels.

C. Minimum Standards for Public Infrastructure

1. For each category of public infrastructure, a minimum standard of infrastructure has been developed based upon historic studies and construction projects of the City and other cities.
2. The minimum standards take into consideration the soil standards, the topographic configuration of the City, the use and impact analyses in developing standard specifications.
3. The minimum standards reflect the minimum level of facilities that can be built to meet the health, safety and welfare of the citizens.

6.02. Adequate Public Facilities

A. Services Required

Land proposed for development in the City and in the City's [Extraterritorial Jurisdiction \(ETJ\)](#) must be served adequately by essential public facilities and services, including water facilities, wastewater facilities, roadway and pedestrian facilities, and drainage facilities.

B. Approval Timing

Land shall not be approved for platting or development unless and until adequate public facilities necessary to serve the development exist or provision has been made for the facilities, whether the facilities are to be located within the property being developed or off-site.

C. Rough Proportionality and Fair Share Policy Statement

1. There is a direct correlation between the increased demand on public facilities that is created by a new development, and the City's requirements to dedicate [Right-of-Way](#) and [Easements](#) and to construct a fair and proportional share of [Public Improvements](#) that are necessary to offset such impacts such that new development does not negatively affect the City as a whole.
2. The City desires that a new development project contribute its fair and proportional share of such costs.
3. A fair and proportional share shall be determined as the level or standard of service that is required to adequately serve a new development.



4. Standards relating to the dedication or construction requirements shall be roughly proportional (see definition [Proportionality/Proportional Share](#)) to the nature and extent of the impacts created by the proposed development on the City's water, wastewater, storm drainage, parks or roadway system, as the case may be, or does reasonably benefit the proposed development.
5. See [7.02 Subdivision Proportionality Appeal](#) for proportionality approval procedures.

6.03. Conformance to Plans and Codes

A. Public Improvements Conform to Plan and Codes

1. Design and construction of [Public Improvements](#) must conform to the standards, criteria, and requirements of the following, as they may from time to time be amended by those responsible for their promulgation.
 - a. The Transportation Plan;
 - b. The Drainage Design Manual;
 - c. The Standard Construction Details;
 - d. The Texas Manual on Uniform Traffic Control Devices (TMUTCD);
 - e. Approved Standard Specifications for Construction of Public Works;
 - f. American Association of State Highway Transportation Officials Design Manual;
 - g. Texas Health Code;
 - h. [Standard Details and Specification for Public Infrastructure Construction Manual \(Standard Details Manual\)](#);
 - i. Texas Water Code;
 - j. Master Drainage Plans;
 - k. Floodplain Ordinance;
 - l. Erosion Control Ordinance;
 - m. Stormwater Management Plan; and
 - n. International Code Council (ICC) Fire Code
 - o. All other codes and ordinances of the City
2. If the construction of [Public Improvements](#) is not completed within two (2) years from the [Preliminary Plat](#) approval date, then the infrastructure must be redesigned using the most current criteria.



6.04. Access Management

A. Intent of Access Management

It is the intent of this section to:

1. Prohibit the indiscriminate location and spacing of driveways while maintaining reasonable vehicular access to and from the public street system;
2. Reduce conflicting turning movements and congestion and thereby reducing vehicular accidents; and
3. Maintain and enhance a positive image for the attraction of new, high-quality developments in the City.

B. Applicability

1. A person commits an offense if the person constructs, reconstructs, relocates or in any way alters the design or operation of any driveway without first obtaining a building permit issued by the [Building Official](#).
2. No driveway shall be allowed or permitted if, in the determination of the City Engineer, it is detrimental to the public health, safety and welfare.

C. Street Section Classifications

Street section classifications shall be defined in accordance with the Transportation element of the City's [Comprehensive Plan](#).

D. Access Requirement

Every lot shall have frontage on, and access to, a public street or other approved public access easement.

E. Traffic Impact Analysis

1. A [Traffic Impact Analysis](#) may be required at the time of [Preliminary Plat](#) submittal for Subdivision with the city limits on an Arterial Street or Collector Street.
 - a. Threshold for a Traffic Impact Analysis:
 - i. Residentially zoned [Subdivisions](#) that are projected to generate more than 1,000 new average daily trips (ADT) shall require a TIA.
 - ii. Office zoned [Subdivisions](#) that are projected to generate more than 500 new average daily trips (ADT) shall require a TIA.
 - iii. Retail/commercial zoned [Subdivisions](#) that are projected to generate more than 2,500 new average daily trips (ADT) shall require a TIA.
 - iv. Industrial zoned [Subdivisions](#) that are projected to generate more than 500 new average daily trips (ADT) shall require a TIA.
 - b. Calculation of the ADT for Subdivisions:
 - i. For calculating the ADT for residentially zoned Subdivisions, a housing unit shall be considered to generate 10 vehicle trips a day.
 - ii. For calculating the ADT for office zoned Subdivisions, a 50,000 square foot building shall be considered to generate 500 ADT. In order to anticipated if a 50,000 square foot building can be built on a lot, the lot size with all setbacks and other related area zoning standards should be applied.
 - iii. For calculating the ADT for retail/commercial zoned Subdivisions, a 60,000 square foot building shall be considered to generate 2,500 ADT. In order to anticipated if a 60,000 square

foot building can be built on a lot, the lot size with all setbacks and other related area zoning standards should be applied.

- iv. For calculating the ADT for industrial zoned Subdivisions, a 75,000 square foot building shall be considered to generate 500 ADT. In order to anticipated if a 75,000 square foot building can be built on a lot, the lot size with all setbacks and other related area zoning standards should be applied.
2. A Minor Subdivision Waiver may be granted by the Director of Development Services if the roadway is fully built.

F. Common Access

1. Lots with sufficient frontage to safely meet the design requirements below may be permitted their own driveways.
2. A [Common Access Easement](#) may be required between adjacent lots fronting on any street section in order to minimize the total number of access points along those streets and to facilitate traffic flow between lots.
3. Common Access Easement
 - a. The use of common driveways shall require the dedication of a joint-use private access easement on each affected property.
 - b. Said dedication shall be provided on the [Final Plat](#) of the subject properties, or be filed by separate instrument approved by the City Attorney with the County with a copy forwarded to the City.
 - c. The [Plat](#) shall state that the easement shall be maintained by the property owner.
 - d. The [Common Access Easement](#) shall encompass the entire width of the planned driveway plus an additional width of one foot on both sides of the drive.

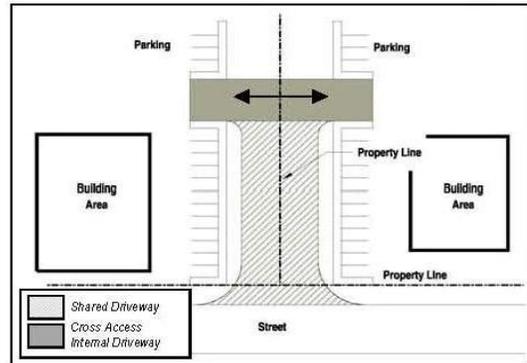


Figure 10: Example of Common Driveway (For Illustrative Purposes Only)

G. Driveway Design for State Maintained Roadways (e.g., HWY 290) Criteria

1. Driveway Dimensions and Spacing

The minimum dimensional values required for driveways along State-maintained roadways shall be found in the latest Texas Department of Transportation (TXDOT) Access Management Manual.
2. Additional Design Requirements
 - a. Plans for all work within State Right-of-Way shall be submitted to the [Director of Public Works and Utilities](#).
 - b. The [City](#) will review and submit an [Application](#) for permit to work with State Right-of-Way based upon the approved plans and forward to the State.
 - c. Deceleration lanes shall be provided according to the TXDOT Access Management Manual.



H. Driveway Design for City Maintained Roadways

The following standards shall be followed in the design and construction of driveways. The values in the following tables represent minimum standards to be applied in designing and locating driveways on City streets.

1. Driveway Dimensions and Spacing (City Maintained Roadways)

The following [Table 7: Dimensions for Driveways along City Maintained Roadways](#) indicates the minimum dimensional values required for driveways along City maintained roadways (local streets, collectors, Arterial Streets).

Table 7: Dimensions for Driveways along City Maintained Roadways				
Criteria	Street Classification	Commercial & Multi-Family Driveway	Service Driveway	Single Family Driveways
Driveway Throat Width	Arterial Streets	24-40 Feet	30-48 Feet	10-24 Feet
	Collectors	24-40 Feet	30-48 Feet	10-24 Feet
	Minor/Local Streets	24-40 Feet	24-36 Feet	10-24 Feet
Driveway Curb Radius	Arterial Streets	20-30 Feet	25-30 Feet	5-10 Feet
	Collectors	10-20 Feet	10-20 Feet	5-10 Feet
	Minor/Local Streets	10-20 Feet	10-20 Feet	5-10 Feet
Minimum Distance to Intersection Along Roadway	Arterial Streets	150 Feet	150 Feet	20 Feet
	Collectors	100 Feet	100 Feet	20 Feet
	Minor/Local Streets	75 Feet	75 Feet	20 Feet
Minimum Centerline Driveway Spacing Along Roadway	Arterial Streets	250 Feet	250 Feet	N/A
	Collectors	150 Feet	150 Feet	20 Feet
	Minor/Local Streets	100 Feet	100 Feet	10-20 Feet
Notes:				
1	The requirements for <i>Driveway Throat Width</i> and <i>Driveway Curb</i> Radius are for standard undivided two-way operation and may be varied by the Director of Public Works and Utilities if traffic volumes, truck usage, common driveways, and other factors warrant such.			
2	Minimum centerline spacing does not implicitly determine the number of driveways allowed. Driveways served by deceleration lanes may be spaced at closer intervals if approved by the Director of Public Works and Utilities .			
3	Distance measured from the intersection Right-of-Way line to the centerline of the proposed driveway.			
4	Refer to 6.04.H.2 (below). Commercial, multi-family and service driveways may not be permitted on local streets.			

2. Additional Design Requirements (City Maintained Roadways)

a. Driveways Prohibited

- i. Commercial, multi-family and service driveways shall not be permitted on local streets unless the tract or lot has no other public access.
- ii. In the event there is no other access to a public street, commercial, multi-family and service driveways shall be permitted on local streets provided that they meet the design standards in [Error! Reference source not found.](#)

b. Deceleration Lanes for Driveways on Arterial Streets Required

- i. When the turning volume for a driveway exceeds 60 vehicles per hour during the peak hour, a deceleration lane shall be provided on Arterial Streets with a posted speed of 40 mph to 45 mph.
- ii. When the turning volume for a driveway exceeds 50 vehicles per hour during the peak hour, a deceleration lane shall be provided on Arterial Streets with a posted speed greater than 45 mph.



I. Required Internal Storage (Minimum Throat Length/Stacking)

1. Minimum Throat Length

The driveway for any multi-family, commercial or industrial property that connects to a highway, Arterial Street, or collector or local street shall extend onto private property a minimum distance of 15 feet, but not less than the required front landscape edge width, from the [Right-of-Way](#) line before intersecting any internal circulation drive.

2. Internal Storage (Stacking)

Internal storage (stacking) shall be provided on multi-family, commercial or industrial properties for corresponding driveways in accordance with [Table 8: Required Internal Storage](#) for driveways that provide ingress/egress to parking areas of 20 or greater spaces.

Table 8: Required Internal Storage		
Average Number of Parking Spaces per Driveway*	Total Number of Parking Spaces**	Minimum Storage length
20-49	20-49	Landscape edge width +20'
	50-199	50'
	200+	75'
50-199	50-199	75'
	200+	100'
200+	200+	100'
Notes:		
1	The average number of parking spaces per driveway is calculated by dividing the total number of parking spaces by the number of commercial and multi-family driveways. (Service driveways are not included in the calculation.)	
2	The total number of parking spaces is the sum of all spaces accessible by a driveway or driveways both on-site and off-site. The internal storage shall be separated from parking areas by a five-foot (5') wide, raised curb island or median. Planting requirements for the island or median shall be one (1) Small Tree and one (1) five-gallon (5 Gal.) shrub for every fifteen (15) linear feet. Appropriate signage (e.g. stop, yield, etc.) shall be placed for any vehicular cross movement or internal circulation that intersects the ingress/egress circulation beyond the required internal storage.	

J. Adequate Sight Distance

1. Driveways shall be prohibited where adequate sight distance is not available for the established speed limit.
2. Sight distances shall be calculated in accordance with the latest edition of the AASHTO "A Policy on Geometric Design of Highways and Streets."
3. If a field inspection indicates that driveway sight distance may be insufficient, the [Applicant](#) will be required to submit vertical and horizontal information prepared by a registered professional engineer to the [Director of Public Works and Utilities](#) that verifies adequate sight distance is available for the proposed driveway location.
4. For sight triangle requirements, (i.e., visibility triangles), please refer to [6.07.C. Triangular Sight Visibility Easements](#) (see also [Figure 11: Visibility Triangles](#)).



6.05. Alleys

A. Alleys are Optional Improvements

If alleys are constructed at the discretion of the Developer, then the alleys shall meet the standards of this Section 6.05.

B. Standards for Commercial and Industrial Alleys

Alleys in commercial and industrial areas shall be 15 feet in paving width and 20 feet in Right-of-Way width.

C. Standards for Residential Alleys

Alleys in all residential areas shall be 15 feet in paving width and 20 feet in Right-of-Way width.

D. Radii of the Turn-Outs

The radii of the turn-outs for alleys intersecting any street shall be 5 feet.

E. Alley Fences

Where driveways connect to alleys in commercial, industrial, or residential areas, fences may be constructed along the rear lot line of any lot to a point within five (5) feet of a point where the driveway would intersect the alley pavement at 90 degrees. Fences are optional.

F. Alley Right-of-Way Width and Design

1. The minimum Right-of-Way width of an alley serving industrial and commercial areas shall be 20 feet.
2. Alleys serving residential areas shall have a minimum right-of-way width of 20 feet.
3. Alleys may be required along the rear lot lines when adjacent to Arterial Streets for rear entrance.
4. See section [6.12.J Street and Alley Requirements](#) for additional requirements.

G. Alley/Street Intersection - Right Angles

Alleys shall intersect streets at right angles or radially to curved streets.

H. Alley/Street Intersection – Prohibition

Alleys shall not intersect streets that are designated in the Comprehensive Plan as Arterial Streets.

I. Alley/Street Intersection – Separation

The minimum distance between an alley/street intersection and a street/street intersection shall be the width of at least one (1) lot.

J. Maximum Alley Length

1. Maximum alley length between access points to a street shall be 600 feet.
2. A length of more than 600 feet without access to a public street or approved access easement may be approved by [Minor](#) Subdivision Waiver.

K. Dead-End Alleys

Dead-end alleys shall be provided with adequate turn-around facilities.

L. Alleys Intersections or Alley Sharp Angle

In cases where two alleys intersect or turn a sharp angle, lot corners shall be platted so that a triangular area of 25' x 25' or greater, is dedicated as part of the alley for the purpose of providing a minimum radius of 30 feet to the inside edge of the alley paving. For sight visibility safety, no utilities taller than three (3) feet shall be placed in the triangular area.



6.06. Blocks

A. Block Length Measurement

The length of a block shall be considered to be the distance from property corner to property corner measured along the property line of the [Block Face](#):

1. Of greatest dimension, or
2. On which the greatest number of lots face.

B. Block Width Measurements

The width of a block shall be considered to be the distance from property corner to property corner measured along the property line of the block face:

1. Of least dimension, or
2. On which the fewest number of lots face.

C. Block Measurement Factors

The length, width 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. Zoning requirements as to lot sizes and dimensions;
3. Needs for convenient access, circulation, control and safety of street traffic;
4. Limitations of topography; and
5. Compatibility with efficient development of public facilities as established by surrounding developments.

D. Block Design

1. Intersecting streets shall be provided at such intervals as to serve traffic adequately and to meet existing streets.
2. Where no existing subdivision controls, the block lengths should not exceed 1,200 feet.
3. Where no existing subdivision controls, the blocks should not be less than 500 feet in length. However, in cases where physical barriers, property ownership, or individual usage creates conditions where it is appropriate that these standards be varied then, upon approval by the Director of Development Services, the length may be increased or decreased to meet existing conditions, having due regard for connecting streets, circulation of traffic and public safety.

E. Exceptions

1. These limits shall be exceeded only upon approval of a [Subdivision Waiver](#).
2. Blocks longer than 600 feet shall be prohibited in commercial and industrial districts.



6.07. Easements and Dedications

Easements and dedications of property needed for the construction of streets, alleys, private common access easements, sidewalks, storm drainage facilities, floodways, water mains, wastewater mains and other utilities, retaining walls and any other property necessary to serve the [Plat](#) and to implement the requirements of the Subdivision Ordinance and [Standard Details and Specification for Public Infrastructure Construction Manual](#) shall be provided on [Subdivision Plats](#) and maintained by the property owner.

A. Utility Easements

1. Where not adjacent to a public Right-of-Way, easements at least fifteen (15) feet wide shall be provided for utility construction, service, and maintenance shall be provided where necessary.
2. Easements accommodating both water and wastewater (sewer) facilities and easements accommodating both public utilities and franchise utilities shall be at least twenty (20) feet wide.
 - a. More easements or additional easement width may be required by the [Planning and Zoning Commission](#) if deemed necessary by the [Director of Public Works and Utilities](#).
3. Easements at least fifteen (15) feet wide for utility construction, service, and maintenance shall be provided for lots which have frontage along state highways.
4. Easements having greater width dimensions may also be required along or across lots where engineering design or special conditions make it necessary for the installation of utilities and drainage facilities outside public Right-of-Way.
5. The following full statement of restrictions shall be placed in the dedication instrument:

Easements: Any public utility, including the City, shall have the right to move and keep moved all or part of any building, fences, trees, shrubs, other growths or improvements that in any way endanger or interfere with the construction, maintenance, or efficiency of its respective systems on any of the easements or Right-of-Way shown on the Plat (or filed by separate instrument that is associated with said property); and any public utility, including the City, shall have the right at all times of ingress and egress to and from and upon said easements for the purpose of construction, reconstruction, inspection, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity at any time of procuring the permission of anyone. Easements shall be maintained by property owners. The City can move trees or any other improvements and does not have the responsibility to replace them.

B. Fire Lane Easement

1. Emergency access and fire lane easements shall be provided in locations required by the City and be curbed.
2. These easements shall have a minimum width of twenty (20) feet and a minimum height clearance of fourteen (14) feet. Internal drives within parking lots are not required to be curbed.
3. All turns shall have a minimum inside radius of twenty-two (22) feet and a minimum outside radius of 50'.
4. Any emergency access and fire lane easement more than 150 feet in length shall either connect at each end to a dedicated public street or private way or be provided with a cul-de-sac having 100 feet diameter of paving with an additional distance of ten (10) feet on all sides clear of permanent structures or other obstructions.
5. These easements shall be maintained by the owner or the [Homeowners' or Property Owners' Association](#) and a statement shall appear on the face of the Plat indicating maintenance responsibility.

C. Triangular Sight Visibility Easements

1. Triangular sight visibility easements shall be required as follows for properties whose zoning falls within one of the following categories:
 - a. Residential zoning districts (including all single family, multi-family, mobile/modular home zoning districts and planned development districts having a single family, multi-family or mobile/modular home use designation):
 - i. 30' x 30' sight visibility easements on corner lots at the intersection of two streets.
 - b. Nonresidential zoning districts (including all commercial, industrial and utility districts and planned development districts having a commercial, industrial or utility use designation):
 - i. 30' x 30' sight visibility easement on corner lots at the intersection of two streets.
 - c. Multi-family and nonresidential zoning districts (including all multi-family, commercial, industrial and utility districts and planned development districts having a commercial, industrial or utility use designation):
 - i. 30' x 30' sight visibility easements at the main driveways.
 - d. All zoning districts (as noted above):
 - i. 30' x 30' sight visibility easements on corner lots at the intersection of an alley and a street.

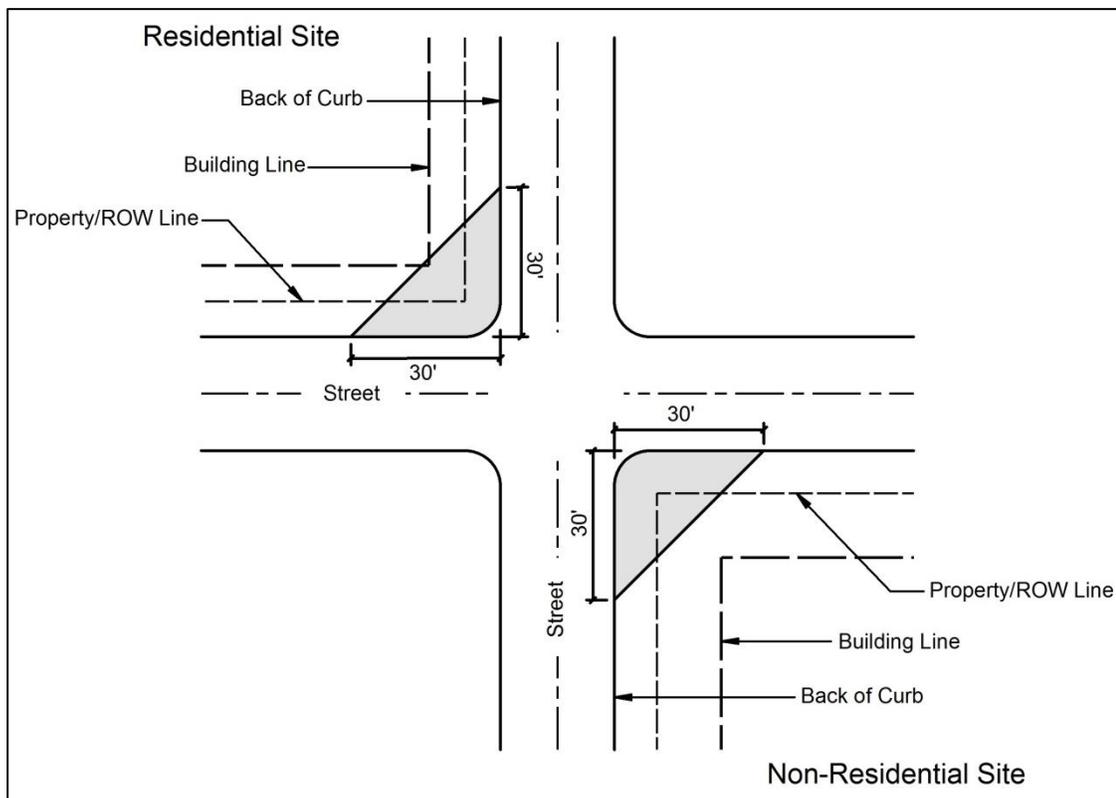


Figure 11: Visibility Triangles



2. The following full statement of restrictions shall be placed in the dedication instrument or on the face of the [Plat](#):

Sight Visibility Restriction: No structure, object, or plant of any type may obstruct vision from a height of twenty-four (24) inches to a height of ten (10) feet above the top of the curb, including, but not limited to buildings, fences, walks, signs, trees, shrubs, cars, trucks, etc., in the sight visibility easement as shown on the Plat. These sight visibility easements will remain in effect until vacated by ordinance adopted by the City Council and the property replatted.

