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Subdivision Ordinance

Ordinance 2013-32

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Prepared for:

City of Gonzales, Texas



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Section 1. General Provisions

1.01. Title

This Ordinance and subsequent regulations of the City of Gonzales, 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. General

All property not subdivided into lots, blocks, and streets, or property to be re-subdivided, within the City or within its jurisdiction (i.e., the City Limits or [Extraterritorial Jurisdiction \(ETJ\)](#)) 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.

1.04. Purpose

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

A. Specific Purposes of the Subdivision Regulations

1. Provide for the orderly, safe and healthful development of the area within the City and its [Extraterritorial Jurisdiction \(ETJ\)](#);
2. Promote the health, safety and general welfare of the community;
3. Establish orderly policies and procedures to guide development of the City;
4. 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;
5. Ensure that development of land and subdivisions shall be of such nature, shape and location that utilization will not impair the general welfare;
6. Protect against the dangers of fires, floods, erosion, landslides, or other such menaces;
7. Provide proper utilities and services for adequate drainage, water supply, and disposal of sanitary and industrial waste; to furnish adequate sites, convenient to schools, parks, playgrounds, and other community services, respecting topography and existing vegetation so that the natural beauty of the land shall be preserved;
8. Coordinate new development realistically and harmoniously with existing development;
9. Protect and conserve the value of land throughout the City;
10. Provide the most beneficial circulation of vehicle and pedestrian traffic throughout the City, and to provide for the proper location and width of streets;
11. Establish reasonable standards of design and procedures for the development and redevelopment, provide for the orderly layout and use of land;
12. Ensure proper legal descriptions and documentation of subdivided land;
13. 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;



14. 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;
15. Preserve the topography of the City and ensure appropriate development with regard to natural features;
16. 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 or that provide value or benefit that makes the development feasible; and
17. 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.

1.05. Applicability

A. General

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.

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 of the City and the [Engineering Standards Manual \(ESM\)](#).
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.

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](#).
3. To subdivide land to divide a lot or tract into two or more parcels for development of the 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 per [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 and no [Public Improvement](#) is being dedicated.
 2. Development Plats Required per [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 or in the Extraterritorial Jurisdiction (ETJ) 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 [5.09 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 the 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 proposed to be dedicated, the [Applicant](#) shall first obtain approval of a [Development Plat](#).
 - d. No Development Plat is required when the land has an approved Filing Plat, Minor Plat, [Replat](#), or [Amending Plat](#).
- E. Exemptions to the Requirement to Plat

The following are exemptions to the platting requirements in [1.05.C](#):

 1. Use of existing cemeteries complying with all State and local laws and regulations;
 2. Dedication of an easement or Right-of-Way by a separate document recordable in the county records if approved by the City; and
 3. Divisions of land created by order of a court of competent jurisdiction.



1.06. Compliance 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;
4. Building Codes;
5. Drainage System Design Requirements;
6. International Fire Code;
7. Storm Water Quality and Land Disturbance Requirements; and
8. Other Applicable portions of the Code of Ordinances.

1.07. Public Improvements Required

A. Requirements

1. The subdivider shall furnish, install and/or construct the [Public Improvements](#) (e.g., water and wastewater systems and the street and drainage facilities, including any offsite Public Improvements) necessary for the proper development of the subdivision.
 - a. All such facilities shall be designed and constructed in accordance with the City's [Engineering Standards 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.
2. Where considered necessary by the [City Manager](#), 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 [Engineering Standards Manual](#) to provide for future growth and expansion.
 - a. 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 [Engineering Standards Manual](#).
3. Development Agreement
 - a. Cases that Require a Development Agreement
 - i. The [Subdivider](#) shall be required to enter into a [Development 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.
 - ii. This [Development 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 Development Agreement in the event of failure by the developer, and to recover the full costs of such measures.