D. Drainage Easements

1. Easements for storm drainage facilities shall be provided at locations containing proposed or existing drainage ways.
2. Storm drainage easements of twenty (20) feet minimum width shall be provided for existing and proposed enclosed drainage systems.
 - a. Easements shall be centered over the systems.
 - b. Larger easements, where necessary, shall be provided as directed by the [Director of Public Works and Utilities](#).
3. Where lot-to-lot drainage occurs, a drainage easement at least ten (10) feet in width shall be provided along the back and down one side of the downstream property. For information regarding applicable drainage standards see [6.18 Drainage and Storm Water](#), specifically [6.18.C.1. Lot to Lot Drainage Standards](#).
4. Storm drainage easements shall be provided for emergency overflow drainage ways of sufficient width to contain within the easement storm water resulting from a 100-year frequency storm less the amount of storm water carried in an enclosed system of a capacity required by the City.
5. Where a Subdivision is bounded by a water-course, drainage way, channel, or stream, there shall be provided a storm water easement or drainage Right-of-Way conforming substantially to the lines of such water course, and of such width to provide for increased drainage from anticipated future upstream developments, plus a minimum of ten (10) feet on each side.
6. As required by the City, drainage easements shall be dedicated up to the full width of easement necessary to construct the ultimate drainage facility (culvert, storm water, channel, etc.) to be constructed within the easement, including provisions for access ingress and egress by crews and equipment for maintenance purposes.

E. Floodplain Easements

1. Floodplain easements shall be provided along natural drainage ways and lakes or reservoirs.
2. Floodplain easements shall be provided in accordance with the recommendation of the [Director of Public Works and Utilities](#) and the Director of Development Services to accommodate the 100 year storm drainage flows or the flow of the flood of record, whichever is greater.
3. Floodplain easements shall encompass all areas beneath the water surface elevation of the [Base Flood](#), plus such additional width as may be required to provide ingress and egress to allow maintenance of the banks and for the protection of adjacent property, as determined by the [Director of Public Works and Utilities](#).



4. The following full statement of structures shall be placed in the dedication instrument of the Plat:

100 Year Floodplain Easement Restriction: Construction within the floodplain may not occur. (A request for construction within the floodplain easement must be accompanied with detailed engineering plans and studies indicating that no flooding will result, that no obstruction to the natural flow of water will result; and subject to all owners or the property affected by such construction becoming a party to the request.) Where construction is permitted, all finished floor elevations shall be a minimum of one (1) foot above the 100-year flood elevation as determined by analyzing the ultimate build-out conditions of the entire drainage basin.

- a. Existing creeks, lakes, reservoirs, or drainage channels traversing along or across portions of this addition, will remain as an open channel at all times and will be maintained by the individual owners of the lot or lots that are traversed by the drainage courses along or across said lots. The City will not be responsible for the maintenance and operation of said drainage ways or for the control of erosion. Each property owner shall keep the natural drainage channels traversing his/her property clean and free of debris, silt, or any substance, which would result in unsanitary conditions. The City shall have the right of ingress and egress for the purpose of inspection and supervision of maintenance work by the property owner to alleviate any undesirable conditions, which may occur. The City is not obligated to maintain or assistance with maintenance of the area.
- b. The natural drainage channel, as in the case of all natural drainage channels, are subject to storm water overflow and natural bank erosion. The City shall not be liable for damages of any nature resulting from the occurrence of these natural phenomena, nor resulting from a failure of any structure(s) within the natural drainage channels. The natural drainage channel crossing each lot is shown by the Floodway easement line as shown on the plat. If a Subdivision alters the horizontal or vertical floodplain, a FEMA Floodway map revision may be required.
- c. The location of the floodplain easement shall be shown on the Plat and monuments shall be placed on the property marking the easement.

F. Retaining Wall Easements

1. If in the opinion of the Director of Public Works and Utilities, the grading plans submitted with the Application for approval of a Final Plat indicate a need for the construction of one or more retaining walls, a private retaining wall easement showing the location of the retaining wall(s) and the no-build zone shall be dedicated and shown on the Preliminary Plat and the Final Plat.
2. The width of the retaining wall easement shall be 10 feet or the width of the retaining wall, whichever is greater, plus the width of the no-building zone, as established by the Applicant's structural engineer and approved by the Director of Public Works and Utilities.
3. The retaining wall easement shall include a no-building zone extending from the retaining wall on both sides, within which any additional load from future construction would exceed the design capacity of the retaining wall.
 - a. No structure (other than the retaining wall), swimming pool, landscaping, or any other feature which adds load to the retaining wall, shall be constructed within the no-building zone.
4. See Section 6.19 Retaining Wall Construction for retaining wall construction requirements.
5. A retaining wall easement shall be located entirely on one lot and shall not straddle property lines unless the wall is constructed within a retaining wall easement dedicated to the Homeowners' or Property Owners' Association in accordance with 6.07.F.6 (below).
6. The Homeowners' or Property Owners' Association for the subdivision, as applicable, shall be responsible for maintenance of the retaining wall, and a note shall be included to this effect on the Final Plat.



G. Needs/Benefits Determination

1. No dedication otherwise required by this ordinance may be imposed upon a property owner unless the City determines that the dedication is related to the impact of the proposed development; is roughly proportional to the needs created by the proposed development; and provides a benefit to the development.
2. An Applicant may appeal a staff recommendation that a dedication be required in accordance with the provisions of [Section 7 Subdivision Relief Procedures](#).

H. Maintenance of Easement

1. An area established for public purposes on private property upon which the City shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs, or other improvements or growths which in any way endanger or interfere with the construction, maintenance, or efficiency of City systems.
2. The City shall at all times have the right of ingress and egress to and from and upon the said easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, and adding to or removing all or part of its respective systems without the necessity at any time or procuring the permission of anyone.
3. The property owner shall be responsible for maintaining the easement.



6.08. Homeowners' or Property Owners' Associations

A. Applicability

When a Subdivision contains common areas, common property, [Usable Open Space](#) or other improvements not intended to be conveyed to the City, a Homeowners' or Property Owners' Association shall be created, and the duties and responsibilities shall be established in a declaration consistent with State laws.

B. Dedication

The common areas shall be shown on the [Final Plat](#) or record [Plat](#) along with an adequate form for dedication thereof. This dedication form shall:

1. Save the title to common area properties for the benefit of the Homeowners' or Property Owners' Association; and
2. Express a definite undertaking by the subdivider to convey the common properties to the Homeowners' or Property Owners' Association.

C. Membership

A [Homeowners' or Property Owners' Association](#) shall be an incorporated organization operating under recorded land declarations through which:

1. Each lot owner in a described land area is automatically a member; and
2. Each lot is automatically subject to a charge for a proportionate share of the expenses for the Homeowners' or Property Owners' Association's activities, such as maintenance of common areas, common open spaces or the provision and upkeep of [Usable Open Space](#) and common recreational facilities.

D. Legal Requirements

To ensure the establishment of a permanent Homeowners' or Property Owners' Association, including its financing and the rights and responsibilities of the homeowners in relation to the use, management and ownership of common areas or common property, the Subdivision plat, dedication documents, covenants, and other recorded legal agreements must:

1. Legally create an automatic membership, Homeowners' or Property Owners' Association;
2. Place title to the common property in the Homeowners' or Property Owners' Association or give definite assurance that it automatically will be so placed within a reasonable, definite time;
3. Place responsibility for operation and maintenance of the common property in with the [Homeowners' or Property Owners' Association](#);
4. Provide for or place an association charge or assessment on each lot in a manner which will ensure sufficient association funds to maintain the common property or improvements;
5. Identify the land area within the association's jurisdiction including, but not limited to, the following:
 - a. The property to be transferred to public agencies;
 - b. The individual residential lots;
 - c. The common properties to be transferred by the Developer to the Homeowners' or Property Owners' Association; and
 - d. Other parcels.



E. Protective Covenants

Protective covenants shall be developed which, including, but not limited to, shall make the [Homeowners' or Property Owners' Association](#) responsible for the maintenance and operation of all common property, and include provisions for assessments, to be enforced by lien.

F. Procedure

Prior to filing the [Plat](#), the [Subdivider](#) shall:

1. Draft the articles of incorporation of the [Homeowners' or Property Owners' Association](#), its bylaws, and the restrictive covenants;
2. Submit draft articles, bylaws, and covenants to the Director of Development Services for approval;
3. After approval (see above), create the appropriate legal entity;
4. Record approved covenants, at the County Clerk's office, which automatically make every lot owner a member of the association, give him/her the right to use the common property, and establish his/her voting rights and his/her obligations to pay assessments;
5. Provide evidence of the recorded articles, bylaws, and the restrictive covenants prior to Final Plat approval.

G. Maintenance, Repair or Capital Improvement

1. Any maintenance, repair or capital improvement made to the property or facilities of the [Homeowners' or Property Owners' Association](#) by the City pursuant to its ordinances and as a result of non-performance or negligence on the part of the Association, shall be assessed to the Association and paid by the Association within 30 days of the date of notification.
2. If the Association fails to pay within 30 days, then the cost will be divided between the various Association members in proportion to the taxable value of their properties, as shown by the current year valuations of the Gillespie County Appraisal District.



6.09. Lots

A. Lot Design

Lot design shall provide adequate width, depth, and shape to provide open area, to eliminate overcrowding, and to be appropriate for the location of the Subdivision for the type of development and use contemplated, and shall meet the requirements of the Zoning Regulations of the City.

B. Lot Frontage Requirement

Every lot shall have frontage on, and access to, a public street or other approved public access easement.

C. Lot Frontage Prohibition for SF Lots on Arterial Streets

Lots zoned for single family use shall not front upon an Arterial Street as designed in the [Comprehensive Plan](#). The [Director of Development Services](#) may grant a [Minor Subdivision Waiver](#), for existing lots if no other reasonable access is available.

D. Right Angles for Side Lot Lines

All side lines of lots shall be as close to right angles as possible to straight street lines and radial to curved street lines except where a variation to this rule will provide a better street and lot layout. The [Director of Development Services](#) may grant a [Minor Subdivision Waiver](#), if unusual circumstances exist on the subject property or on adjacent property that make it difficult to comply with this requirement.

E. Lot Width

The width of every lot at the building line shall be equal to or greater than that required by the Zoning Regulations.

F. Scenarios where Additional Lot Depth is Required

Where a lot in a residential area backs up to a Right-of-Way, drainage easement, a high-pressure gasoline, oil or gas line, electric transmission lines (69kv or higher), water or wastewater transmission lines, an Arterial Street, an Industrial, Commercial, or other land use that has a significant change in use from the residential use of the property, and where no street or alley is provided at the rear of such lot, additional lot depth will be required.

G. Double Frontage and Reverse Frontage Lots

Double frontage and reverse frontage lots shall be prohibited except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation or exist prior to the adoption of this Subdivision Ordinance.

H. Lots with Septic Tanks

1. Within the City Limits

Septic tanks or On-Site Sewage Facilities (OSSF) are not permitted in platted subdivision. All lots within the city limits must be connected to the City's wastewater collection system.

2. Within the ETJ

In a Subdivision where buildings are to be served by septic tanks or the approved OSSF, the size of lots shall be sufficiently large to accommodate adequate drainage fields and to meet the standards set forth by the State of Texas, the County or any other governmental unit having appropriate jurisdiction.



I. Land Subject to a 100-Year Floodplain

1. Development shall not be permitted within the FEMA regulated 100-year floodplain, according to FEMA maps.
2. Any land which, in its natural state, is subject to a 100-year flood or which cannot be properly drained shall not be subdivided, re-subdivided or developed until receipt of evidence that the construction of specific improvements proposed by the Developer can be expected to yield a usable building site, i.e. Flood Study and FEMA CLOMR (Conditional Letter of Map Revision).
3. Thereafter, the Planning and Zoning Commission may recommend approval of the Plat; however, building construction upon such land shall be prohibited until the specific drainage improvements have been planned, construction completed, and a LOMR (Letter of Map Revision) been received from FEMA.



6.10. Survey Monuments and Lot Markers

A. Permanent Survey Reference Monuments

1. A concrete monument six inches (6") in diameter and twenty-four inches (24") long, shall be placed by the surveyor on each of the development's perimeter boundary corners which do not have a "found" monument.
 - a. An eighteen inch (18") long steel rod, 5/8 inch in diameter and embedded at least twelve inches (12") into the monument, shall be placed at the boundary intersection point on each monument.
 - b. These monuments shall be set at such an elevation that they will not be disturbed during construction.
 - c. The tops of the monuments shall be at least twelve inches (12") below the finished grade.
2. Submission of the [Final Plat](#) prepared by the licensed surveyor shall be considered evidence that the monuments, guard stakes and flagging have been set, regardless of whether or not the Preliminary Plat has been sealed and signed.
3. The [Director of Development Services](#) may approve alternative survey methods.

B. Public Right-of-Way Markers

1. Monuments shall be placed at PI, PC, PCC, and PT.
2. Where concrete streets are constructed, the monuments shall be an "X" cut into the concrete pavement.
3. Each leg of the "X" shall be at least six inches (6") long and ¼-inch deep.
4. Where asphalt streets are constructed and in unpaved areas, the monument shall be a 5/8-inch iron bar, eighteen inches (18") long.

C. Lot Markers

Lot markers shall be iron pins no less than 18 inches long nor less than one-half inch in diameter set flush with the ground at every corner, at all angle points, and at all points of curves not otherwise designated under the subparagraphs above or industry adopted survey benchmark documents, as approved by the [Director of Development Services](#).



6.11. Sidewalks

A. Sidewalks are required as a part of Plat approval to help the City achieve the following:

1. Promote the mobility, health, safety, and welfare of residents, property owners, and visitors to the City and to implement objectives and strategies of the Comprehensive Plan,
2. Improve the safety of walking by providing separation from motorized transportation and improving travel surfaces for pedestrians,
3. Improve public welfare by providing an alternate means of access to transportation and social interaction, especially for children, other citizens without personal vehicles, or those with disabilities, and
4. Facilitate walking as a means of physical activity.

B. Sidewalk Location and Design Requirements

1. Sidewalks shall be constructed within all new [Subdivisions](#) as identified on the City's Sidewalk and Trails Plan.
2. Sidewalks shall be constructed within the [Right-of-Way](#) and along all lots line adjoining dedicated streets, along major Arterial Streets where lots do not adjoin the street, across power line easements and in other areas where pedestrian walkways are necessary.
3. Routing to clear poles, trees or other obstacles shall be subject to [Director of Public Works and Utilities](#) approval.
4. The [Plat](#) or [Construction Plans](#) shall show the location of all proposed sidewalks and shall state at what stage of the project they will be constructed.
5. All sidewalks shall conform to Federal Americans with Disabilities Act (ADA) requirements and barrier-free ramps should be provided for access to the street.

C. Sidewalk General Construction

1. Sidewalks shall be constructed by Class "A" concrete and shall have a width of not less than five (5) feet and a minimum thickness of four (4) inches.
2. Sidewalks adjacent to screening walls shall be 5 feet in width and shall abut the wall, eliminating the landscape area found along the wall, thereby reducing maintenance.
3. Sidewalks shall be constructed one foot (1') from the property line within the street or Arterial Street Right-of-Way and shall extend along the street frontage including the side of corner lots and block ends.
4. Construction of sidewalks adjacent to curbs will be considered where driveway entrances are constructed from the rear of lots on each side of the street for the full length of the block or where [Mountable Curbs](#) are installed. In these instances, the sidewalks shall be five feet (5') wide.
5. Sidewalk construction may be delayed until development of lots, but in locations not adjacent to lots and across bridges and culverts, the sidewalk shall be constructed with the other improvements to the Subdivision.

D. Sidewalks in Commercial and Industrial Areas

Sidewalks in commercial and industrial areas shall be a minimum width of five feet (5') or extend from the back of the curb to the building line as required by the City.

E. Sidewalk Escrow Option

In accordance with Section [5.05.E Escrow Policies and Procedures](#), the City may require or the Developer may petition the City to defer required sidewalk improvements in exchange for a deposit of escrow.



6.12. Streets

A. Adequate Streets

1. The property owner shall ensure that the Subdivision is served by adequate streets and shall be responsible for the costs of Right-of-Way and street improvements, in accordance with the following policies and standards.
2. Additional Right-of-Way may be required at some street intersections to accommodate utilities, sidewalks, traffic control devices and/or sight distances.

B. General Requirements

1. Streets must be designed in relation to the [Comprehensive Plan/Transportation Plan](#), existing and proposed streets, the terrain, streams, and other physical conditions.
 - a. The arrangement of streets must provide for the continuation of streets between adjacent properties when the continuation is necessary for the safe and efficient movement of traffic and for utility efficiency.
 - b. The arrangement, character, extent, pavement width, Right-of-Way width, grade and location of each street shall be considered in its relationship to the Comprehensive Plan, to existing and planned streets, topographical conditions, public safety and convenience, and its relationship to the proposed uses of land to be served by such street.
2. Whenever a tract to be subdivided abuts any part of any street so designated on the Comprehensive Plan, or where a street designated on the Comprehensive Plan crosses any part of the tract to be subdivided, such part of the proposed public street shall be platted, the Right-of-Way shall be dedicated, and the street shall be constructed by the Developer, consistent with the location as indicated on the Comprehensive Plan, and to a width consistent with the Comprehensive Plan and the requirements contained within these regulations.
3. All streets shall be designed to coordinate with existing streets in adjoining Subdivisions.
 - a. Centerline offsets, where unavoidable, shall be at least one hundred thirty-five (135) feet.
 - b. Greater centerline offsets as may be required by the Director of Public Works and Utilities shall be planned where necessary for traffic safety.
4. Streets shall be named to provide continuity with existing streets.
5. Names of new streets shall not duplicate or cause confusion with the names of existing streets.
6. Where adjoining areas are not subdivided, the arrangement of streets in the Subdivision shall make provision for the proper projection of streets into such unsubdivided area.
7. Streets should be platted to allow two tiers of lots between streets when possible.
8. The reservation in private ownership of strips of land at the end of proposed or existing streets and intended solely or primarily for the purpose of controlling access to property not included in the Subdivision shall be prohibited.
9. Half streets shall be prohibited, except where essential to the reasonable development of the Subdivision in conformance with the other requirements of these regulations, and where the City finds it will be reasonable to require the dedication of the other half when the adjoining land is subdivided. The other half of the street shall be platted within the adjacent tract at the time it is platted.
10. Median openings shall have a minimum offset of at least 125 feet from the centerline of an intersecting street or alley.



11. To ensure adequate access to each Subdivision, there should be at least two (2) planned points of ingress and egress, except that cul-de-sacs shall be permitted in conformance with Section [6.12.G Cul-de-Sacs and Dead-End Streets](#) (below).
 - a. The City Council may require that more than two access points be constructed if the configuration, number of lots, or other consideration creates the need for additional access points.
12. Street layout shall provide for continuation of Collector Streets in areas between [Arterial Streets](#).
13. Local Streets shall be extended through the tract to the tract boundary to provide future connection with adjoining unplatted lands at intervals necessary to facilitate internal vehicular circulation with adjoining unplatted lands.
14. Where single family uses abut an existing or proposed arterial street, the [Plat](#) or dedication instrument will provide:
 - a. Lots to side onto the arterial with a non-access restriction on the arterial side, or
 - b. Reverse frontage with screening and containing a non-access restriction along the rear property line, or
 - c. Lots with screened rear alleys, or
 - d. Other treatment as may be necessary or required for adequate protection of adjoining properties, after taking into consideration the proposed method of off-street parking and maneuvering which will prevent the necessity of backing into the arterial street.

C. Design and Construction

Design and construction shall conform to specifications included within these Subdivision Ordinance regulations as well as those included within the [Standard Details and Specification for Public Infrastructure Construction Manual](#).

1. The arrangement, character, extent, width, grade, and location of all proposed streets shall conform to the general plan of the community, and their relationship shall be considered to that of the 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 in the general plan for the community, the arrangements of streets in a [Subdivision](#) shall:
 - a. Provide for the continuation or appropriate projection of existing principal streets in surrounding areas;
 - b. Conform to a plan for the neighborhood approved or adopted by the City to meet a particular situation where topographical or other conditions make continuation of or conformance to an existing street impracticable; and
 - c. Be laid out so that they shall intersect, as nearly as possible, at right angles.
3. Residential streets shall be laid out so that their use by through traffic shall be discouraged.
4. Street jogs with centerline offsets of less than one hundred twenty-five feet (125') shall be avoided.
5. Street grades shall be established regarding topography, proposed land-use, and the facilities in the area surrounding the land to be subdivided.
 - a. An absolute minimum grade of three tenths percent (0.30%) is required on concrete streets; however, where it is possible, a grade of five tenths percent (0.50%) shall be provided.



- 6. Street name markers shall be installed in accordance with the prescribed type currently in use by the [Manual on Uniform Traffic Control Devices](#).
 - a. Street markers and the erection thereof shall be at the expense of the Subdivider.
- 7. Residential lots less than one (1) acre shall not face Arterial Streets.
- 8. Driveways or alley pavement cuts shall not be permitted on Arterial Streets.

D. Street Right-of-Way Dedication

1. Any Subdivider laying out and constructing new streets or whose Subdivision includes any portion of or is adjacent to an existing street shall dedicate sufficient Right-of-Way in accordance with the following conditions:

a. General Dedication Requirements

- i. All street Right-of-Way dedications shall in the aggregate provide the Right-of-Way widths required according to street classifications in City Ordinances and be consistent with the City's [Comprehensive Plan](#) or [Transportation Plans](#).
- ii. The required alignment of the Right-of-Way shall be determined with respect to property boundaries, safety, design, topography, and traffic management consideration.
 - (a) Concerns for safety, sound design principles and orderly development will prevail.
 - (b) Principles of efficient traffic management will be applied in accordance with the City's goals and objectives as expressed in the current [Comprehensive Plan](#) or [Transportation Plans](#).
- iii. The appropriate alignment of any street Right-of-Way can only be determined by examining the property and topographical conditions along the entire length of the street.
 - (a) In order to provide adequate information to establish an appropriate Right-of-Way alignment the Developer shall provide property and topographical information for a minimum distance of 200 feet in every direction that the street extends off of the property.
 - (b) Additional information may be required if, in the opinion of the City, the information provided indicates conditions that may require additional Right-of-Way consideration.

b. New Streets

New streets shall be provided where there is not an existing street, roadway or passage.

i. Internal Streets

Internal streets shall be designed and provided in accordance with the current City Ordinances and Engineering/Construction Criteria and be consistent with the City's [Comprehensive Plan](#) or [Transportation Plan](#).

ii. Perimeter Streets

- (a) When a proposed residential or nonresidential Subdivision is developed abutting an existing or planned [Arterial Street](#) or [Collector Street](#), the Developer shall dedicate sufficient [Right-of-Way](#) within the Subdivision.
- (b) The Developer shall be responsible for their proportional share of the abutting street (see definition [Proportionality/Proportional Share](#)) and shall construct the entire abutting street and its appurtenances (such as curbs and gutters, sidewalks, barrier-free ramps, street trees, etc.) to the City's design standards for that type of street.
- (c) The Developer's proportional share of the street construction shall be determined by the Developer's engineer and approved by the [Director of Public Works and Utilities](#).



- (d) If the Developer disagrees with the Director of Public Works and Utilities' decision of rough proportionality (see Section [6.02.C Rough Proportionality and Fair Share Policy Statement](#) for reference), then the Developer may file a [Subdivision Proportionality Appeal](#) (see Section [7.02 Subdivision Proportionality Appeal](#)).
- c. Existing Streets
- i. Cases Where Existing Right-of-Way does not Meet Minimum City Standards
- (a) Where [Subdivisions](#) are adjacent to existing streets and the [Right-of-Way](#) widths of those existing streets are less than the minimum [Right-of-Way](#) width as set out in this [Subdivision Ordinance](#) for all streets, the [Developer](#) may be required to dedicate on the plat the [Right-of-Way](#) width required adjacent to the land being platted to bring the existing street to [Right-of-Way](#) width as set out in this [Subdivision Ordinance](#).
- (b) In the case of a [Subdivision](#) that is served by existing streets, and the [Right-of-Way](#) widths of such streets do not meet the minimum requirements of subsection [6.12.F Street Design Criteria](#), the developer shall dedicate the following [Right-of-Way](#), as appropriate to the situation as described below:
- (i) One hundred (100) percent of the [Right-of-Way](#) necessary to bring the street into conformance with subsection [6.12.F Street Design Criteria](#) for a local or collector street, whichever is needed to serve the development, when the [Subdivision](#) abuts both sides of the existing street; or
- (ii) One-half of the [Right-of-Way](#) necessary to bring the streets into conformance with section [6.12.F Street Design Criteria](#) for a local or collector street, whichever is needed to serve the development, when the [Subdivision](#) abuts only one side of the existing street.
- (c) Under Section [6.12.D.2](#), the [Developer](#) may request a [Minor Subdivision Waiver](#) reducing the Right-of-Way standards found in [Table 9: Minimum Street Design Criteria](#) up to five (5) feet.
- ii. Cases Where Additional Right-of-Way is Needed above the Minimum Standard
- Streets may currently exist by reasons of [Plat](#), metes and bounds description, general description or by prescription. If the existing geometrical configuration does not address safety, design, topography, and traffic management considerations, then the City may require the dedication of additional [Right-of-Way](#) to address such.
- (a) Adjacent to a platted [Subdivision](#):
- The Right-of-Way dedication shall be based upon the distance from the platted Subdivision boundary. Reasonable geometric adjustments will be made to accommodate safety, design, topography, and traffic management considerations.
- (b) Along a Right-of-Way described by a metes and bounds or a general written description: The Right-of-Way dedication shall be based upon the geometric centerline of the Right-of-Way as described. Reasonable geometric adjustments will be made to accommodate safety, design, topography, and traffic management considerations. All existing Right-of-Way dedication within the Subdivision shall be converted from "separate instrument" to a platted Right-of-Way by being a part of the [Final Plat](#).
- (c) Along a prescriptive Right-of-Way:
- The Right-of-Way dedication shall be based upon the apparent centerline of the existing pavement or of the travel way if unpaved. Reasonable geometric adjustments will be made to accommodate safety, design, topography, and traffic management considerations. The [Developer](#) shall indicate on the [Preliminary Plat](#) and [Final Plat](#) property lines and features which identify prescriptive Right-of-Way. These features may include fences, borrow ditches, utility lines, drainage improvements, limits of



plowed or improved fields, etc. All existing prescriptive Right-of-Way dedications within the Subdivision shall be converted from prescriptive to a platted Right-of-Way by being a part of the Final Plat.

2. The [Director of Development Services](#) may grant a [Minor](#) Subdivision Waiver reducing the Right-of-Way standards found in [Table 9: Minimum Street Design Criteria](#) up to five (5) feet to accommodate development in existing neighborhoods (e.g., an existing street does not meet the current standard) or if unusual circumstances exist on the property or on adjacent property that make it difficult to comply with the Right-of-Way standard.

E. Street Classification Descriptions

1. Arterial Streets

- a. Carries traffic from one urban area to another and serves the major activity centers of urbanized areas.
- b. Used for longer urban trips and carries a high portion of the total traffic with a minimum of mileage.
- c. A "divided highway" is an arterial meeting the design standard of "divided highway" in [Table 9: Minimum Street Design Criteria](#).
- d. Existing and proposed arterials are designated on the [Transportation Plan](#).

2. Collector Streets

- a. Carries traffic from local streets to Arterial Streets.
- b. Uses served would include medium and high density residential, limited commercial facilities, some small offices and as direct access within industrial parks.

3. Local Streets

- a. Local Streets distribute traffic to and from residences.
- b. Local Streets are short in length and non-continuous to discourage through traffic.
- c. A Local Street is a street used primarily for access to abutting property especially residential areas. Local Streets also provide secondary or minor access and circulation to community facilities (school, parks, etc.) and other traffic generators such a commercial and industrial areas. Local streets will be designated as [Type A Local Street](#), [Type B Local Street](#), [Type ETJ Local Street](#), and [Marginal Access Local Street](#) based on the function they serve as described below.

i. Type A Local Street

This type Local Street shall be used for primary and secondary access to single-family detached residential units or duplex residential units where such residential units comprise 75 percent of the abutting street frontage on both sides of the street of a particular block.

ii. Type B Local Street

This type Local Street shall be used for primary and secondary access to all residential areas except those specified to be served by a [Type A Local Street](#) local street. Also, this street shall be used for secondary access and circulation to community facilities (schools, parks, etc.) and other traffic generators such as commercial and industrial areas.

iii. Type ETJ Local Street

This type Local Street shall be used for primary and secondary access to all residential areas outside and not adjacent to the city limits, not served by city water and wastewater, and where [Type A Local Street](#) and [Type B Local Street](#) sections are inappropriate due to the



rural character of the neighborhood and/or the lack of storm drainage facilities to tie into curb and gutter design.

iv. Marginal Access Local Street

This type of Local Street is used to provide the primary means of access to abutting properties and protection from through traffic. [Marginal Access Local Streets](#) should be located parallel to and adjacent to an Arterial Street.

v. Private Street

Private Streets are Local Streets that may be allowed in planned unit developments (PUDs) or the ETJ with homeowners' associations that maintain them. Unless otherwise approved through the PUD zoning process, Private Streets shall meet the minimum right-of-way and pavement widths and all other city construction standards for [Type A Local Street](#) and [Type B Local Street](#), unless otherwise approved through the PUD zoning process, consistent with the location and nature of the subdivision and subject to approval by the Director of Development Services. The Director of Development Services may refer such approvals for private streets to the Planning and Zoning Commission.

vi. PUD Local Street

Street widths narrower than public Local Street standards may be allowed through the PUD zoning process in the zoning ordinance if adequate off-street parking is provided and emergency access is ensured to the satisfaction of the director. The PUD zoning option is not available in the [Extraterritorial Jurisdiction \(ETJ\)](#).

vii. Type RR Local Street

Similar in nature to the [Type A Local Street](#), this type of street is associated only with the Rural Residential zoning district and shall be used for primary and secondary access to single family detached residential units, where excessive through traffic is not anticipated



F. Street Design Criteria

All dedicated streets shall conform to the [Comprehensive Plan/Transportation Plan](#) and the following [Table 9: Minimum Street Design Criteria](#).

Table 9: Minimum Street Design Criteria							
Street Classification		Minimum Right-of-Way	Roadway Width (Overall to Back of Curb)	Number of Travel Lanes	Parking	Number of Parkways and Width	Median Width
Divided Highway	Figure 12	100'	2 @ 27'	4	Limited	2 @ 13'	20'
Civic Street	Figure 13	80-100'	48	4	Limited	2 @ 16'	Varies
Arterial Street	Figure 14	80'	64'	4	Limited	2 @ 8'	None
Collector Street	Figure 15	60'	44'	2	Permitted	2 @ 10'	None
Type A Local Street – A1	Figure 16	50'	40'	2	Permitted	2 @ 5'	None
Type A Local Street – A2	Figure 17	50'	36'	2	Permitted	2 @ 7'	None
Type B Local Street	Figure 18	60'	44'	2	Permitted	2 @ 8'	None
Type ETJ Local Street	Figure 19	60'	24' Pavement 32' Base (No Curb)	2	Prohibited	2 @ 14'	None
Marginal Access Local Street	Figure 20	40'	30'	2	Prohibited	2 @ 5'	None
Private Street	Same as Local Street (Type A or B) or as Approved Through the PUD Zoning Process						
PUD Local Street	Smaller than a Local Street (Type A or B) and Approved Through the PUD Zoning Process						
Type RR Local Street	Figure 21	50'	31' (No Curb)	2	Prohibited	2 @ 9.5'	None
Notes:							
1	Depending upon the nature and impact of the proposed development, additional Right-of-Way will be required at most intersections and may be required at high-volume driveways to provide left and right turn lanes to maintain traffic volume capacities through the intersections. Also, additional utility easements may be required beyond the Right-of-Way .						
2	If provided, the minimum width of a median adjacent to a left turn lane shall be five feet (5').						
3	Under authority and criteria in Section 6.12.D.2 , the Director of Development Services may grant a Minor Subdivision Waiver reducing the width of a street Right-of-Way up to five (5) feet.						

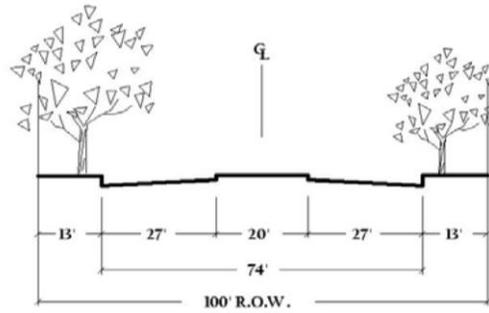


Figure 12: Divided Highway

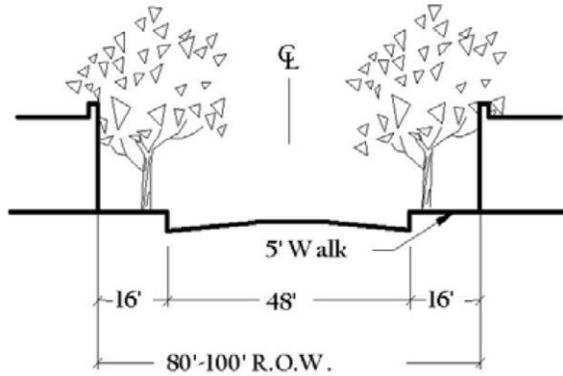


Figure 13: Civic Street

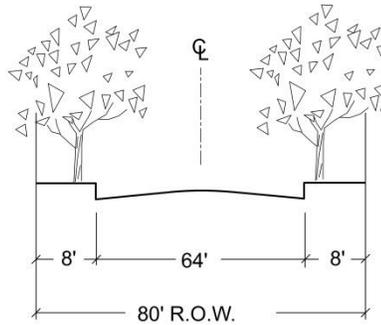


Figure 14: Arterial

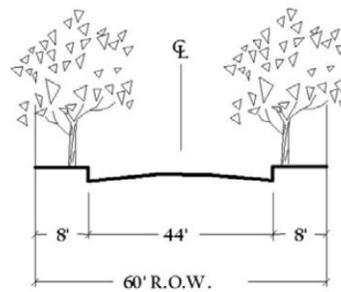


Figure 15: Collector

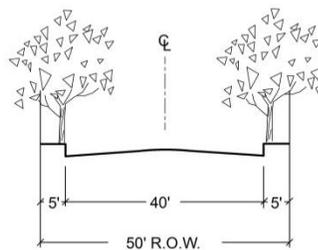


Figure 16: Type A Local Street – A1

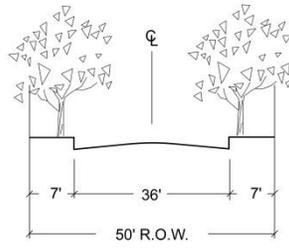


Figure 17: Type A Local Street – A2

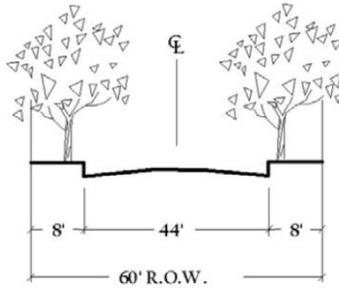


Figure 18: Type B Local Street

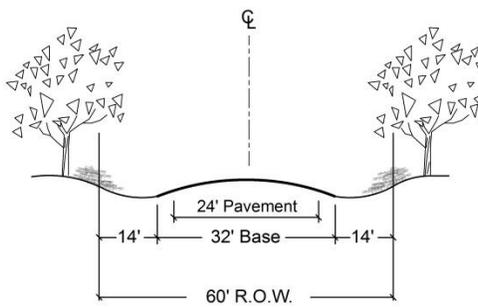


Figure 19: Type ETJ Local Street

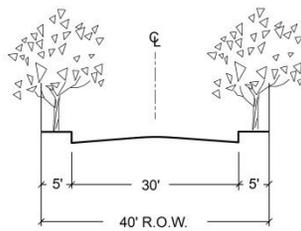


Figure 20: Marginal Access Local Street

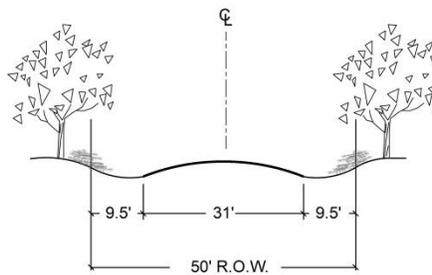


Figure 21: Type RR Local Street



G. Cul-de-Sacs and Dead-End Streets

1. Cul-de-sacs

- a. A cul-de-sac street shall not exceed five hundred (500) feet in length, unless approved by the Planning and Zoning Commission in the following cases.
 - i. The [Planning and Zoning Commission](#) may approve a cul-de-sac street greater than five hundred (500) feet, if the street is zoned or used for single-family residential development and no more than 15 single family lots are created along the street.
 - ii. The [Planning and Zoning Commission](#) may approve a cul-de-sac street greater than five hundred (500) feet, if the street is zoned or used for single-family residential development, all lots along the street are two (2) acres in size or greater, and no more than 30 single family lots are created along the street.
 - iii. The [Planning and Zoning Commission](#) may approve a cul-de-sac street greater than five hundred (500) feet for land zoned or used for non-residential development for specific reasons of topography, engineering design or limited non-residential use intensity. In no case shall a cul-de-sac longer than 1,200 feet be allowed.
- b. A cul-de-sac street shall be platted and constructed with a paved cul-de-sac at the closed end having a turnaround with a minimum outside paving diameter of at least one hundred (100) feet and a minimum street Right-of-Way diameter of at least one hundred-twenty (120) feet. (See [6.07.B.4](#) for supplemental information.)

2. Dead-End Streets

- a. Dead-end streets are prohibited unless the street design meets the requirements of paragraph (1) above or unless the street is intended to be extended in the future and the dead-end design is only temporary in nature.
- b. If a temporary dead-end street is permitted, turnaround pavement meeting the dimensions listed for cul-de-sacs in Paragraph [6.12.G.1 Cul-de-sacs](#) (above) and a temporary turnaround easement meeting the dimensions listed for the Right-of-Way in Paragraph [6.12.G.1](#) shall be provided on the Plat.
 - i. The portion of the temporary turnaround easement lying outside of the street Right-of-Way shall be shown as a dotted line on the Final Plat which shall denote a temporary easement.

In the event that the temporary dead-end street (as approved and shown on the [Final Plat](#)) is extended in the future, the portions of the temporary turnaround easement shall revert back to the lot(s) abutting the temporary turnaround easement.

3. Drainage Improvements

Provisions shall be made for adequate storm drainage at the ends of dead-end streets.

4. Barricades

- a. Barricades and other traffic controls shall be installed by the Developer at dead-ends in accordance with City specifications.
- b. Barricades and other traffic controls shall be maintained by the Developer or Homeowners' or Property Owners' Association.



H. Street Intersection Design

1. No street intersecting an Arterial Street shall vary from a 90 degree angle of intersection by more than five (5) degrees.
2. Intersections of collector and local streets shall not vary from 90 degrees by more than 15 degrees.

I. Construction Responsibilities

1. Local Street and Alley Construction

The Developer shall, at the Developer's cost and expense, pay for constructing all local streets and alleys within the Developer's Subdivision.

2. Collector Street Construction

The Developer shall, at the Developer's cost and expense, pay for constructing all Collector Streets within the Developer's Subdivision.

J. Street and Alley Requirements

1. General Requirements

- a. As a minimum, a street must be designated to safely provide two-way traffic for passenger, delivery, emergency, utility, and maintenance vehicles.
- b. If the City determines that streets greater than the minimum standard are required, the City's engineer will conduct investigations, studies, and calculations to determine the infrastructure requirements.
 - i. If the Developer proposes to construct no greater than the minimum standard of infrastructure, it will be the responsibility of the Applicant to submit to the City engineering investigations, studies, and calculations in support of constructing the minimum standard.

2. Local Streets, Collector Streets, and Alleys

- a. Local street paving shall be in conformance with [Table 9: Minimum Street Design Criteria](#).
- b. Collector Street paving shall be in conformance with [Table 9: Minimum Street Design Criteria](#).
- c. Alley paving shall be fifteen feet (15') wide in residential areas and fifteen feet (15') wide in commercial and industrial areas.
 - i. Alley turnouts shall be paved to the property line and shall be at least two feet (2') wider than the alley paving at that point.
 - ii. Paving radius where alleys intersect residential and Collector Streets shall be five feet (5') and where alleys intersect Arterial Streets the radius shall be five feet (5').
- d. For additional alley requirements, please see [6.05 Alleys](#).

3. Street Returns

- a. The minimum radius for all street returns shall be twenty-five feet (25').
- b. Returns for driveways on local streets shall be five feet (5'). Commercial and industrial driveway returns shall be a minimum of ten feet (10').



K. Street Signs

1. Street signs shall be furnished and installed by the [Developer](#) for all intersections within or abutting the [Subdivision](#).
2. Such signs shall be of a type approved by the City and include the block number.
3. Street signs shall be installed in accordance with the prescribed type currently in use by the [Manual on Uniform Traffic Control Devices](#).

L. Curbs: Barrier Curbs and Mountable Curbs

1. [Barrier Curbs](#), as shown in the [Standard Details and Specification for Public Infrastructure Construction Manual](#), shall be required for all developments, except for the following cases:
 - a. For single-family, duplex, or multifamily developments [Mountable Curbs](#) are permitted.
 - b. [Mountable Curbs](#) may be allowed along [Private Streets](#) within a Planned Development Zoning District.
 - c. [Barrier Curbs](#) or [Mountable Curbs](#) shall not be required in single-family subdivisions when all platted lots are one (1) acre or greater; however, an eighteen (18) inch ribbon curb will be required in these cases.
2. All curbs shall conform to the [Standard Details and Specification for Public Infrastructure Construction Manual](#) governing the placement and construction for curbs.



6.13. Private Streets and Gated Subdivisions

A. Applicability

1. Within the City Limits

Within the city limits, [Private Streets](#) and gated subdivisions shall be permitted only within a planned development (PD) zoning district.

2. Within the Extraterritorial Jurisdiction (ETJ)

[Private Streets](#) are allowed in the ETJ subject to the formation of a [Homeowners' or Property Owners' Association](#).

B. General

1. Requirements

Subdivisions with [Private Streets](#) and gated communities shall meet the following requirements:

- a. The general provisions of this Subdivision Ordinance and other City Codes as they relate to development, streets, and utilities will apply.
- b. A vehicular turn around shall be provided at entry gates to allow vehicles that have been denied entry the ability to exit without having to backup.
- c. All plans concerning private subdivisions are subject to review and approval by the local fire department.
- d. The definition of a "subdivision" and "street", as contained in the Subdivision Ordinance, will apply to all subdivisions or streets, whether public or private.