- b. The Development 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](#).
- c. The Development Agreement shall contain:
 - i. 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;
 - ii. Authority for the City to withhold building permits, put a hold on construction and inspections in the event of breach by the [Subdivider](#);
 - iii. For financial security (see [6.05.D Security for Completion of Improvements](#));
 - (a) Insurance requirements in accordance with the City's requirements for public works projects; and
 - (b) 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.
- d. The City may provide a standard-form [Development Agreement](#) that may be approved by the [City Manager](#). In the event that either party desires not to enter into the standard-form [Development Agreement](#), then a Subdivision-specific [Development Agreement](#) will be negotiated and will be subject to [City Council](#) approval before execution.

1.08. General Plat Requirements

A. [Development Application](#)

All submittals shall conform to 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.

D. [Phased Development](#)

- 1. All phased developments shall be in accordance with the [Comprehensive Plan](#).
- 2. The [City](#) may establish size limits and requirements for phased development.
- 3. A concept development plan for the entire site shall be prepared and shall accompany all submittals for a [Vesting Plat](#) and [Filing Plat](#).
- 4. Phased Developments shall coordinate with the surrounding land use plan and existing developments.
- 5. Each phase shall submit a [Vesting Plat](#) and [Filing 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 for Enforcement

A. Provisions

1. Plat Filing Requirement

- a. A Subdivision Plat shall not be filed or record until it has been approved by the City and all Public Improvements have been accepted by the City, 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

- a. No building permit shall be issued by the [City](#) for any structure on any lot without connection to the City's existing or proposed wastewater facilities.

3. Filing Plat or Development Plat Required for Building Permits

No building permit shall be issued by the City for any structure on a lot in a Subdivision for which a [Filing 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 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 [City Council](#) 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

The City shall not authorize any other person nor shall 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 [Filing 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.

7. Action in a Court

On behalf of the City, the [City Attorney](#) shall, when directed by the [City Council](#), 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 which occurs within any area subject to all or a part of the provisions of this Subdivision Ordinance.

8. 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.

9. Non-Compliant Subdivision or Subdivision without a Filing Plat

If any [Subdivision](#) exists for which a [Filing Plat](#) has not been approved or in which the standards contained herein or referred to herein have not been fully complied with, the [City Council](#) shall pass a resolution reciting the facts of such non-compliance and failure to secure [Filing Plat](#) approval, and reciting the fact that the provisions of this Section will apply to the Subdivision and the lots therein.

- a. The [City Secretary](#) shall, when directed by the [City Council](#), cause a certified copy of such resolution under the corporate seal of the [City](#) to be filed in the Deed of Records of the County.
- b. If full compliance and Filing Plat approval are secured after the filing of such resolution, the City Secretary shall forthwith file an instrument, in the Deed of Records of the County stating that the provisions of this section no longer apply.

1.10. Extraterritorial Jurisdiction (ETJ)

A. 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 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 extraterritorial jurisdiction from and after the date of final passage of this Subdivision Ordinance.

B. Subdividing

No person shall subdivide or plat any tract of land within the extraterritorial jurisdiction of the City except in conformity with the provisions of these Subdivision Regulations.

1.11. Subdivision Procedure Summary

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 who wishes to subdivide such land shall conform to the following general procedures.

A. General Procedures

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

B. Detailed Steps

The detailed steps with each phase of the Subdivision development procedure are covered in this subsection, [Section 5](#), [Section 6](#), and [Section 7](#).



Figure 1: Subdivision Procedure Summary



1.12. Violations and Fines

A. Subdivision Violations

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 two thousand dollars (\$2,000.00) for each violation. Each day that a violation is permitted to exist shall constitute a separate offense.



Section 2. Definitions

2.01. 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.

2.02. 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 [5.07 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 [City Manager](#)) 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. **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.

12. **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.

13. **Block Face**

The portion of a [Block](#) that abuts a street.

14. **Block Length**

The length of the [Block Face](#) between two intersections.

15. **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.

16. **Building Official**

The Building Official of the [City](#) or his or her designee.

17. **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.



18. *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.

19. *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.

20. *City*

The City of Gonzales, Texas, together with all its governing and operating bodies.

21. *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.

22. *City Council*

The duly elected governing body of the City of Gonzales, Texas.

23. *City Engineer*

The Licensed Professional Engineer or firm of Licensed Professional Consulting Engineers that has been specifically designated as such by the City Council.