2. Authority Maintained by City

- a. All streets, gates, and other fire protection features, signage, and equipment are subject to periodic inspection by the City and must be repaired immediately if found to be in a condition of disrepair or inadequate for public access.
- b. The City shall have the right to enter the subdivision and disable, open, or remove any gate, device, or other feature that impedes or controls vehicle access at the sole expense of the Homeowners' or Property Owners' Association.
- c. Access shall be provided for sanitation trucks.

3. Owners Responsibility

The person or corporation in control of the property is responsible for, and liable for, any violations of this private road requirement. This includes, but is not limited to, the developer, property owner, the [Homeowners' or Property Owners' Association](#) and its officers, if applicable, or others who may own or exercise control over the property.

4. Private Street Lot

Each [Private Street](#) and alley must be constructed within a separate lot owned by the [Homeowners' or Property Owners' Association](#).

- a. Each lot must conform to the City's standards for design of a public street and alley right-of-way. An easement covering the street lot shall be granted to the City providing unrestricted use of the property for utilities and the maintenance of the same. This right shall extend to all utility providers including telephone and cable companies, operating within the City.



- b. The easement shall also provide the City with the right of access for any purpose related to the exercise of a governmental service or function, including but not limited to fire and police protection, inspection and code enforcement. The easement shall permit the City to remove any vehicle or obstacle within the street lot that impairs emergency access.

5. Payment

The [City](#) shall not pay for any portion of the cost of constructing or maintaining a [Private Street](#).

6. Plans and Inspections

An applicant for a proposed subdivision with [Private Streets](#) must submit to the City the same plans and engineering information required to construct public streets and utilities. Requirements pertaining to inspection and approval of improvements prior to final plat approval shall apply. Fees charged for these services shall also apply. The City may periodically inspect private streets and require repairs necessary to ensure emergency access.

7. Waiver of Services

The final plat, property deeds and [Homeowners' or Property Owners' Association](#) documents shall note that certain City services shall not be provided on private streets. Among the services that will not be provided are the following:

- a. Routine police patrols.
- b. Enforcement of traffic and parking ordinances and preparation of accident reports.
- c. Depending on the characteristics of the proposed development, other services may not be provided.

8. Signs

All private traffic regulatory signs shall conform to the Texas Manual of Uniform Traffic Control Devices.

9. Indemnification

The [Final Plat](#) shall contain the following language:

- a. Whereby the [Homeowners' or Property Owners' Association](#), as owner of the [Private Streets](#) and appurtenances, agrees to release, indemnify, defend and hold harmless the City, any governmental entity and public utility:
 - i. For damages to the private street occasioned by the reasonable use of the private street by the City, governmental entity of public utility;
 - ii. For damages and injury (including death) arising from the condition of said [Private Street](#);
 - iii. For damages and injury (including death) arising out of the use by the City, governmental entity or public utility of any restricted access gate or entrance; and
 - iv. For damages and injury (including death) arising out of any use of the subdivision by the City, governmental entity or public utility. Further, such language shall provide that all lot owners shall release the City, governmental entities and public utilities for such damages and injuries.
- b. THE INDEMNIFICATIONS CONTAINED IN THE ABOVE LANGUAGE APPLY REGARDLESS OF WHETHER OR NOT SUCH DAMAGES AND INJURY (INCLUDING DEATH) ARE CAUSED BY THE NEGLIGENT ACT OR OMISSION OF THE CITY, GOVERNMENTAL ENTITY OR PUBLIC UTILITY, OR THEIR REPRESENTATIVE OFFICERS, EMPLOYEES OR AGENTS.



C. Gates

1. Each gate installation in a gated community must conform to the following provisions:

- a. Fire Department Approval Required

Each gate installation must be approved by the fire department which that serve the proposed subdivision prior to installation. The installation must be completed and tested prior to the City's acceptance of the subdivision.

- b. Gate Openings and Clearances

Gate design may incorporate one or two gate sections to meet the required minimum gate width of twenty four feet. If the entrance will incorporate a median, guard shack, or similar structure that necessitates a divided gate arrangement, the gate widths may be reduced if approved by the fire marshal, but in no case shall any gate or street pavement have a clear opening of less than eighteen feet.

- c. If a gate design incorporates any overhead obstruction, the obstruction must be a minimum of fourteen feet (14') above the finished road surface.

2. Setback Required

Approach and departure areas on both sides of a gated entrance must provide adequate setbacks and proper alignment to allow free and unimpeded passage of emergency vehicles through the entrance area.

3. Gates to Be Constructed in Agreement with Fire Department Guidelines

An automatic gate installation must conform to the design and performance guidelines established by the fire department.

4. Good Working Order Required

All components of the gate system must be maintained in an approved operating condition, with all components serviced and maintained on a regular basis as needed to ensure proper gate operation. A proper power supply shall be maintained to all electrical and electronic components at all times.

5. Failure to Meet Requirements

Each security gate is subject to a performance test on a regular basis as determined by the fire department. Upon failure of a performance test, the security gate system shall be disabled and maintained in the open position until repaired, and shall not be placed back in service until tested and authorized by the fire department.

D. Homeowners' or Property Owners' Association Required

1. Homeowners' or Property Owners' Association Required

Subdivisions developed with private streets and alleys must have a mandatory [Homeowners' or Property Owners' Association](#) which includes all property to be served by [Private Streets](#). The association shall own and be responsible for the maintenance of private streets and appurtenances.

2. The [Homeowners' or Property Owners' Association](#) documents must establish a reserve fund for the maintenance of streets and other improvements. The association documents shall be reviewed and approved by the City's attorney to ensure that they conform to this and other applicable City ordinances. The documents shall be filed of record prior to the approval of the [Final Plat](#). Lot deeds must convey membership in the association and provide for the payment of dues and assessments required by the association. The association may not be dissolved without the prior written consent of the City. No portion of the association documents pertaining to the maintenance of the private



streets and alleys and assessment therefore may be amended without the written consent of the City.

E. Construction and Utilities

Water, sewer, drainage facilities, street lights and signs placed within the private street and alley lot shall be installed to City standards prior to approval of the [Final Plat](#). All City regulations relating to infrastructure financing and developer cost participation shall apply to subdivisions with private streets.

F. Converting Private Streets to Public Streets

The [Homeowners' or Property Owners' Association](#) documents shall allow the association to request the [City](#) to accept private streets and alleys and the associated property as public streets and right-of-way upon written notice to all association members and to convey the same to the City upon the consent by written signatures of the owners of 75% of the affected lots on the street. However, in no event shall the City be obligated to accept said [Private Streets](#) and alleys as public.

1. City's Acceptance of Streets and Alleys

Should the City elect to accept the streets and alleys as public, the City may inspect the private streets and assess the [Homeowners' or Property Owners' Association](#) or lot owners for the expense of needed repairs concurrent with the City's acceptance of the streets and alleys. The City will be the sole judge of whether repairs are needed.

2. City's Requirements

The City may also require, at the [Homeowners' or Property Owners' Association's](#) expense, the removal of guard houses, access control devices, landscaping or other aesthetic amenities located within the street. The association documents shall provide for the City's right to such assessment. Those portions of the association documents pertaining to the subject matter contained in this paragraph shall not be amended without the written consent of the City.

G. Access Restrictions

1. General Requirements

The entrances to all [Private Streets](#) shall be marked with a sign stating that it is a private street. Either a guard house or an access control device such as a gate or cross arm shall be constructed at each entrance. All restricted access entrances shall be manned 24 hours every day, or an alternative means shall be provided of ensuring access to the subdivision by the City and other utility service providers with appropriate identification. If the association fails to maintain reliable access as required to provide City services, the City shall have the right to enter the subdivision and remove any gate or device which is a barrier to access at the sole expense of the association.

2. Restricted Access

Private streets that have access controlled by a gate, cross arm, or other access control device shall conform to the following requirements:

- a. The street must have a minimum uninterrupted pavement width of 24 feet at the location of the access control device.
- b. If an overhead barrier is used, it shall have minimum height above the road surface as required by the local fire department for fire lanes.
- c. The design of all gates, cross arms and access control devices, including automatic opening systems and manual backup systems, shall be approved by the local fire department before installation.
- d. The gates, cross arms, and access control devices shall be tested and accepted by the fire department before being put into operation.



- e. Gate designs may incorporate one or two gate sections to meet the required minimum width of 24 feet.
 - f. If the entrance incorporates a median, guard shack, or similar structure that necessitates a divided gate arrangement, the gate and street pavement widths may be reduced if approved by the fire department. This approval shall be contingent upon the subdivision with private streets having a second approved means of access, but in no case shall any single gate or street pavement have a clear opening of less than 15 feet.
3. Visitor Entrance Design Standards

At least one entrance to a subdivision with [Private Streets](#) shall be equipped for visitor access. In addition to meeting the above design standards, the visitor entrance shall be equipped with a call or code box located at least 50 feet from the boundary of the subdivision to provide for visitors calling in and automobile queuing. A turn-around space with a minimum outside radius of 30 feet shall be located between any call or code box and the access control device to allow vehicles denied access to safely exit onto public streets in a “headout” position. A sign shall be erected next to the edge or such turn around space to prohibit vehicle parking in such space. A resident entrance used in combination with a visitor entrance shall comply with the requirements of this Subsection.

4. Resident Only Entrance Design Standards

In addition to meeting the above design standards, an access control device that requires residents to use a key, card, or code, or other method to gain access shall setback internally a minimum of 50 feet from the boundary of the subdivision to provide for automobile queuing; except that resident entrances equipped with an electronic opener that allows residents to remotely open the access control device and enter the subdivision without having to stop are exempted from this requirement. A sign shall be erected next to any resident entrance that does not meet the 50 foot setback requirement of this paragraph and does not provide a turn-around space with a minimum outside radius of 30 feet to indicate that it is for resident use only and not for visitors.



6.14. Residential Thoroughfare Screening

A. Purpose Statement

The image of the City and its related influence on property values and the types of development that occur directly affect the public welfare of the City. With streets being the largest public land use, the image people experience when traveling City streets can have a substantial impact on the overall image of the City. This section (Section [6.14 Residential Thoroughfare Screening](#)) is designed to create a positive visual image from City streets by providing quality screening options using landscaping, masonry, or fence materials. In addition to improving the City's image, these landscape screening options are intended to buffer residential uses from roadway noise to minimize sound and visual nuisances of roadway adjacency.

B. Required Screening

Screening is required for all single-family detached, two-family, and townhome lots and subdivisions as follows:

1. Back of Lots

The rear of all lots that back to an Arterial Street or Collector Street; and

2. Side of Lots

The side of all lots that side to an Arterial Street or Collector Street.

C. Screening Plan

1. Preliminary Screening Plan

A Preliminary Screening Plan shall be submitted for review and approval with the [Preliminary Plat](#).

2. Final Screening Plan

a. A Final Screening Plan, including entry features and showing all elevations and materials, shall be submitted with the Construction Plans.

b. The Screening Plan shall be reviewed and considered for approval by the [Director of Development Services](#) prior to approval of the Construction Plans, and prior to scheduling a [Pre-Construction Meeting](#) (see Section [5.02 Pre-Construction Meeting](#)).

3. City Design Standards

a. Screening walls and fences shall be designed in accordance with the City's codes.

b. Structural elements shall be sealed by a licensed professional engineer and approved by the City.

4. Timing of Installation and Inspection

The timing and inspection of all required screening shall comply with Section [5.06 Inspection, Maintenance, and Acceptance of Public Improvements](#).

D. Screening Standards

Required screening shall be construction in accordance with one of the following methods.

1. A solid masonry wall at least six (6) feet but not greater than eight (8) feet in height.

2. Cement fiberboard materials (commonly referred to as HardiePlank), may be used as masonry materials for screening.



6.15. Park Land Dedication

A. Purpose

1. The purpose of this section is to provide recreational areas and amenities in the form of neighborhood parks as a function of Subdivision development in the City. This section is derived from the ordinance enacted in accordance with the Home Rule powers of the City, granted under the Texas Constitution and statutes of the State of Texas including, without limitation, V.T.C.A., Local Government Code §§ 51.071 et seq. and 212.001 et seq.
2. It is hereby declared by the [City Council](#) that recreational areas, in the form of neighborhood parks and related amenities and improvements, are necessary and in the public welfare, and that the only adequate procedure to provide for the same is by integrating such a requirement into the procedure for planning and developing property of a residential [Subdivision](#) in the [City](#), whether such development consists of new construction on previously vacant land or rebuilding and redeveloping existing residential areas.
3. Neighborhood parks are those parks providing for a variety of outdoor recreational opportunities and within convenient distances from a majority of the residences to be served thereby, the standards for which are set forth in the latest [Comprehensive Plan](#), as amended. The neighborhood parks shown within the zones on the map of the City, which is on file with the City, based upon the official latest [Comprehensive Plan](#), as amended, shall be prima facie evidence that any park located therein is within such a convenient distance from the majority of residences to be served thereby within such zone. The cost of the neighborhood parks should be borne by the ultimate residential property owners who, by reason of the proximity of their property to such parks within such zones, shall be the primary beneficiaries of such facilities. Therefore, the requirements listed in Subsection [6.15.D \(Park Land Requirements\)](#) of this section are adopted to attain such purposes.
4. The dedications of land and fees collected from within the various [Park Service Zones](#) shall be utilized to create neighborhood parks within such [Park Service Zone](#).

B. Process Overview

Before a [Plat Application](#) may be submitted for review, the [Developer](#) shall gain the [City Council's](#) approval of the dedication required by this section. The prerequisite of the [City Council's](#) approval of the dedication before the submittal of a [Plat Application](#) is required because the City Council is not a part of the general platting approval process. Therefore, the only opportunity for the City Council to approve a park land dedication that best meets the community's vision is before a [Plat Application](#) is submitted.

C. Park Land Dedication Submittal Application and Approval

1. The [Director of Development Services](#) shall establish the [Application Form](#) and requirements (e.g., the size of map, the information to be shown, etc.) for the park land dedication Application and review the Application. The City Council shall have the authority to approve park land dedications. At the City Council's discretion, it may request a recommendation from the [Planning and Zoning Commission](#) regarding the dedication requirement.
2. Proposed land dedications shall be presented as part of the Application.
3. The City Council may accept or reject the land offered by the [Developer](#) and require any dedication within Section [6.15.D](#) (below). Some issues for consideration by the City may include:
 - a. Land is unusable or not compatible with the [Comprehensive Plan](#).
 - b. Sufficient park area is already dedicated in the development area.
 - c. The area would be better served by expanding or improving existing parks.
 - d. Acquisition of the land is not in the best interest of the City.



4. Once the City Council has approved a dedication, a developer may submit a [Plat Application](#). All subsequently related Plat Application shall conform to the City Council's approval.

D. Park Land Requirements

1. General requirements; dedication of land and payment of park development fee.
 - a. Dedication of Land or Payment in Lieu Required
 - i. Prior to a [Plat](#) being filed with the [County](#), for a development of a residential area within the [City](#) and in accordance with the planning and zoning ordinances of the City, such [Plat](#) shall contain a clear fee simple dedication of one (1) acre of land for each 133 proposed dwelling units. In the event a [Plat](#) is not required, the dedication of land required under this section shall be met prior to the issuance of a building permit.
 - ii. Any proposed [Plat](#) submitted to the City for approval shall show the area proposed to be dedicated under this section. The required land dedication of this section may be met by a payment in lieu of land where permitted by the City or required by other provisions in this section.
 - iii. The [City Council](#) declares that development of an area of less than five (5) acres for neighborhood park purposes is impractical. Therefore, if fewer than 665 dwelling units are proposed by a [Plat](#) filed for approval, the [City Council](#) may require the developer to pay the applicable cash in lieu of land amount, as provided in Subsection [6.15.D.2 \(Cash in Lieu of Land\)](#) of this section.
 - b. Park Development Fee Required
 - i. In addition to the required dedication of land as set forth in Subsections [6.15.D.1.a.i](#) and [6.15.D.1.a.ii](#) of this section, there shall also be a park development fee paid to the City as a condition to subdivision [Plat](#) approval. Such park development fee shall be set from time to time by ordinance of the [City Council](#) sufficient to provide for the development of amenities and improvements on undeveloped park land within the relevant zone at the then current costs as determined by the [City Council](#), to meet the standards for a neighborhood park to serve the area in which the subdivision is located. The fee may vary from [Park Service Zone](#) to [Park Service Zone](#), and may be set below actual development costs. Unless and until changed by an ordinance amendment of the [City Council](#), the park development fee shall be calculated on the basis of \$300.00 per dwelling unit.
 - ii. In lieu of payment of the required park development fee, a [Developer](#) shall have the option to construct the neighborhood park amenities and improvements. All plans and specifications for the construction of such amenities and improvements must be reviewed and approved by the City. The developer shall financially guarantee the construction of the amenities and improvements, and the City must approve the same, prior to the filing of a [Plat](#) in the case of platted subdivisions. Once the amenities and improvements are constructed, and after the City has accepted such amenities and improvements, the developer shall dedicate, by [Plat](#), such amenities and improvements to the City.
 - c. Land Considerations
 - i. In instances where land is required to be dedicated, the City shall have the right to accept or reject the dedication and to require a cash payment in lieu of land, in the amount provided under subsection [6.15.D.2 \(Cash in Lieu of Land\)](#) of this section, if the City determines that sufficient park area is already in the public domain for the area of the proposed development, or if the recreation potential for that area would be better served by expanding or improving existing neighborhood parks.
 - ii. When two or more developments will be necessary to create a neighborhood park of sufficient size in the same area, the [Planning and Zoning Commission](#), with final approval by



the [City Council](#) at the time of [Preliminary Plat](#) approval, will work with the developers to define the optimum location of the required dedication within the respective [Plats](#). Once a park site has been determined, adjacent property owners who develop around the park site shall dedicate land and cash to the existing site unless otherwise determined by the [City Council](#), and shall take the existence of such park into consideration in the design of its site with respect to access to the park, sidewalks and the like. This provision is applicable even if the adjacent property is not in the [Park Service Zone](#) for that park.

- iii. In the event the City determines that the area of proposed development or construction contains a location that is desirable for a neighborhood park, but the required land dedication for such proposed development or construction is not sufficient to provide the land necessary, the following provisions will apply:
 - (a) The [Developer](#) shall negotiate in good faith with the City to sell the additional land to the City. Approval of the subdivision [Plat](#) or building permit, as the case may be, may be delayed by the City for up to 275 calendar days past the time for approval set forth in the City's Zoning Ordinance to accommodate such negotiation.
 - (b) As part of such negotiated price for the land, the City will be permitted to offer any or all of the following to the [Developer](#):
 - (i) Double credit for both land dedication and park development fees;
 - (ii) Consideration of developer/owner's desires with respect to the type of park development or amenities planned for the park;
 - (iii) Alteration of open space requirements for the subdivision or development;
 - (iv) Offset against any other capital improvements required by City ordinance for the development;
 - (v) Commitment on the part of the City to develop the park within a specified period of time; or
 - (vi) Any other reasonable concession by the City with respect to its development ordinances.
- iv. In the event condemnation is necessary, such incentives (above) shall not apply.

2. Cash in Lieu of Land

- a. A [Developer](#) responsible for land dedication under this section may be required, at the [City Council](#)'s option, to meet the dedication requirements in whole or in part by a cash payment in lieu of land, in the amount set forth in Subsection [6.15.D.2.b](#). Such payment in lieu of land shall be made prior to filing the [Final Plat](#) for record, or prior to the issuance of a building permit where a [Plat](#) is not required.
- b. The cash payment in lieu of land dedication shall be met by the payment of a fee set from time to time by ordinance of the [City Council](#) sufficient to acquire neighborhood parkland or to expand or improve existing neighborhood parks within the relevant zone. Unless and until changed by the [City Council](#), such fee shall be computed on the basis of \$200.00 per dwelling unit. The [City Council](#) may review the fee from time to time, and the new fee established shall be based upon its determination of land costs in the respective [Park Service Zones](#), for fees pertaining to each zone, or in the City generally and its extraterritorial jurisdiction, if the fee is uniform throughout the City. The fee may vary from zone to zone, and may be set below the actual costs determined.
- c. A cash payment in lieu of land dedication, as set forth in Subsection [6.15.D.2.b](#), does not relieve the [Developer](#) of its obligation to pay the park development fee set forth in Subsection [6.15.D.1.b.i](#). The cash payment in lieu of land dedication is in addition to the required park development fee.
- d. The City may from time to time decide to purchase land for parks in or near the area of actual or potential development. If the City does purchase park land in a park service area, subsequent



park land dedications for that zone may be in cash only, the calculation of which is set forth in Subsection [6.15.D.2.b](#). Such cash payment is in addition to the payment of the required park development fee.

3. Special Fund; Right to Refund
 - a. All funds collected by this dedication process will be deposited in the City's Park Development Fund. The funds for each [Park Service Zone](#) are used solely for the purchase or leasing of parkland and the development of the same within the relevant zones. Such funds may be commingled for administrative purposes. All expenditures from the Fund will be reviewed and approved by the [City Council](#).
 - b. The City shall account for all sums paid into the Park Development Fund with reference to the individual [Plats](#) involved. Any monies paid into the Fund must be expended by the City within ten years from the date received by the City. Such funds shall be considered to be spent on a first in, first out basis in a particular [Park Service Zone](#). If not so expended within the ten-year period, the then owners of the property within such zone, or the then owners of property contributing to such fund, will, on the last day of such period, be entitled to a refund of the remaining fees. The current owners of the property within the [Subdivision](#) must request such a refund within one year of entitlement, in writing, or such right is waived.
4. Additional Requirements
 - a. Any land dedicated to the City under this section must be suitable for park and recreation uses. The following characteristics of a proposed area are generally unsuitable:
 - i. Any area primarily located in the 100-year floodplain.
 - ii. Any areas of unusual topography or slope which renders the same unusable for organized recreational activities.The above characteristics of a park land dedication area may be grounds for refusal of any [Plat](#).
 - b. Drainage areas may be accepted as part of a park if the channel is to remain more or less in its natural state or constructed in accordance with City engineering standards, if no significant area of the park is cut off from access by such channel, and if not less than five acres of the site is above the 100-year floodplain, or if the dedication is in excess of ten acres, not more than 50 percent of the site is to be included in the 100-year floodplain.
 - c. Each park must have ready access to a public street.
 - d. Unless provided otherwise in this section, an action by the City shall be by the [City Council](#).
 - e. Properties within any [Preliminary Plat](#) approved prior to the effective date of the ordinance from which this section is derived, or building permit issued, as applicable, shall be exempt from the requirements set forth in this section; however, when such preliminary approval expires, any resubmission of such plat shall meet the requirements of this section



6.16. Water Utility

A. General

1. All Subdivisions shall provide an approved water distribution system connected to the existing City water system in conformance with all applicable City master plans and regulations.
2. In the absence of specific standards, all water supply, distribution, pumping, and storage improvements shall be designed in accordance with the most current standards of the American Water Works Association and the most current criteria included in the [Texas Administrative Code, Chapter 290](#).
3. The City shall make the final determination of the adequacy of the proposed system.

B. Basic Requirements

1. Water Main Construction

All water mains shall be constructed within the street Right-of-Way or easements dedicated to the City.

2. Water Lines Extended to Subdivision Borders

- a. All water lines installed within a Subdivision must extend to the borders of the Subdivision as required for future extensions of the distribution system, regardless of whether such extensions are required for service within the Subdivision.
- b. If due to physical constraints, a new subdivision will never be constructed beyond a developing subdivision, the [Director of Public Works and Utilities](#) may approve a [Minor Subdivision Waiver](#) for this requirement prior to action on the Construction Plans or prior to action on any Plat.

3. Fire Hydrants (Locations and Hose-Lay)

- a. Fire hydrants shall be placed on block corners or near the center of the block to place all of every lot within a radius of 400' in residential areas, but under no circumstances shall a hose-lay for more than 400' be made from the fire hydrant to cover all of every lot within the Subdivision or tract under development.
- b. Fire hydrants shall be located in commercial and industrial areas so that all of every lot shall be within a radius of 400', but under no circumstances shall a hose-lay of more than 400' be made in order to adequately afford fire protection to the building or buildings.
- c. A fire hydrant shall be placed at the entrance of all cul-de-sacs.

C. Preliminary Utility Plan

1. General

A [Preliminary Utility Plan](#) shall detail both Section [6.16 Water Utility](#) and [6.17 Wastewater Utility](#) requirements. Also, the [Preliminary Utility Plan](#) shall show electric utilities in accordance with City plans and standards.

2. Illustrate the Location and Size of Water Utility and Wastewater Utility Mains

- a. Concurrent with the submission of a Preliminary Plat or Replat, the Developer shall submit a map or plan showing the location and size of Water Utility and Wastewater Utility mains, which will be required to provide adequate service and fire protection to the lots specified in the proposed plat.
- b. Plans and specifications for fire hydrant systems shall be submitted to the [Director of Public Works and Utilities](#) and Fire Marshal for review prior to construction.



3. Plan Document

The plan shall be prepared as noted in the City's [Application Forms](#).

4. Coordination with other Utility Providers

a. Preliminary Plat

When the subdivision is located in an area served by a utility provider other than the City, the Developer must provide a water system analysis, indicating adequate water supply and water quality.

b. Replat

i. When a [Subdivision](#) is located in an area served by a utility provider other than the [City](#), the [Developer](#) must provide a letter from the utility provider stating that facilities exist in the area to provide adequate domestic service and fire protection.

ii. If the [City](#) has reason to believe that there may be water supply or pressure concerns the [City](#) may require, a water system analysis, indicating adequate water supply and water quality.

c. Final Plat

The [Final Plat](#) will not be approved until a letter has been provided from the utility provider stating that they have accepted the plans for construction.



6.17. Wastewater Utility

A. General

1. Approved Means of Wastewater Collection and Treatment Required

All lots, tracts or parcels on which development is proposed shall be served by an approved means of wastewater collection and treatment.

2. Determining the Approved Means of Wastewater Collection and Treatment

The [Director of Public Works and Utilities](#) shall be responsible for determining the approved means of wastewater collection and treatment in accordance with City master plans and regulations.

3. Possible Phasing of Development Required

a. The [Director of Development Services](#) may require the phasing of development and/or improvements in order to maintain adequate wastewater capacity.

b. [Subdivisions](#) either in the ETJ or that have recently been annexed and are not served by the [City](#) shall meet the same requirements but be subject to approval by the [Director of Development Services](#).

B. Basic Requirements

1. Wastewater Disposal System Required

a. All [Subdivisions](#) shall provide an approved wastewater disposal system conforming to the Fredericksburg engineering standards criteria and all applicable [City](#) master plans and regulations and the requirements of [Texas Administrative Code, Chapter 217, Design Criteria for Domestic Wastewater Systems](#).

b. The [City](#) shall make the final determination of the adequacy of the proposed system.

2. Wastewater Lines Extended to Subdivision Borders

a. All laterals and sewer mains installed within a subdivision must extend to the borders of the subdivision as required for future extensions of the collection system, regardless of whether such extensions are required for service within the subdivision.

b. If due to physical constraints, a new subdivision will never be constructed beyond a developing subdivision, the [Director of Public Works and Utilities](#) may approve a [Minor Subdivision Waiver](#) for this requirement prior to action on the Construction Plans or prior to action on any Plat.

C. Preliminary Utility Plan

When required by the [Subdivision Ordinance](#), a Preliminary Utility Plan for [Wastewater Utility](#) requirements shall be prepared in accordance with [6.16.C Preliminary Utility Plan](#).



6.18. Drainage and Storm Water

A. General

1. Components of the Drainage System

Drainage systems, including all conveyances, inlets, conduits, structures, basins, or outlets used to drain storm water, must be designed and constructed to promote the health, safety, and welfare of the property owner and the public.

2. Management of Storm Water Runoff

Adequate provision must be made for the acceptance, collection, conveyance, detention, and discharge of storm water runoff drainage onto, through and originating within the [Subdivision](#).

3. Maintenance Responsibility

- a. Detention and retention pond maintenance is the responsibility of the property owner or the [Homeowners' or Property Owners' Association](#), unless noted on the [Plat](#) or agreed to by the City.
- b. It is a violation of this Subdivision Ordinance for the pond not to be maintained according to the City's requirements.
- c. It is a violation of the City's [Storm Water Management Plan's](#) Best Management Practices for a detention/retention pond or a structural control to be unable to operate for its intended purpose due to lack of maintenance.

4. Discharge of Storm Water Runoff

Storm water must be discharged in an acceptable form and at a controlled rate so as not to endanger human life or public or private property.

5. Drainage Facilities

Drainage facilities shall be provided and constructed by the Developer in accordance with the requirements within this [6.18 Drainage and Storm Water](#) and the City's Code of Ordinances.

B. Planning and Construction

1. Plans, profiles, and specifications shall be prepared for storm water improvements to be constructed and shall show the locations, sizes, grades, hydraulic gradients, flow arrows, and other details for the proposed pipe, inlets, channels, manholes, culverts, outlet structures, and other appurtenances.
 - a. Each sheet of the plans and profiles shall bear the seal and signature of the Licensed Professional Civil Engineer in the State of Texas who prepared them.
2. The [Developer](#) shall incur the cost of all drainage improvements connected with development of the [Subdivision](#) and acceptance of current upstream flows necessary to safely and adequately drain the [Subdivision](#), including any necessary off-site channels or storm sewers and acquisition of any required easements.
 - a. The 100-year storm must be contained within the street [Right-of-Way](#) and/or the drainage easement boundaries.
 - b. Any necessary off-site channel or storm sewers which are required to be within easements must have a separate instrument easement filed in the County Real Property Records and a filed copy shall be submitted to the City before Construction Plans will be approved.



C. Residential Grading and Drainage

1. Lot to Lot Drainage Standards

- a. Surface runoff from residential lots shall cross no more than one additional lot before being directed toward the street or a dedicated drainage easement or public Right-of-Way.
- b. When the flow reaches the second lot, side lot swales shall be in place to direct the flows to the street or to a public Right-of-Way or dedicated drainage easement within the rear yard.
- c. Furthermore, no more than one lot may drain to a second lot before the flow is directed to the public Right-of-Way or dedicated drainage easement.
- d. Where lot to lot drainage occurs, the lot lines shall be aligned and a minimum of a 10' drainage easement shall be provided.

2. Detailed Standards

See the [Standard Details and Specification for Public Infrastructure Construction Manual](#) for requirements for detailed standards and policies.

D. Nonresidential Grading and Drainage

1. Lot to Lot Grading and Drainage Standards

- a. Grading and drainage plans shall strive to ensure that surface runoff from nonresidential individual lots cross no more than one (1) additional lot before being directed toward a private on site system or a dedicated City drainage system.
- b. When the flow reaches the third lot, side lot swales may be utilized to direct the flows to private enclosed systems or to a dedicated City drainage system within a dedicated easement or in street Right-of-Way.
- c. No runoff may drain to a fourth lot.
 - i. The flow must be directed to the street system or to a dedicated City drainage system with a dedicated easement.
- d. Concentrations of stormwater shall not be discharged to City Streets through driveways or flumes but shall be collected into an enclosed system, either private or public, prior to reaching the curb line of the roadway.
- e. Specific deviations from these guidelines may be addressed on an individual basis.

2. Detailed Standards

See the [Standard Details and Specification for Public Infrastructure Construction Manual](#) for detailed standards and policies.

E. Design Criteria

- 1. The design of the swales and enclosed systems located within a dedicated drainage easement shall utilize the City's adopted drainage design criteria for channel and pipe systems.
- 2. Side yard swales shall have a minimum slope of one (1) percent to ensure adequacy of flow during and after a rain event.
- 3. See the [Standard Details and Specification for Public Infrastructure Construction Manual](#) for requirements for detailed standards and policies.



F. Materials

1. Swales on Residential Lots

Swales on residential lots shall be fully sodded.

2. Swales on Nonresidential Lots

Swales on nonresidential lots may be constructed in a natural state fully sodded in cases where the surrounding area has been sodded and velocities and depth of flow can be contained within the proposed swale without erosive damage.

- a. Swales within the parking and private driving lanes of nonresidential properties shall be constructed of materials similar to those of the parking and driving lanes.

3. Systems on Residential Lots

Enclosed systems may be designed utilizing concrete or approved plastic pipe and collection inlets on residential lots.

- a. Private enclosed systems on nonresidential lots may be designed utilizing approved plastic pipe and collection inlets.

4. Systems on Nonresidential Lots

Enclosed systems on nonresidential lots which will be dedicated to the City shall be designed utilizing concrete pipe and collection inlets.

G. Roof Drains

1. All roof drains of residential structures shall be directed to the street or toward a rear swale and shall not be discharged directly onto the side lot.
2. Side downspouts may be directed to side lot swales at a 45 degree angle to the direction of flow of the side lot swale to ensure that the flows are directed away from the house foundation yet providing a less severe entry into the swale.

H. Maintenance

1. All grassed swales should be designed and constructed with 4:1 side slopes that will be gentle enough to allow easy mowing.
2. Mowing and maintenance responsibility shall be the responsibility of the property owner or [Homeowners' or Property Owners' Association](#).
3. Periodic cleaning of enclosed systems located within dedicated drainage easements shall be the responsibility of the City.



I. Preliminary Drainage Plan

1. Applicability and Purpose

- a. A [Preliminary Drainage Plan](#) shall be prepared for all developments in accordance with the requirements set forth in the City's [Application Forms](#).
- b. The [Preliminary Drainage Plan](#) shall show the watershed affecting the development and how the runoff from the fully-developed watershed will be conveyed to, through, and from the development.
 - i. The Preliminary Drainage Plan must comply with the standards outlined in this Subdivision Ordinance, [Standard Details and Specification for Public Infrastructure Construction Manual](#), and the Code of Ordinances.
- c. The Preliminary Drainage Plan is a guide for later detailed drainage design.
- d. The review of the Preliminary Drainage Plan does not constitute final drainage plan approval or authorize a waiver to the Subdivision Regulations.

2. Plan Required, Previous Plans, and Waivers

- a. For any property involved in the development process, a Preliminary Drainage Plan shall be provided, at the Developer's expense, for the area proposed for development.
- b. For property with a previously accepted Preliminary Drainage Plan, the accepted Preliminary Drainage Plan may be submitted and enforced unless a revised Preliminary Drainage Plan is required by the City due to lot reconfiguration or other conditions created by the new Plat.
- c. The Director of Public Works and Utilities may waive the requirement for a Preliminary Drainage Plan if the submitted plat is not anticipated to cause any significant change in runoff characteristics from a previously accepted drainage study or for single residential properties where no drainage problems are anticipated.
- d. If the applicant requests a waiver in writing, a copy of any previous drainage plan prepared for the property shall be provided.

3. Submittal

- a. Three (3) paper copies of the [Preliminary Drainage Plan](#) shall be submitted with the submittal of a [Preliminary Plat](#) or [Replat](#) for review and acceptance.
- b. The [Preliminary Drainage Plan](#) shall be labeled as "Preliminary."
- c. The [Preliminary Drainage Plan](#) shall be stamped by and dated by the engineer.



- J. Preliminary Storm Water Management Plan
1. Applicability and Purpose
 - a. A [Preliminary Storm Water Management Plan](#) (SWMP) shall be prepared for all developments in accordance with the requirements set forth in the City's [Application Forms](#).
 - b. The purpose of the [Preliminary SWMP](#) is to identify permanent water quality feature opportunities for the development.
 2. Preparation Requirements
 - a. The [Preliminary SWMP](#) shall be prepared in coordination with the [Preliminary Drainage Plan](#) on all projects where both are required.
 - b. The Preliminary SWMP and the Preliminary Drainage Plan may be shown on the same sheet.
 - c. When a Preliminary Drainage Plan is not required, the Preliminary SWMP shall indicate the existing drainage patterns and runoff coefficients and the proposed changes to these items.
 3. Standards and Criteria
 - a. The [Preliminary SWMP](#) must comply with the standards and criteria outlined in this Subdivision Ordinance, [Standard Details and Specification for Public Infrastructure Construction Manual](#), and the Municipal Code.
 - b. The [Preliminary SWMP](#) may satisfy the storm water management portion of the Storm Water Pollution Prevention Plan (SWPPP) that is required for construction activities; however, the [Preliminary SWMP](#) is not a substitution for the SWPPP.
 - c. The City's review of the Preliminary SWMP does not constitute acceptance of the final SWMP or the final development plans.
 4. Proposed Area
 - a. The Developer shall provide a Preliminary SWMP for the area proposed for development.
 - b. For Amending Plats or Plats with a previously accepted Preliminary SWMP, the accepted Preliminary SWMP shall be enforced unless the [City Engineer](#) requires a revised Preliminary SWMP.
 5. Preliminary SWMP Submittal
 - a. Three (3) paper copies of the Preliminary SWMP plan shall be submitted with the submittal of a Preliminary Plat or Replat for review and acceptance.
 - b. The plan shall be labeled as "Preliminary."
 - c. Upon acceptance of the plan, the plan shall be signed and sealed by a professional engineer.



6.19. Retaining Wall Construction

A. Location

1. Retaining walls shall be located and constructed on private property only.
2. Retaining walls shall be located within a private retaining wall easement.
3. If a retaining wall is designed to traverse three or more lots within a Subdivision, the wall shall be located within a private retaining wall easement dedicated to the [Homeowners' or Property Owners' Association](#) of the Subdivision.
 - a. The easement shall be shown on the [Preliminary Plat](#) and [Final Plat](#) and shall be dedicated to the Homeowners' or Property Owners' Association of the Subdivision to maintain the wall in a safe and orderly condition.

B. Design by a Professional Engineer Required

All retaining walls shall be designed by a professional engineer and plans submitted to the City for review must be signed and sealed by the design engineer.

C. Building Permit Required

1. Any earth terracing method that supports a structure or vehicle load, or that is over four feet (4') in height (as measured from the bottom of footing to top of wall), shall require a building permit and shall meet the requirements of this section.
2. A retaining wall shall not be constructed in excess of four feet in height.
 - a. If the wall is to be more than four feet high, the retaining wall system shall be terraced, so as to provide a minimum of two (2) feet of flat ground between the faces of the retaining walls for each four foot section of retaining wall.
 - b. The flat terrace shall be sloped to a maximum of two (2) percent to allow drainage.
3. No building permit, other than for a retaining wall, shall be issued for any lot within a Subdivision until all retaining walls are constructed in accordance with a grading plan for the Subdivision.
4. A retaining wall shall be constructed in accordance with the grading plan and shall comply with the requirements of the applicable building code and this ordinance.
5. Any change from the approved grading plan or design for a retaining wall within a Subdivision shall not be permitted unless the Applicant has submitted plans for the entire Subdivision showing the proposed changing in grading and the [Director of Public Works and Utilities](#) has approved the proposed change(s).



6.20. Miscellaneous

A. Underground Utilities

1. All distribution lines, cables, etc. for utilities shall be installed below ground within the [Subdivision](#) to eliminate the necessity for disturbing the street, curb and gutter, sidewalk and other services and structures when making connections.
 - a. Transmission lines or major cables to provide utilities such as electric, telephone, and cable television to the area as a whole may be located above ground on the perimeter of the Subdivision being served.
 - b. The installation of these utilities shall conform to commonly accepted construction standards and be subject to review by the [Director of Public Works and Utilities](#).
2. The Developer shall provide separate service lines for water and wastewater (sanitary sewerage) to each lot or point of metering.
3. The Developer shall make arrangements with all other appropriate utility companies for the extension of their respective utility lines and service to and within the addition and for any costs or refunds of such cost.
4. All [Plats](#) for residential and multi-family developments shall require all telephone lines, cable television lines, electric lines, and utility lateral and services lines and wires to be placed underground except as otherwise herein provided.
 - a. In special or unique circumstances or to avoid undue hardships a [Major Subdivision Waiver](#) may be approved to permit the construction and maintenance of overhead electric utility lateral or services lines and of overhead telephone and cable TV lines and may approve any Plat or Site Plan with such approved variances or exceptions.
 - b. All [Final Plats](#) for residential and multi-family [Subdivisions](#) submitted for approval by the [City](#) must display signature approval by utility companies prior to submittal.
 - i. All multi-family Plats or Site Plans must display signature approval by utility companies before any building permits are issued.
 - ii. No Final Plat shall be approved and no building permit will be issued without such approval.
 - c. Where electrical service is to be placed underground, street or site facilities shall also be placed underground.
 - d. All electrical, cable TV and telephone support equipment (transformers, amplifiers, switching devices, etc.) necessary for underground installations in Subdivisions shall be pad mounted or placed underground.
 - e. Nothing herein set forth shall prohibit or restrict any utility company from recovering the difference between the cost of overhead facilities and underground facilities.
 - i. Each utility whose facilities are subject to the provisions of this Subdivision Ordinance shall develop policies and cost reimbursement procedures with respect to the installation and extension of underground service.
 - f. Unless specifically stated otherwise, temporary construction service may be provided by overhead utility lines and facilities without obtaining a waiver.
 - g. "Electric Utility Service Lines" shall mean those electric lines which through a transformer connect a lateral line to a customer's service entrance.



5. All installations regulated by the provisions set forth herein shall be in conformance with the intent of this ordinance and shall conform to any regulations and/or specifications that the various public utility companies may have in force from time to time.
6. Nothing in this ordinance shall be construed to require any existing facilities to be placed underground when no development is proposed.

B. Company Notification to City

All utility companies will notify the City before digging, boring, drilling, etc.

C. Street Lighting

1. Street lighting shall conform to the latest edition of the Illuminating Engineering Society Handbook.
2. Round tapered standards with bracket arms shall be used and lighting levels, as recommended, shall be provided for very light traffic in residential areas, medium traffic on Collector Streets, and heavy traffic on Arterial Streets.
3. The location of street lights shall follow the location criteria below.
 - a. Street lights shall be placed at street intersections.
 - b. Street lights shall be placed at the end of cul-de-sacs streets (i.e., the bulb).
 - c. Street lights shall be placed at bridges.
 - d. Street lights shall be placed on street curves of 30 degrees or greater.
4. Cost of installation of street lighting shall be borne by the Developer.
5. Full cut-off lights and fixtures shall be used and are subject to the approval of the [Director of Public Works and Utilities](#). Street light plans will be review as part of the submittal of the Construction Plans.



Section 7. Subdivision Relief Procedures

7.01. Petition for Subdivision Waiver of Modification

A. Purpose

The purpose of a petition for a [Subdivision Waiver](#) of a particular standard or requirement of these Subdivision Regulations, as such are applicable to Plats or Construction Plans, is to determine whether such particular standard or requirement should be applied to an Application or modified.

B. Definitions

Subdivision Waivers shall be classified as a [Minor Subdivision Waiver](#) or [Major Subdivision Waiver](#). [Minor Subdivision Waivers](#) are defined as a minor change to the standards, but not the intent, of these Subdivision Regulations and are listed in [Table 10](#). A [Major Subdivision Waiver](#) is a significant change to both the standards and intent of the Subdivision Regulations, which involves [Planning and Zoning Commission](#) and [City Council](#) approval and is not listed in [Table 10](#).

C. Decision-Maker

1. Minor Subdivision Waiver

a. Decision-Maker Authority

The Director of Development Services or the Director of Public Works and Utilities shall act upon any Minor Subdivision Waiver listed in [Table 10](#).

b. Appeal of a Minor Subdivision Waiver Decision

i. Appeal Review and Recommendation

An appeal of the Minor Subdivision Waiver decision may be considered by the Commission.

ii. Appeal Decision

If further appeal is made, the City Council shall then act on such an appeal. (See [7.01.J Minor Subdivision Waiver Appeal](#))

Table 10: Minor Subdivision Waiver			
Section	Standard	Director of Development Services	Director of Public Works and Utilities
6.05.J	Maximum Alley Length	Approve	
6.09.C	Lot Frontage Prohibition for SF Lots on Arterial Streets	Approve	
6.09.D	Right Angles for Side Lot Lines	Approve	
6.04.E	Traffic Impact Analysis	Approve	
6.12.D.2	Street Right-of-Way Dedication	Approve	
6.16.B.2	Water Lines Extended to Subdivision Borders		Approve
6.17.B.2	Wastewater Lines Extended to Subdivision Borders		Approve

2. Major Subdivision Waiver

a. Decision-Maker Authority

After review and recommendation from the Commission, the City Council shall decide a Major Subdivision Waiver.



D. Subdivision Waiver Applicability

1. Waiver of Standard or Requirement

- a. An Applicant may request a Subdivision Waiver of a particular standard or requirement applicable to a [Preliminary Plat](#), to [Construction Plans](#), or where no [Preliminary Plat Application](#) has been submitted for approval, to a [Final Plat](#) or a [Replat](#).
- b. A Subdivision Waiver petition shall be specific in nature, and shall only involve relief consideration for one particular standard or requirement.
- c. An Applicant may submit more than one Subdivision Waiver petition if there are several standards or requirements at issue.
- d. For processing a Subdivision Waiver concurrently with a Plat Application, an Applicant shall submit a Waiver of Right to 30-Day Action in accordance with [3.03.D Waiver of Right to 30-Day Action](#).

2. Waiver Petition Acceptance

- a. A petition for a [Subdivision Waiver](#) may not be filed in lieu of:
 - i. A [Subdivision Proportionality Appeal \(7.02\)](#) or
 - ii. A [Subdivision Vested Rights Petition \(7.03\)](#).
- b. If there is a question as to whether a Subdivision Proportionality Appeal or Subdivision Vested Rights Petition is required instead of a Subdivision Waiver petition, such determination shall be made by the Director of Development Services.

E. Subdivision Waiver Submission Procedures

1. Written Waiver Request with Application

- a. A request for a Subdivision Waiver shall be submitted in writing by the Applicant with the filing of a Preliminary Plat, Construction Plans, Final Plat or Replat, as applicable.
- b. No Subdivision Waiver may be considered or granted unless the Applicant has made such written request.

2. Grounds for Waiver

- a. The Applicant’s request shall state the grounds for the Subdivision Waiver request, based upon the [Subdivision Waiver Criteria \(7.01.F\)](#), and all of the facts relied upon by the Applicant.
- b. Failure to do so, will result in denial of the Application unless the Applicant submits a Waiver of Right to 30-Day Action in accordance with [3.03.D Waiver of Right to 30-Day Action](#).

F. Subdivision Waiver Criteria

1. Undue Hardship Present

A [Subdivision Waiver](#) to regulations within this Subdivision Ordinance may be approved only when, in the [Decision-Maker’s](#) opinion, undue hardship will result from strict compliance to the regulations.

2. Consideration Factors

The Decision-Maker shall take into account the following factors:

- a. The nature of the proposed land use involved and existing uses of the land in the vicinity;
- b. The number of persons who will reside or work in the proposed development; and
- c. The effect such Subdivision Waiver might have upon traffic conditions and upon the public health, safety, convenience and welfare in the vicinity.



3. Findings

No Subdivision Waiver shall be granted unless the Decision-Maker finds:

- a. That there are special circumstances or conditions affecting the land involved or other physical conditions of the property such that the strict application of the provisions of this Subdivision Ordinance would deprive the Applicant of the reasonable use of his or her land; and
- b. That the Subdivision Waiver is necessary for the preservation and enjoyment of a substantial property right of the Applicant, and that the granting of the Subdivision Waiver will not be detrimental to the public health, safety or welfare or injurious to other property in the area; and
- c. That the granting of the Subdivision Waiver will not have the effect of preventing the orderly subdivision of other lands in the area in accordance with the provisions of this Subdivision Ordinance.

4. Intent of Subdivision Regulations

- a. A Subdivision Waiver may be granted only when waiving the requirement requested is in harmony with the general purpose and intent of the Subdivision Regulations so that the public health, safety and welfare may be secured and substantial justice done.
- b. Financial hardship alone to the Applicant shall not constitute undue hardship.

5. Minimum Degree of Variation

No Subdivision Waiver shall be granted unless it represents the minimum degree of variation of requirements necessary to meet the objective of the Applicant in requesting the waiver.

6. Violations and Conflicts

The Decision-Maker shall not authorize a Subdivision Waiver that would constitute a violation of, or conflict with, any other valid ordinance, code, regulation, master plan or Comprehensive Plan of the City.

7. Falsification of Information

- a. Any falsification of information by the Applicant shall be cause for the Subdivision Waiver request to be denied.
- b. If the Subdivision Waiver request is approved based upon false information, whether intentional or not, discovery of such false information shall nullify prior approval of the Subdivision Waiver, and shall be grounds for reconsideration of the Subdivision Waiver request.

G. Burden of Proof

The [Applicant](#) bears the burden of proof to demonstrate that the requirement for which a Subdivision Waiver is requested imposes an undue hardship on the Applicant. The Applicant shall submit the proof with the Application.



H. Subdivision Waiver Decision

1. The Decision-Maker shall consider the Subdivision Waiver petition and, based upon the criteria set forth in [7.01.F Subdivision Waiver Criteria](#), shall take one of the following actions:
 - a. Deny the petition, and impose the standard or requirement as it is stated in these Subdivision Regulations; or
 - b. Grant the petition, and waive in whole or in part or modify the standard or requirement as it is stated in this Subdivision Ordinance.
2. Processing of a Minor Subdivision Waiver Petition

The Decision-Maker shall deny or grant a petition for a Minor Subdivision Waiver (see [Table 10](#) for a list of Minor Subdivision Waivers) concurrently with the decision of a Preliminary Plat, Construction Plans, Final Plat or Replat, as applicable.

3. Processing of a Major Subdivision Waiver Petition

- a. Recommendation of the Planning and Zoning Commission
 - i. The Commission shall consider the Major Subdivision Waiver petition at a public meeting no later than thirty (30) calendar days after the date on which the notice of Major Subdivision Waiver is submitted to the Director of Development Services.
 - ii. The Commission shall recommend to the City Council to approve or deny a request for a Major Subdivision Waiver by majority vote of all members.
- b. Decision by City Council
 - i. After the recommendation from the Commission has been made, the City Council shall consider the Major Subdivision Waiver request at a public meeting no later than thirty (30) calendar days after the date on which the Commission's recommendation was made.
 - ii. The City Council approve or deny a request for a Major Subdivision Waiver by a majority vote of all members.
 - iii. The decision of the City Council is final.

I. Notification of Decision on Petition – 14 Days

The Applicant shall be notified of the decision on the Subdivision Waiver by the applicable Decision-Maker (e.g., the [Director of Development Services](#), [Director of Public Works and Utilities](#), [Commission](#) or [City Council](#), as applicable), within fourteen (14) calendar days following the decision.

J. Minor Subdivision Waiver Appeal

1. Initiation of an Appeal
 - a. The [Applicant](#) may appeal a Minor Subdivision Waiver decision.
 - b. The written request to appeal shall be submitted to the Director of Development Services within thirty (30) calendar days following the denial decision.
2. Recommendation of the Planning and Zoning Commission
 - a. The Commission shall consider the appeal at a public meeting no later than thirty (30) calendar days after the date on which the notice of appeal is submitted to the Director of Development Services.
 - b. At this meeting, new information may be presented and considered, if available, that might alter the previous decision to deny the Minor Subdivision Waiver.



- c. The Commission shall recommend to the City Council to affirm, modify or reverse the previous decision by simple majority vote.
 3. Appeal to City Council
 - a. The **Applicant**, the **Director of Development Services** or four (4) members of **City Council** may appeal the Commission's decision by submitting a written notice of appeal to the Director of Development Services within thirty (30) calendar days following the Commission's decision.
 - b. After the recommendation from the Commission has been made, the City Council shall consider the appeal at a public meeting no later than thirty (30) calendar days after the date on which the Commission's recommendation was made.
 - c. The City Council may affirm, modify or reverse the decision by majority vote of all members.
 - d. The decision of the City Council is final.
- K. Effect of Approval
 1. Submission and Processing

Following the granting of a Subdivision Waiver, the Applicant may submit or continue the processing of a Plat or Construction Plans, as applicable.
 2. Expirations

The Subdivision Waiver granted shall remain in effect for the period the **Plat** or **Construction Plans** are in effect, and shall expire upon expiration of either or both of those Applications.
 3. Extensions

Extension of the **Plat** or **Construction Plans** Applications shall also result in extension of the Subdivision Waiver.



7.02. Subdivision Proportionality Appeal

A. Purpose and Applicability

1. Purpose

The purpose of a petition for relief from a dedication, construction requirement, or a requirement to pay a fee, other than an impact fee authorized by [Chapter 395 of the Texas Local Government Code](#) is to ensure that the imposition of a dedication, construction, or fee standards to a proposed development does not result in an unconstitutionally disproportionate burden on the property owner.

2. Applicability

- a. An Applicant may file a petition for relief under this [7.02 Subdivision Proportionality Appeal](#) to contest a requirement to dedicate land, to construct [Public Improvements](#), or pay a fee as required by this Subdivision Ordinance, other ordinance, or that are attached as a condition to approval of the [Application](#).
- b. A petition under this [7.02 Subdivision Proportionality Appeal](#) shall not be used to waive standards on grounds applicable to any Subdivision Waiver Application, as outlined in [7.01 Petition for Subdivision Waiver of Modification](#).
- c. An appeal hereunder is a prerequisite to the filing of any court action or challenge to proportionality. Exhaustion of administrative remedies shall not be accomplished unless appeals provided for in this section are complete.

B. Petition Requirements

1. Form of Petition

The petition for relief from a dedication, construction, or fee requirement shall allege that there is not a rational nexus or rough proportionality between the standards and the impact of the proposed development in public facilities.

2. Study Required

The Applicant shall provide a study in support of the petition along with petition for relief that includes the following information applicable to the standard questioned:

a. Capacity Utilized

- i. Total capacity of the City's water, wastewater, storm drainage, parks or roadway system to be utilized by the proposed development, employing standard measures of capacity and equivalency tables relating the type of development proposed to the quantity of system capacity to be consumed by the development.
- ii. If the proposed development is to be developed in phases, such information also shall be provided for the entire development proposed, including any phases already developed.

b. Capacity Supplied

- i. Total capacity to be supplied to the City's water, wastewater, storm drainage, parks or roadway system by the proposed dedication of an interest in land or construction of [Public Improvements](#).
- ii. If the [Application](#) is part of a phased development, the information shall include any capacity supplied by prior dedications or construction of [Public Improvements](#).



c. Capacity Comparison

- i. Comparison of the capacity of the City's public facilities system(s) to be consumed by the proposed development with the capacity to be supplied to such system(s) by the proposed dedication of an interest in land, construction of Public Improvements, or payment of a fee.
- ii. In making this comparison, the impacts on the City's public facilities system(s) from the entire development shall be considered.

d. Oversizing

The effect of any City participation in the costs of oversizing the Public Improvement to be constructed in accordance with the City's requirements.

e. Other Information

Any other information that shows the alleged disproportionality between the impacts created by the proposed development and the dedication or construction requirement imposed by the [City](#).

3. Time for Filing Petition and Study

- a. A petition for relief from a dedication, construction, or fee requirement shall be filed with the [Director of Public Works and Utilities](#) within fourteen (14) calendar days following the decision on the related [Application](#).
- b. The study in support of the petition shall be filed within sixty (60) calendar days following the initial decision, unless the Applicant (petitioner for relief) seeks an extension in writing within such sixty (60) calendar day period.
- c. The Director of Public Works and Utilities may extend the time for submitting the study for a period not to exceed an additional thirty (30) calendar days.

4. Land in Extraterritorial Jurisdiction (ETJ)

Where land or facilities to be dedicated are located in the ETJ of the City and are to be dedicated to the County, a petition for relief or study in support of the petition shall be accepted as complete for review by the Director of Public Works and Utilities only when such petition or study is accompanied by verification that a copy has been delivered to and accepted by the County, as applicable.

C. Processing of Subdivision Proportionality Appeal Petitions and Decision

1. Responsible Official

The Director of Public Works and Utilities shall be the Responsible Official for processing a petition for relief from a dedication, construction, or fee requirement.

2. Review and Recommendation

- a. The Director of Public Works and Utilities shall review the petition and supporting study and shall make a recommendation to the City Council.
- b. In response to a petition for relief from a dedication or construction requirement pursuant to [7.02 Subdivision Proportionality Appeal](#) and to achieve proportionality between the demands created by a proposed development on public facilities and the obligation to provide adequate public facilities, the City may participate in the costs of Public Improvements, credit or offset the obligations against payment of impact fees, or relieve the property owner any of the obligations.



3. Decision-Maker

The **City Council** shall decide the Subdivision Proportionality Appeal petition, after receiving a recommendation from the **Director of Public Works and Utilities**.

4. Public Hearing Held within 60 Days after Receipt of Study

The City Council shall conduct a public hearing within sixty (60) calendar days after the study supporting the petition (refer to Section **7.02.B**) is filed with the Director of Public Works and Utilities.

5. Burden of Proof

The **Applicant** bears the burden of proof to demonstrate that the **Application** of a dedication, construction, or fee requirement that is in questions imposes a disproportionate burden on the Applicant.

6. Decision

The **City Council** shall consider the petition for relief from a dedication, construction, or fee requirement based upon the following criteria:

- a. The City Council shall determine whether the Application of the standard or condition is roughly proportional to the nature and extent of the impacts created by the proposed development on public facilities and whether the Application of the standard or condition reasonably benefits the development.
- b. In making such determination, the City Council shall consider the evidence submitted by the Applicant, the report and recommendation of the Director of Public Works and Utilities and, where the property is located within the City's ETJ, any recommendations from the County, as applicable.

7. Action

Based on the criteria in **7.02.C.6**, the City Council shall take one of the following actions:

- a. Deny the petition for relief, and impose the dedication, construction, or fee requirement as required by this Ordinance; or
- b. Grant the petition for relief, and waive any dedication, construction, or fee requirement to the extent necessary to achieve proportionality; or
- c. Grant the petition for relief, and direct that the City to waiver the fee or participate in the costs of acquiring land for or constructing the Public Improvement and establishing the extent of such participation.

8. Notification of Decision on Petition

The Director of Public Works and Utilities shall notify the Applicant of the decision on the petition for relief within fourteen (14) calendar days following the City Council's decision.

D. Expiration or Failure to File Application

Where an Application was denied based upon the imposition of the standard requiring dedication of land or construction of a required Public Improvement and the City Council's decision is to grant some level of relief, the **Applicant** shall resubmit the Application within sixty (60) calendar days following the date the petition for relief is granted, in whole or in part, showing conformance with the City Council's decision on the petition.

- 1. If the Application is not resubmitted within the sixty (60) day period, the relief granted by the City Council on the petition shall expire.



2. If the re-submittal of the Application is modified in any other way, a new petition for relief may be required by the Director of Public Works and Utilities.
3. If the Application for which relief was granted is denied on other grounds, a new petition for relief may be required by the Director of Public Works and Utilities.

E. Effect of Relief

1. The [Director of Public Works and Utilities](#) may require the [Applicant](#) to submit a modified Application or supporting materials consistent with the relief granted by the City Council on the petition.
2. The relief granted on the petition shall remain in effect for the period the [Application](#) is in effect, and shall expire upon expiration or approval of the [Application](#).



7.03. Subdivision Vested Rights Petition

A. Purpose

In accordance with the [Texas Local Government Code, Chapter 245](#) or successor statute, the purpose of a [Subdivision Vested Rights Petition](#) is to determine whether an Application should be processed under the terms of a previous ordinance, to provide a process for determination of possible vested status, and to determine when certain permits are subject to expiration.

B. Applicability of a Subdivision Vested Rights Petition

1. Any Application

A Subdivision Vested Rights Petition may be submitted for any Application authorized by this Subdivision Ordinance.

2. Prohibition of Joint Submission

A Subdivision Vested Rights Petition cannot be submitted by an Applicant along with submission of a request for a text amendment to this Subdivision Ordinance, a Zoning Map amendment, or any other request for a legislative decision by the City Council.

3. Prohibition of Submission for Exempt Permits and Regulations

No Subdivision Vested Rights Petition may be submitted for any permits or regulations that are exempt under [Texas Local Government Code, Chapter 245](#) or successor statute.

4. Prerequisite to the Filing of any Court Action

A petition herein is a prerequisite to the filing of any court action to determine vested rights. Exhaustion of administrative remedies shall not be accomplished unless appeals provided for in this section are complete.

C. Petition Submission

1. Filing

A Subdivision Vested Rights Petition shall be submitted to the City's Responsible Official and shall be in accordance with the [Texas Local Government Code, Chapter 245](#) or successor statute.

2. Waiver to 30-Day Action Required

The processing of a [Subdivision Vested Rights Petition](#) is not subject to the platting requirement to decide an [Application](#) within 30 days. (See Section [3.03.D](#)); however, if a [Subdivision Vested Rights Petition](#) is submitted jointly along with a [Plat Application](#) or other [Application](#) that requires action within 30 days, then a [Waiver of Right to 30-Day Action](#) shall be required for the joint [Application](#).

3. Stay of Further Proceedings

Submission of a Subdivision Vested Rights Petition shall stay further proceedings on the related Application until a final decision is reached on the Subdivision Vested Rights Petition.

D. Time for Filing a Petition and Application

1. A [Subdivision Vested Rights Petition](#) may be filed jointly with an [Application](#) for which a vested right is claimed.

2. A [Subdivision Vested Rights Petition](#) may be filed without a joint [Application](#) if the petition is filed pursuant to Section [7.03.K. Dormant Projects](#).

3. Where more than one Application is authorized to be filed simultaneously by this Subdivision Ordinance, the petition may be filed simultaneously for each Application.



E. Petition Requirements

The Subdivision Vested Rights Petition shall allege in writing that the Applicant has a vested right for some or all of the land subject to the Application under [Texas Local Government Code, Chapter 245](#) or successor statute, or pursuant to [Texas Local Government Code, Section 43.002](#) or successor statute or other applicable law, that requires the City to review and decide the Application under standards that were in effect prior to the effective date of the currently applicable standards. The petition shall include the following information and documents:

1. The name, mailing address, phone number and fax number of the property owner (or the property owner's duly authorized agent with proof of such authority).
2. Identification of the property for which the person claims a vested right.
3. Identification of the project, as that term is defined in Local Government Code Section 245.001(3), and the permit application, permit, or plan for development first filed for review for the project.
4. A narrative description of the grounds for the petition, including a statement as to whether the petition asserts a vested right related to a specific standard or to an entire project;
5. A copy of each approved or pending Application which is the basis for the contention that the City may not apply current standards to the Application which is the subject of the petition;
6. The [Official Vesting Date](#) of the [Application](#);
7. The date the subdivision for which the Application was submitted was commenced;
8. Identification of all standards otherwise applicable to the Application from which relief is sought;
9. Identification of any current standards which Applicant agrees can be applied to the Application at issue;
10. A copy of any prior vested rights determination involving the same land; and
11. Whenever the Applicant alleges that an Application subject to expiration should not be terminated, a description of the events constituting [Progress Towards Completion](#) of the subdivision for which the application was approved.

F. Decision of a Subdivision Vested Rights Petition

1. Reviewing a Subdivision Vested Rights Petition
 - a. The [Responsible Official](#) for a Subdivision Vested Rights Petition is the same as that for reviewing and processing the Application with which the petition is associated.
 - b. Where multiple Applications are submitted, and there is more than one Responsible Official, the decision of each Responsible Official shall be coordinated with that of any other Responsible Official on the Subdivision Vested Rights Petition.
 - c. The City Attorney shall also be notified of the Subdivision Vested Rights Petition following its filing and acceptance for processing.
 - d. The Applicant shall reimburse the City for all related legal costs for review of a Subdivision Vested Rights Petition. This reimbursement shall be paid in full prior to filing of the Final Plat.
2. Decision by the Responsible Official on a Subdivision Vested Rights Petition
 - a. If the [Responsible Official](#) is the [Decision-Maker](#) on the original related Application, that official shall determine whether the relief requested in the Subdivision Vested Rights Petition should be granted in whole or in part, and shall formulate a written report summarizing the Decision-Maker's reasoning and recommendation.
 - b. The Applicant shall be notified of the decision within fourteen (14) calendar days following the date the Subdivision Vested Rights Petition was filed at the City.



G. Criteria for Subdivision Vested Rights Petition Approval

1. Factors

The [Decision-Maker](#) shall review the [Subdivision Vested Rights Petition](#) with regards to the following factors:

- a. The nature and extent of prior Applications filed for the land subject to the petition;
- b. Whether any prior vested rights determinations have been made with respect to the property subject to the petition;
- c. Whether any prior approved Applications for the property have expired or have been terminated in accordance with State law or local ordinances;
- d. Whether current standards adopted after commencement of the project affect proposed use of the land, landscaping or tree preservation, open space or park dedication, lot size, lot dimensions, lot coverage or building size based upon the proposed Application;
- e. Whether any statutory exception applies to the standards in the current Subdivision Regulations from which the Applicant seeks relief;
- f. Whether any prior approved Applications relied upon by the Applicant have expired; and
- g. Any other applicable provisions outlined in [Chapter 245](#) or [Section 43.002](#) of the Texas Local Government Code, or successor statutes.

2. Conditions for a Pending Application

If the claim of vested rights is based upon a pending Application, subject to standards that have been superseded by current standards of this Subdivision Ordinance, the Decision-Maker may condition any relief granted on the Subdivision Vested Rights Petition on the approval of the pending Application.

H. Action and Record of Action on the Subdivision Vested Rights Petition

1. Action

The Decision-Maker may take any of the following actions:

- a. Deny the relief requested in the petition, and direct that the Application shall be reviewed and decided under currently applicable standards; or
- b. Grant the relief requested in the petition, and direct that the related Application be reviewed and decided in accordance with the standards contained in identified prior regulations; or
- c. Grant the relief requested in part, and direct that certain identified current standards be applied to the related Application, while standards contained in identified prior regulations also shall be applied.

2. Record

The Responsible Official's report and the decision on the Subdivision Vested Rights Petition shall be recorded in writing in an order identifying the following:

- a. The nature of the relief granted, if any;
- b. The related Application(s) or plan for development upon which relief is premised under the petition;
- c. Current standards that shall apply to the related Application for which relief is sought, if applicable;



- d. Prior standards that shall apply to the related Application for which relief is sought, including any procedural standards, if applicable;
- e. The statutory exception or other grounds upon which relief is denied in whole or in part on the petition; and
- f. To the extent feasible, subsequent related Applications that are subject to the same relief granted on the petition.



I. Effect of the Final Petition Decision on Related Applications

1. Petition Decision Required Before Proceeding with Application

A final decision on the Subdivision Vested Rights Petition must be made prior to further processing, and prior to any consideration of, or decision on, the related Application.

2. Revision Made (if necessary) to Related Application After Petition Decision

Following the City's final decision on a petition, the Applicant shall, if necessary, revise the related Application such that it conforms to the City's decision on the petition.

3. Related Applications with Revisions

After submission of a revised related Application, the Decision-Maker on the related Application shall review and consider the revised Application in accordance with the procedures for deciding that type of Application, as outlined in this Subdivision Ordinance, and in conformance with any relief granted.

4. Related Applications without Revisions

If the relief granted on the petition is consistent with the related Application on file, no revisions shall be necessary, and the related Application shall be deemed submitted at the time of the final decision on the petition.

J. Expiration and Extension of a Subdivision Vested Rights Petition

1. Expiration

Relief granted on a Subdivision Vested Rights Petition shall expire on occurrence of one of the following events:

- a. The Applicant fails to submit a revised Application that is consistent with the relief granted, if any, within sixty (60) calendar days following the final decision on the petition;
- b. The Application for which relief was granted on the petition is denied; or
- c. The Application for which relief was granted on the petition expires.

2. Extension

Extension of the date of expiration for the Application for which relief was granted on a petition shall result in extension of the relief granted on the petition for the same time period.

K. Dormant Projects

1. Definitions

For purposes of this Section [7.03K](#) only:

a. Dormant Project

A dormant project shall meet the following criteria:

- i. An [Initial Permit](#) (see definition [7.03.K.1.b below](#)) does not have an expiration date; and
- ii. No [Progress Towards Completion](#) has been made within the project.

b. Initial Permit

Initial permit means any of the following types of approvals granted under these Subdivision Regulations, or any predecessor subdivision or development-related regulation or ordinance that was in effect prior to the adoption of this Subdivision Ordinance:

- i. [Preliminary Plat](#),



- ii. [Construction Plans](#),
 - iii. [Construction Release](#),
 - iv. [Subdivision Waivers](#) to any requirement in these Subdivision Regulations (per [7.01 Petition for Subdivision Waiver of Modification](#)), or
 - v. Any other Application that was approved subject to a schematic drawing illustrating the location, arrangement, orientation or design of development, lots or improvements on a site intended for development.
- c. Final Permit
- Final permit means a [Final Plat](#) approved under these Subdivision Regulations, or any predecessor subdivision or development-related regulation or ordinance that was in effect prior to the adoption of this Subdivision Ordinance.
2. Expiration Date Established for an Initial Permit
- Any Application for an [Initial Permit](#) that was approved or filed two (2) years prior to the adoption date of this Subdivision Ordinance, and was not subject to an expiration date shall expire on the effective date of this Subdivision Ordinance.
3. Reinstatement of an Expired Initial Permit
- a. The property owner of the land subject to an Initial Permit that expires under [7.03.K.2](#) (above) may petition the City Council to reinstate such Initial Permit by filing a written petition within one (1) year following the effective date of this Subdivision Ordinance.
 - b. The petition shall clearly state the grounds for reinstatement, and shall be accompanied by documentation the following:
 - i. Within two (2) years prior to the effective date of this [Subdivision Ordinance](#), one of the following events had occurred:
 - (a) A Final Permit to continue toward completion of the project was submitted to the City for all or part of the land subject to the approved Initial Permit and was approved by the City, or was filed and was subsequently approved by the City;
 - (b) An Application for a Final Permit to continue toward completion of the project was submitted to the City for all or part of the land subject to the expired Initial Permit, but such Application was rejected on grounds of incompleteness (consistent with [Texas Local Government Code, Chapter 245.005\(c\)\(2\)](#));
 - (c) Costs for development of the land subject to the Initial Permit, including costs associated with roadway, utility and other infrastructure facilities designed to serve the land in whole or in part, but exclusive of land acquisition costs, were incurred in the aggregate amount of five percent (5%) of the most recent appraised market value of the land;
 - (d) Fiscal security was posted with the City to guarantee performance of obligations required under these Subdivision Regulations, including the construction of required improvements associated with the proposed development, for all or a part of the land subject to the approved Initial Permit; or
 - (e) Utility connection fees for all or part of the land subject to the approved Initial Permit were paid to the City.



4. City Council Action on Reinstatement of a Dormant Project's Expired Initial Permit

The City Council may take one of the following actions:

- a. Reinstatement the expired Initial Permit without an expiration date, if it finds that the Applicant has met any one of the criteria listed in [7.03.K.3.b.i](#).
- b. Reinstatement the Initial Permit for all or part of the land subject thereto, if it finds that the Applicant has met any one of the criteria listed in [7.03.K.3.b.i](#), subject to expiration dates or other conditions that ensure that the remaining land that is not subject to an approved or pending [Final Permit](#) Application will be developed in a timely fashion.
 - i. In granting relief under this provision, the City Council may require that development of such remaining land is subject to standards enacted after approval of the [Initial Permit](#).
- c. Deny the reinstatement petition, if it finds that the Applicant has failed to meet any of the criteria in [7.03.K.3 Reinstatement of an Expired Initial Permit](#); or
- d. Reinstatement the permit for only that part of the land subject to a pending Final Permit Application, if it finds that the Applicant has met the criteria in Section [7.03.K.3.b.i](#) and the pending Application subsequently was approved, and deny the reinstatement petition for the remaining land subject to the expired Initial Permit.



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Section 8. Definitions

8.01. Usage and Interpretation

A. Usage and Interpretation Rules

For the purpose of this [Subdivision Ordinance](#) certain terms or words herein shall be interpreted or defined as follows:

1. Words used in the present tense include the future tense;
2. The singular includes the plural;
3. The word "person" includes a corporation as well as an individual;
4. The term "shall" is always mandatory;
5. The term "may" is discretionary;
6. The male gender shall include the female and the neutral.

B. Words and Terms not Expressly Defined

Words and terms not expressly defined herein are to be construed according to the normally accepted meaning of such words or terms or, where no definition appears, then according to their customary usage in the practice of municipal planning and engineering.

8.02. Words and Terms Defined

For the purpose of this [Subdivision Ordinance](#), certain terms and words are herewith defined and shall have the meaning here applied; any word not defined herein shall be determined by the [City Council](#); to wit:

1. Abutting

Adjacent, adjoining and contiguous to. It may also mean having a lot line in common with a right-of-way or easement, or with a physical improvement such as a street, waterline, park, or open space.

2. Access

A means of approaching or entering a property, or the ability to traverse a property (such as in the use of the phrase "pedestrian access easement").

3. Alley

A public [Right-of-Way](#), not intended to provide the primary means of access to abutting lots, which is used primarily for vehicular service access to the back or sides of properties otherwise abutting on a street.

4. Amending Plat

An [Amending Plat](#) applies minor revisions to a recorded plat consistent with provisions of State law, see Section [4.08 Amending Plat](#).

5. Apartment

A room or suite of rooms in a multi-family residence arranged, designed, or occupied as a place of residence by a single family, individual, or group of individuals.

6. Applicant

The person or entity responsible for the submission of an [Application](#). The [Applicant](#) must be the actual owner of the property for which an [Application](#) is submitted, or shall be a duly authorized representative of the property owner. Also see [Developer](#).



7. Application
The package of materials, including but not limited to an Application Form, Plat, completed checklist, tax certificate, Construction Plans, special drawings or studies, and other informational materials, that is required by the City to initiate [City](#) review and approval of a development project.
8. Application Form
The written form (as provided by and as may be amended by the [Director of Development Services](#)) that is filled out and executed by the [Applicant](#) and submitted to the [City](#) along with other required materials as a part of an [Application](#).
9. Approval
 - a. Approval constitutes a determination by the official, board, commission or [City Council](#) responsible for such determination that the [Application](#) is in compliance with the minimum provisions of this [Subdivision](#) Ordinance.
 - b. Such approval does not constitute approval of the engineering or surveying contained in the plans, as the design engineer or surveyor that sealed the plans is responsible for the adequacy of such plans.
10. Arterial Street
 - a. A street (also referred to as a thoroughfare) designated within the Comprehensive Plan.
 - b. A principal traffic way more or less continuous across the [City](#) or areas adjacent thereto and shall act as a principal connecting street with highways as indicated in the Comprehensive Plan.
11. Barrier Curbs
Barrier curbs are designed to prevent vehicles from leaving the roadway or pavement.
12. Base Flood
The flood having a one (1) percent chance of being equaled or exceeded in any given year, determined based upon FEMA (Federal Emergency Management Agency) guidelines and as shown in the current effective Flood Insurance Study.
13. Block
A tract or parcel of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad [Right-of-Way](#), highway, stream, or corporate boundary lines.
14. Block Face
The portion of a [Block](#) that abuts a street.
15. Block Length
The length of the [Block Face](#) between two intersections.
16. Building
Any structure built for support, shelter or enclosure of persons, animals, personal property, records or other movable property and when separated in a manner sufficient to prevent fire, each portion of such building shall be deemed a separate building.
17. Building Official
The Building Official of the [City](#) or his or her designee.
18. Building Permit
A permit issued by the [City](#) before a building or structure is started, improved, enlarged or altered as proof that such action is in compliance with the [City](#) code.



19. *Building Setback Line*
The line within a property defining the minimum horizontal distance between a building or other structure and the adjacent street [Right-of-Way](#)/property line.
20. *Certificate of Occupancy*
An official certificate issued by the [City](#) through the enforcement official which indicates conformance with the City's rules and regulations and which authorizes legal use of the premises.
21. *City*
The City of Fredericksburg, Texas, together with all its governing and operating bodies.
22. *City Attorney*
The person(s) so designated by the City Council to provide oversight for and have legal responsibility for the City. This term shall also include any designee of the City Attorney.
23. *City Council*
The duly elected governing body of the City of Fredericksburg, Texas.
24. *City Engineer*
The Licensed Professional Engineer or firm of Licensed Professional Consulting Engineers that has been specifically designated as such by the City Council.
25. *City Manager*
The officially appointed and authorized City Manager of the City of Fredericksburg, Texas, or the City Manager's duly authorized representative.
26. *City Secretary*
The person(s) so designated by the City Manager to provide clerical and official services for the City Council. This term shall also include any designee of the City Secretary.
27. *Collector Street*
A street which is continuous through several residential districts and is intended as a connecting street between residential districts and Arterial Streets, highways or business districts..
28. *Commission*
The [Planning and Zoning Commission](#) of the City.
29. *Comprehensive Plan*
 - a. The plan, including all revisions thereto, adopted by the [City Council](#) as the official policy regarding the guidance and coordination of the development of land in the [City](#).
 - b. The plan indicates the general location recommended for various land uses, transportation routes, public and private buildings, streets, utilities, parks other public and private developments and improvements and population projections.
 - c. The plan may consist but is not limited to the following plan elements: Future Land Use Plan, Mobility, Housing, Livability, and Infrastructure.
30. *Construction Plans*
A set of drawings and/or specifications, including paving, water, wastewater, drainage, or other required plans, submitted to the [City](#) for review in conjunction with a subdivision or a development.



31. Council
See [City Council](#).
32. County
Gillespie County.
33. Court
An open unoccupied space other than a yard, on the same lot with a building which is bounded on three (3) or more sides by the building.
34. Crosswalk Way
A public [Right-of-Way](#), four (4) feet or more in width between property lines, which provides pedestrian circulation.
35. Cul-de-Sac
A short, residential street having but one vehicular access to another street, and terminated on the opposite end by a vehicular turnaround.
36. Curb Level
 - a. The level of the established curb in front of the building measured at the center of such front.
 - b. Where no curb has been established, the City Engineer shall establish such curb or its equivalent for the purpose of this Subdivision Ordinance.
37. Date of Adoption
The date of adoption of this [Subdivision Ordinance](#) shall be the date this ordinance becomes effective.
38. Dead-End Street
A street, other than a cul-de-sac, with only one outlet.
39. Decision-Maker
The City official or group, such as the [Director of Development Services](#), [City Council](#), or [Planning and Zoning Commission](#), responsible for deciding action on an [Application](#) authorized by this [Subdivision Ordinance](#).
40. Developer
 - a. A person or entity, limited to the property owner or duly authorized representative thereof, who proposes to undertake or undertakes the division, developments, or improvement of land and other activities covered by this [Subdivision](#) Ordinance.
 - b. The word [Developer](#) is intended to include the terms [Subdivider](#), property owner, and, when submitting platting documents, [Applicant](#).
41. Development
Any manmade change to improved or unimproved real estate, including but not limited to, buildings and/or other structures, paving, drainage, utilities, storage, and agricultural activities.



42. Development Application

An [Application](#), developed and updated by the [Director of Development Services](#), for any type of plan, permit, plat or [Construction Plans](#)/drawings authorized or addressed by this [Subdivision Ordinance](#). Also may be referred to as a permit within the [Texas Local Government Code, Chapter 245](#).

43. Development Review Committee

The committee created by Section [2.05 Development Review Committee](#) to review plats and to recommend either approval or denial.

44. Development Plat

A plat required prior to development (i.e., any new construction or the enlargement of any exterior dimension of any building, structure, or improvement), in accordance with [Local Government Code 212, Subchapter B \(212.045\)](#), in lieu of other [Subdivision Plats](#) (established in [LGC 212, Subchapter A](#)) required by this Subdivision Ordinance and in accordance with Section [4.10 Development Plat](#).

45. Director of Development Services

The person(s) so designated by the [City Manager](#) to provide oversight for and have responsibility of the City's Development Services Department. This term shall also include any designee of the Director of Development Services. Also, this term shall be inclusive of any future variations of the term, as deemed appropriate by the [City Manager](#), such as "Development Services Director" or "Planning Director."

46. Director of Public Works and Utilities

The person(s) so designated by the [City Manager](#) to provide oversight for and have responsibility of the City's Public Works and Engineering Department. This term shall also include any designee of the Director of Public Works and Utilities or per the [City Manager](#) the [City Engineer](#).

47. DRC

See [Development Review Committee](#) and Section [2.05 Development Review Committee](#).

48. Dwelling, Multi-Family

Any building, or portion thereof, which is designed, built, rented, leased or let to be occupied as three or more dwelling units or apartments, or which is occupied as a home or place of residence by three or more families living in independent and separate housekeeping units.

49. Dwelling, Single Family (attached – duplex)

A building designed for occupancy for two (2) families living independently of each other. A two family attached unit (also known as a duplex) has a lot line dividing the building and separating the building's two (2) dwellings units onto two (2) separate lots.

50. Dwelling, Single Family (attached – townhouse)

A dwelling which is joined to another dwelling at one or more sides by a party wall or abutting separate wall, and which is designed for occupancy by one family and is located on a separate lot delineated by front, side and rear lot lines.

51. Dwelling, Single Family (detached)

A dwelling designed and constructed for occupancy by one family and located on a lot or separate building tract and having no physical connection to a building located on any other lot or tract and occupied by one family.

52. Dwelling Unit

One or more rooms, which are arranged, designed, used, or intended to be used for occupancy by a single family or group of persons living together as a family or by a single person.

53. Easement

- a. Authorization by a property owner for another to use any designated part of the owner's property for a specified purpose or use and evidenced by an instrument or plat filed with the County Clerk. Among other things, easements may be used to install and maintain utility lines, drainage ditches or channels, or for other [City](#) or public services.
- b. An area established for public purposes on private property upon which the [City](#) shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs, or other improvements or growths which in any way endanger or interfere with the construction, maintenance, or efficiency of [City](#) systems.
- c. The [City](#) shall at all times have the right of ingress and egress to and from and upon the said easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, and adding to or removing all or part of its respective systems without the necessity at any time or procuring the permission of anyone.

54. Easement, Common Access

An easement to provide shared access to and from commercial, and industrial owned and maintained by the owners of the property upon which the easement is located or as otherwise provided by deed restrictions or the terms of the easement instrument.

55. Engineer

A person duly authorized under the provisions of the Texas Engineering Practice Act, as heretofore or hereafter amended, to practice the profession of engineering and who is specifically qualified to design and prepare [Construction Plans](#) and specifications for public works improvements.

56. Engineering Plans

See [Construction Plans](#).

57. Standard Details and Specification for Public Infrastructure Construction Manual

A separate and stand-alone document or compilation of documents not included within this [Subdivision Ordinance](#), the [Standard Details and Specification for Public Infrastructure Construction Manual \(Standard Details Manual\)](#) details specific engineering requirements for the construction of [Public Improvements](#). The [Standard Details Manual](#) is developed and maintained by the [Director of Public Works and Utilities](#).

58. Standard Details Manual

The term [Standard Details Manual](#) is an abbreviated name for the [Standard Details and Specification for Public Infrastructure Construction Manual](#).

59. ETJ

See [Extraterritorial Jurisdiction \(ETJ\)](#).

60. Extraterritorial Jurisdiction (ETJ)

The unincorporated area, not a part of any other municipality, which is contiguous to the corporate limits of the [City](#), the outer limits of which are measured from the extremities of the corporate limits of the [City](#) outward for the distance as stipulated in [Chapter 42 of the Texas Local Government Code](#), according to the population of the [City](#), and in which area the [City](#) may regulate subdivisions and enjoin violation of provisions of this [Subdivision Ordinance](#).

61. Fee Schedule

A listing of fees for various [City Applications](#), which is prepared by the [City Manager](#) and approved by [City Council](#) and may be amended periodically. The [Fee Schedule](#) is approved separately from this [Subdivision Ordinance](#).



62. Filing Plat
See [Final Plat](#).
63. Final Acceptance
The acceptance by the City of all infrastructure improvements constructed by the [Developer](#) in conjunction with the development of land.
64. Final Plat
- a. The one official and authentic map of any given subdivision of land prepared from actual field measurement and staking of all identifiable points by a Surveyor or Engineer with the subdivision location referenced to a survey corner and all boundaries, corners and curves of the land division sufficiently described so that they can be reproduced without additional references.
 - b. The Final Plat of any lot, tract, or parcel of land shall be recorded in the Deed Records of Gillespie County, Texas.
 - c. A Final Plat may also be referenced as a Record Plat or Filing Plat.
65. Flood Plain
The area subject to be inundated by water from the [Base Flood](#).
66. Floodway
A natural drainage area which accommodates the design flood for existing creeks and open drainage ways.
67. Floor Area
The habitable area of a building that is served by a conditioned air system, but specifically excluding porches, patios, breeze-ways, automobile storage areas, garages, workshops, attic storage areas and basements.
68. Frontage
All the property abutting on one (1) side of the street, or between two (2) intersecting streets, measured along the street line.
69. Homeowners' or Property Owners' Association
- a. A formal organization operating under recorded land agreements through which:
 - i. Each lot and/or property owner in a specific area is automatically a member; and
 - ii. Each lot or property interest is automatically subject to a charge for a proportionate share of the expense for the organization's activities, such as the maintenance of common property; and
 - iii. The charge if unpaid, becomes a lien against the nonpaying member's property.
70. Improvement
Any man-made fixed item which becomes part of or placed upon real property, see also [Public Improvement](#).
71. Infrastructure
All streets, alleys, sidewalks, storm drainage, water, and wastewater facilities, utilities, lighting, transportation, and other facilities as required by the City.
72. Land Planner
A person(s) other than Surveyors or Engineers who also possess and can demonstrate a valid proficiency in the planning of residential, commercial, industrial and other related developments; such proficiency often having been acquired by education in the field of landscape architecture or other specialized planning curriculum and/or by actual experience and practice in the field of land planning and who is a member of the [American Planning Association](#).

73. Letter of Final Acceptance

Notification to an [Applicant](#) from the [Director of Public Works and Utilities](#) that all improvements are completed, inspected, tested (if applicable), and determined by the City to be in conformance with this Subdivision Ordinance and with the City's design/engineering standards and all improvements are accepted by the City or will be accepted contingent to the approval of a [Final Plat](#).

74. Local Street

A [Local Street](#) is a street used primarily for access to abutting property especially residential areas. Local streets also provide secondary or minor access and circulation to community facilities (school, parks, etc.) and other traffic generators such a commercial and industrial areas. Local streets will be designated as [Type A Local Street](#), [Type B Local Street](#), [Type ETJ Local Street](#), and [Marginal Access Local Street](#) based on the function they serve.

a. Type A Local Street

This type Local Street is used for primary and secondary access to single-family detached residential units or duplex residential units where such residential units comprise 75 percent of the abutting street frontage on both sides of the street of a particular block.

b. Type B Local Street

This type Local Street is used for primary and secondary access to all residential areas except those specified to be served by a [Type A Local Street](#). Also, this street is used for secondary access and circulation to community facilities (schools, parks, etc.) and other traffic generators such as commercial and industrial areas.

c. Type ETJ Local Street

This type Local Street is used for primary and secondary access to all residential areas outside and not adjacent to the city limits, not served by city water and wastewater, and where [Type A Local Street](#) and [Type B Local Street](#) sections are inappropriate due to the rural character of the neighborhood and/or the lack of storm drainage facilities to tie into curb and gutter design.

d. Marginal Access Local Street

This type of Local Street is used to provide the primary means of access to abutting properties and protection from through traffic. Marginal Access Local Streets are typically located parallel to and adjacent to an arterial street.

e. PUD Local Street

Street widths narrower than public Local Street standards may be allowed through the PUD zoning process in the zoning ordinance if adequate off-street parking is provided and emergency access is ensured to the satisfaction of the director. The PUD zoning option is not available in the [Extraterritorial Jurisdiction \(ETJ\)](#).

f. Type RR Local Street

Similar in nature to the [Type A Local Street](#), this type of street is associated only with the Rural Residential zoning district and shall be used for primary and secondary access to single family detached residential units, where excessive through traffic is not anticipated.

75. Lot

Land occupied or to be occupied by a building and its accessory buildings, together with such open spaces as are required under this [Subdivision](#) Ordinance, and having its principal frontage upon a street or officially approved place.

76. Lot, Corner

a. A lot situated at the junction of two or more streets.

b. A corner lot shall be deemed to front on the street on which it has its smallest dimensions, or as otherwise designated by the [Planning and Zoning Commission](#).

77. Lot, Depth

The mean horizontal distance from the front street line to the rear line.



78. Lot, Interior
A lot, the side line of which does not abut on any street.
79. Lot, Through
An interior lot having frontage on two streets. Such through lot shall provide a front yard on each street.
80. Lot Lines
The lines bounding a lot as defined herein.
81. Lot of Record
A lot which is part of a subdivision, a map of which has been recorded in the office of the [County](#) Clerk.
82. Lot Width
The mean horizontal distance between side lines measured at right angles to the depth.
83. Major Subdivision Waiver
See [Waiver, Major Subdivision](#).
84. Manual on Uniform Traffic Control Devices
The Manual on Uniform Traffic Control Devices, or MUTCD defines the standards used by road managers nationwide to install and maintain traffic control devices on all public streets, highways, bikeways, and private roads open to public traffic. The MUTCD is published by the Federal Highway Administration (FHWA) under 23 Code of Federal Regulations (CFR), Part 655, Subpart F.
85. Minor Plat
A plat dividing land into no more than four (4) lots that meets the submission and approval requirements of Section [4.06 Minor Plat](#). Such plat may be approved by the [Director of Development Services](#). Such plat is also considered a [Final Plat](#).
86. Minor Replat
Pursuant to [Texas Local Government Code 212.0065](#), a [Minor Replat](#) is a [Replat](#) involving four or fewer lots fronting on an existing street and not requiring the creation of any new street or the extension of municipal facilities. See Section for [4.07.G.2 Minor Replat](#) details.
87. Minor Subdivision Waiver
See [Waiver, Minor Subdivision](#).
88. Mountable Curbs
Mountable curbs (also commonly known as sloping or roll-over curbs) have sloping faces allowing vehicles to encroach upon the curb without discomfort or damaging the vehicle.
89. Official Submission Date
- A calendar of official submission dates for subdivision related Applications requiring [DRC](#) review, [Planning and Zoning Commission](#) recommendation/approval, and [City Council](#) approval pursuant to [Texas Local Government Code Chapter 212](#) (if applicable) shall be published by the City thirty (30) calendar days prior to the beginning of each calendar year or within six (6) months after the adoption of this Subdivision Ordinance.
 - This calendar shall specify two "official submittal dates" for each month.
 - All Applications delivered to the City on a date other than a scheduled date shall be dated received on the next official submittal date.



90. Official Vesting Date

- a. Pursuant to [Texas Local Government Code Chapter 245](#), an Application or plan for development is considered filed on the date the Applicant delivers the Application or plan to the City or deposits the application or plan with the United States Postal Service by certified mail addressed to the City.
- b. A certified mail receipt obtained by the Applicant at the time of deposit is prima facie evidence of the date the Application or plan was deposited with the United States Postal Service.
- c. Every Application or plan is subject to a determination of completeness by the Responsible Official for processing the Application pursuant to:
 - i. [3.03.B Determination of Completeness for Subdivision Related Applications](#).

91. Park Service Zone

All property within the City and its [Extraterritorial Jurisdiction \(ETJ\)](#) is within a park service zone as shown on the map on file with the [Director of Development Services](#), as the same may be amended from time to time by the [City Council](#). As stated with in Subsection [6.15 \(Park Land Dedication\)](#), the dedications of land and fees collected from within the various park service zones shall be utilized to create neighborhood parks within such zone.

92. Park, Playground, or Community Center, Public

An open recreational facility or park owned and operated by a public agency such as the [City](#) or the school district, and available to the general public.

93. Parking Space

Open space or garage space reserved exclusively for the parking of a vehicle.

94. Paved Driveways

Paved driveways shall be constructed of brick pavers, concrete pavers, hot mix asphaltic concrete, or portland cement concrete.

95. Pavement Width

The portion of a street available for vehicular traffic. Where curbs are laid, it is the portion between the face of the curbs.

96. Performance Agreement

Agreement between the City and a [Subdivider](#), which includes provisions for construction of [Public Improvements](#), City participation, pro rata agreements, escrow deposits, and other provisions for the development of land. (See [5.05 Performance Agreements and Security for Completion](#) for details.)

97. Perimeter Street

A street which abuts a parcel of land to be subdivided on one side.

98. Person

Person means an individual, firm, association, organization, partnership, trust, foundation, company or corporation.

99. Planning and Zoning Commission

The Planning and Zoning Commission of the [City](#).

100. Plat

- a. A map or chart of the subdivision, lot or tract of land.
- b. It shall include the term plan, plat or re-plat, in both singular or plural.



101. Plat, Amending
See [Amending Plat](#).
102. Plat, Development
See [Development Plat](#).
103. Plat, Final
See [Final Plat](#).
104. Plat, Minor
See [Minor Plat](#).
105. Plat, Preliminary
See [Preliminary Plat](#).
106. Preliminary Drainage Plan
This plan shows the watershed affecting the development and how the runoff from the fully-developed watershed will be conveyed to, through, and from the development see [6.18.I Preliminary Drainage Plan](#) for details.
107. Preliminary Plat
- The graphic expression of the proposed overall plan for subdividing, improving and developing a tract shown by superimposing a scale drawing of the proposed land division on a topographic map and showing in plan view existing and proposed drainage features and facilities, street layout and direction of curb flow, and other pertinent features with notations sufficient to substantially identify the general scope and detail of the proposed development.
 - The [Preliminary Plat](#) shall serve as a means for the City to review and study the proposed division of land and/or improvements.
 - See Section [4.04 Preliminary Plat](#).
108. Preliminary Storm Water Management Plan
The purpose of the [Preliminary SWMP](#) is to identify permanent water quality feature opportunities for [Subdivision](#) development, see Section [6.18.J Preliminary Storm Water Management Plan](#) for details.
109. Preliminary SWMP
Preliminary SWMP is an abbreviation for [Preliminary Storm Water Management Plan](#).
110. Preliminary Utility Plan
A plan detailing both [Water Utility](#) and [Wastewater Utility](#) requirements, see Section [6.16.C Preliminary Utility Plan](#) for details.
111. Premises
In referring to a sexually oriented business, premises means the building of the sexually oriented business.
112. Private Street
See [Street, Private](#).



113. Progress Towards Completion

Progress towards completion of the project shall include any one of the following:

- a. An Application for a [Final Plat](#) or plan for development is submitted;
- b. A good-faith attempt is made to file with the City an Application for a permit necessary to begin or continue towards completion of the project;
- c. Costs have been incurred for developing the project including, without limitation, costs associated with roadway, utility, and other infrastructure facilities designed to serve, in whole or in part, the project (but exclusive of land acquisition) in the aggregate amount of five percent of the most recent appraised market value of the real property on which the project is located;
- d. Fiscal security is posted with a regulatory agency to ensure performance of an obligation required by the regulatory agency; or
- e. Utility connection fees for the project have been paid to a regulatory agency.

114. Proportionality/Proportional Share

The [Developer's](#) portion of the costs of an exaction or [Public Improvement](#).

115. Public Improvement

Any [Improvement](#), facility or service together with its associated public site, [Right-of-Way](#) or easement necessary to provide transportation, storm drainage, public or private utilities, parks or recreational, energy or similar essential public services and facilities, for which the City ultimately assumes the responsibility, upon a [Letter of Final Acceptance](#) being issued, for maintenance, operation and/or ownership.

116. Record Drawings

A group of drawings or plans that depicts the final configuration of the installed or constructed improvements of a development, improvements that have been verified by the contractor as their installation or construction occurs during development. The Record Drawings shall reflect the Construction Plans (or working drawings) used, corrected, and/or clarified in the field.

117. Record Plat

See [Final Plat](#).

118. Replat

The re-subdivision of any or part or all of any block or blocks of a previously platted subdivision, addition, lot or tract, that is beyond the definition of an [Amending Plat](#) and which does not require the vacation of the entire preceding plat. Such plat also conforms to Section [4.07 Replat](#) of this Subdivision Ordinance. A [Replat](#) can function as a [Final Plat](#) for a property.

119. Residential District

Residential district means a single family, patio home, duplex, townhouse, multifamily or mobile home zoning district as defined in the zoning ordinance.

120. Residential Street

A street which is intended primarily to serve traffic within a neighborhood or limited residential district and which is used primarily for access to abutting properties.

121. Residential Use

Residential use means use of a structure as a residence.



122. Responsible Official

The City staff person who has been designated by the [City Manager](#) to accept a type of development [Application](#) for filing, to review and make recommendations concerning such Applications, and where authorized, to initially decide such Applications, to initiate enforcement actions, and to take all other actions necessary for administration of the provisions of development Applications. Also includes any designee of the designated City staff person.

123. Retaining Wall

A non-building, structural wall supporting soil loads and live and dead surcharge loads to the soil, such as additional soil, structures and vehicles.

124. Right-of-Way

- a. A parcel of land occupied or intended to be occupied by a street or alley.
- b. A [Right-of-Way](#) may be used for other facilities and utilities, such as sidewalks, railroad crossings, electrical communication, oil or gas, water or sanitary or storm sewer facilities, or for any other use.
- c. The use of Right-of-Way shall also include parkways and medians outside of pavement.
- d. For platting purposes, the term "[Right-of-Way](#)" shall mean that every Right-of-Way shown on a [Final Plat](#) is to be separate and distinct from the lots or parcels adjoining such Right-of-Way and not included within the dimensions or areas of such lots or parcels.
- e. Presumed to be a fee simple dedication to the City, unless otherwise indicated on the [Plat](#).

125. Setback Line

A line within a lot, parallel to and measured from a corresponding lot line, establishing the minimum required yard and governing the placement of structures and uses on the lot.

126. Sidewalk Plan

The City's adopted plan showing the locations where sidewalks exist or where new sidewalk shall be constructed. The Sidewalk Plan is approved by the City Council and is the City's policy regarding where sidewalks will be located in the City.

127. Site Plan

A Site Plan is a detailed, scaled drawing of all surface improvements, structures, and utilities proposed for development and is associated with the zoning ordinance.

128. Sketch Plat

A sketch or informal plan prepared prior to the preparation of the [Preliminary Plat](#) describing the proposed design of the subdivision to be reviewed during the pre-application review process.

129. Street

A public [Right-of-Way](#) that provides vehicular traffic access to adjacent lands.

130. Street Width

The shortest distance between the property or easement lines which delineate the [Right-of-Way](#) of a street.

131. Street, Private

A privately owned street within a Subdivision for which the private owners assume full responsibility for maintenance and controls and which has not been dedicated to the use of the public. This term is inclusive of related alleys. Private streets are [Local Streets](#) allowed in gated planned unit developments (PUDs) with homeowners' associations that maintain them.



132. Structure

Anything constructed or erected, which requires location on the ground, or attached to something having a location on the ground, including, but not limited to advertising signs, billboards and poster panels, but exclusive of customary fences or boundary of retaining walls, sidewalks and curbs.

133. Subdivider

- a. Any person or any agent thereof, dividing or proposing to divide land so as to constitute a subdivision.
- b. In any event, the term “subdivider” shall be restricted to include only the owner, equitable owner or authorized agent of such owner or equitable owner, of land to be subdivided.

134. Subdivision

- a. The division of a tract or parcel of land into two or more parts or lots for the purpose, whether immediate or future, of sale or building development or transfer of ownership with the exception of transfer to heirs of an estate, and shall include re-subdivision.
- b. Any other subdivision or re-subdivision of land contemplated by the provisions of [Chapter 212, Local Government Code](#).

135. Subdivision Ordinance

The adopted Subdivision Ordinance of the City, as may be amended in the future, and may be referred as “this Ordinance.”

136. Subdivision Plat

A [Plat](#) (i.e., [Preliminary Plat](#), [Final Plat](#), [Minor Plat](#), [Replat](#), or [Amending Plat](#)) established in [LGC 212, Subchapter A](#) involving the subdividing of land in two (2) or more parts or the amending of a recorded [Plat](#).

137. Subdivision Regulations

Any regulations and standards contained within the Subdivision Ordinance.

138. Subdivision Waiver

Either a [Minor Subdivision Waiver](#) or [Major Subdivision Waiver](#), see Section [7.01 Petition for Subdivision Waiver of Modification](#).

139. Surveyor

A licensed State Land Surveyor or a Registered Public Surveyor, as authorized by the State to practice the profession of surveying.

140. Thoroughfare

See Arterial Street.

141. Transportation Plan

The plan that guides the development of adequate circulation within the [City](#), and connects the [City](#) street system to regional traffic carriers. Also, referred to as the Thoroughfare Plan or Master Thoroughfare Plan.

142. Usable Open Space

An area or recreational facility that is designed and intended to be used for outdoor living and/or recreation. Usable Open Space may include recreational facilities, water features, required perimeter landscape areas, floodplain areas, and decorative objects such as art work or fountains. Usable Open Space shall not include the following:

- a. Walks,
- b. Rooftops,



- c. Buildings, except those portions or any building designed specifically for recreation purposes,
- d. Parking areas,
- e. Landscaped parking requirements,
- f. Driveways,
- g. Turnarounds, or
- h. Right-of-Ways or easements for streets and alleys.

143. Utility Easement

See [Easement](#), definition # [53](#).

144. Vested Right

A right of an [Applicant](#) requiring the [City](#) to review and decide the [Application](#) under standards in effect prior to the effective date of the standards of this [Subdivision](#) Ordinance and/or of any subsequent amendments.

145. Vested Rights Petition

- a. A request for relief from any standard or requirement of the Subdivision Regulations based on an assertion that the [Applicant](#) (petitioner for relief) has acquired a [Vested Right](#).
- b. Such petition is regulated under Section [7.03 Subdivision Vested Rights Petition](#).

146. Vision Clearance

A space left open and unobstructed by fences, structures, shrubs, trees or other plant life along streets at the corner in front of the building line of lots contiguous to intersecting streets.

147. Waiver, Major Subdivision

- a. A [Major Subdivision Waiver](#) is a not found in [Table 10](#) and is a significant change to both the standards and intent of the Subdivision Regulations, which involves [Planning and Zoning Commission](#) and [City Council](#) approval.
- b. See Section [7.01 Petition for Subdivision Waiver of Modification](#) for details.

148. Waiver, Minor Subdivision

- a. A [Minor Subdivision Waiver](#) is a waiver listed in [Table 10](#) and is a minor change to the standards, but not the intent, of these Subdivision Regulations.
- b. A [Minor Subdivision Waiver](#) is approved by either the [Director of Development Services](#) or [Director of Public Works and Utilities](#) (as applicable).
- c. See Section [7.01 Petition for Subdivision Waiver of Modification](#) for details.

149. Water Treatment Facility

The facility or facilities within the water supply system which can alter the physical, chemical, or bacteriological quality of the water.



150. Yard

- a. An open space other than a court, on the same lot with a building, unoccupied and unobstructed from the ground upward, except as otherwise provided herein.
- b. In measuring to determine the width of a side yard, the depth of a front yard or the depth of a rear yard, the least horizontal distance between the lot line and the main building shall be used.

151. Yard, Front

A yard across the full width of a lot extending from the front line of the main building to the front street line of the lot.

152. Yard, Rear

A yard extending across the full width of the lot and measured between the rear line of the lot and rear line of the main building, except that area included in the side yard as defined below.

153. Yard, Side

A yard between the building and the side line of the lot and extending from the front yard to the required minimum rear yard.



Section 9. Figures

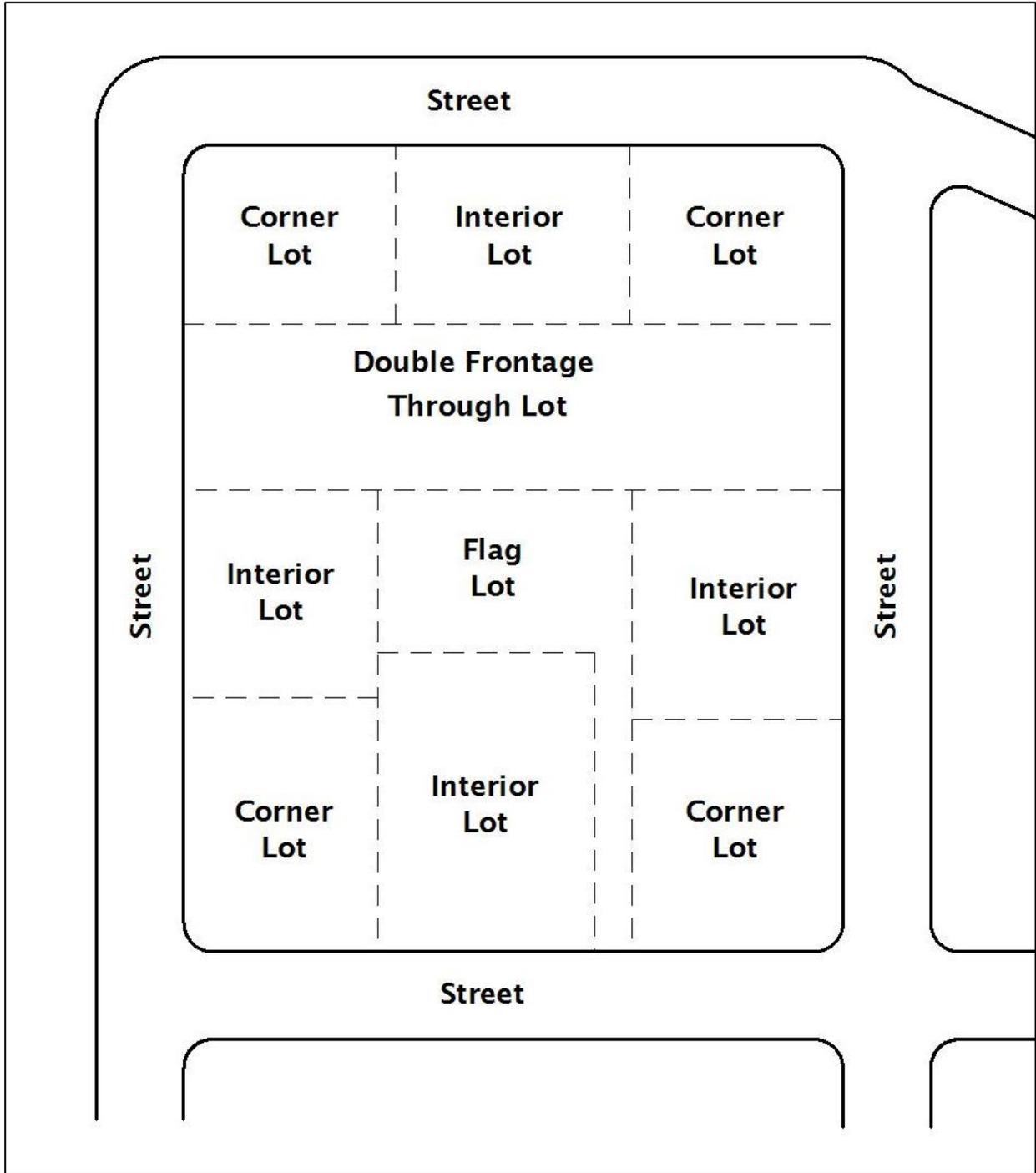


Figure 22: Lot Type Examples

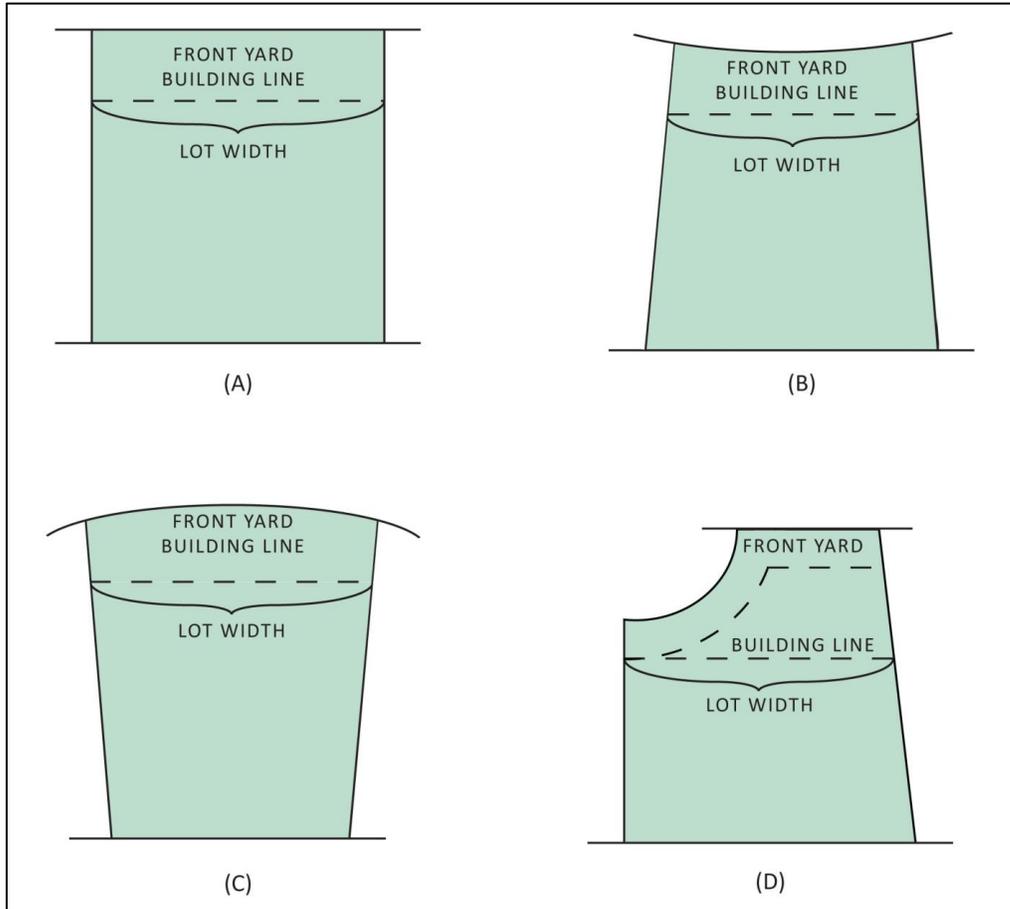


Figure 23: Lot Width Example