24. *City Manager*

The officially appointed and authorized City Manager of the City of Gonzales, Texas, and may include the City Manager's duly authorized representative or designee, per the City Manager's discretion.

25. *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.

26. *City's Engineering Official*

The person(s) so designated by the [City Manager](#) to provide oversight for and have responsibility of the City's Public Works Department. This term shall also include any designee of the City's Engineering Official or per the [City Manager](#) the [City Engineer](#) (which may be a private consulting firm).

27. *City's Planning Official*

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

28. *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..

29. *Commission*

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



30. 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.

31. Construction Details

A separate and stand-alone document not included within this [Subdivision Ordinance](#) that provides technical construction drawings of the [City's](#) required [Improvements](#), such as a "Standard Storm Drain Curb Inlet." The Construction Details document is developed and maintained by the [City Manager](#).

32. 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.

33. Council

See [City Council](#).

34. County

Gonzales County.

35. 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.

36. Crosswalk Way

A public [Right-of-Way](#), four (4) feet or more in width between property lines, which provides pedestrian circulation.

37. 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.

38. 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 Manager](#) shall establish such curb or its equivalent for the purpose of this Subdivision Ordinance.

39. Date of Adoption

The date of adoption of this [Subdivision Ordinance](#) shall be the date this ordinance becomes effective.

40. Dead-End Street

A street, other than a cul-de-sac, with only one outlet.

41. Decision-Maker

The City official or group, such as the [City Manager](#), [City Council](#), or [Planning and Zoning Commission](#), responsible for deciding action on an [Application](#) authorized by this [Subdivision Ordinance](#).



42. 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](#).

43. 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.

44. Development 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 [6.05 Development Agreements and Security for Completion](#) for details.)

45. Development Application

An [Application](#), developed and updated by the [City Manager](#), 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](#).

46. Development Application Handbook

A collection of [Application Forms](#) created, updated, and managed by the [City Manager](#). (See [4.01.D](#) for details.)

47. 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 [5.09 Development Plat](#).

48. Development Review Committee

The committee created by Section [3.04 Development Review Committee](#) to review plats and to recommend either approval or denial.

49. DRC

See [Development Review Committee](#) and Section [3.04 Development Review Committee](#).

50. 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.

51. 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.

52. 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.



53. *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.

54. *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.

55. *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.

56. *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.

57. *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.

58. *Engineering Plans*

See [Construction Plans](#).

59. *Engineering Standards Manual*

A separate and stand-alone document or compilation of documents not included within this [Subdivision Ordinance](#), the Engineering Standards Manual (ESM) details specific engineering requirements (e.g., drainage criteria) for the construction of [Public Improvements](#). The ESM is developed and maintained by the [City Manager](#).

60. *ESM*

ESM is an abbreviation of [Engineering Standards Manual](#).

61. *ETJ*

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

62. *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](#).



63. 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](#).

64. Filing 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 Filing Plat of any lot, tract, or parcel of land shall be recorded in the Deed Records of Gonzales County, Texas.
- c. A Filing Plat may also be referenced as a Record Plat or Final Plat.

65. Final Plat

See [Filing Plat](#).

66. Final Acceptance

The acceptance by the City of all infrastructure improvements constructed by the [Developer](#) in conjunction with the development of land.

67. Flood Plain

The area subject to be inundated by water from the [Base Flood](#).

68. Floodway

A natural drainage area which accommodates the design flood for existing creeks and open drainage ways.

69. 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.

70. Frontage

All the property abutting on one (1) side of the street, or between two (2) intersecting streets, measured along the street line.

71. Homeowners' or Property Owners' Association

- a. A formal nonprofit 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.

72. Improvement

Any man-made fixed item which becomes part of or placed upon real property, see also [Public Improvement](#).

73. Infrastructure

All streets, alleys, sidewalks, storm drainage, water, and wastewater facilities, utilities, lighting, transportation, and other facilities as required by the City.

**74. 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](#).

75. Letter of Final Acceptance

Notification to an [Applicant](#) from the [City Manager](#) 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 [Filing Plat](#).

76. 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.

77. 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](#).

78. Lot, Depth

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

79. Lot, Interior

A lot, the side line of which does not abut on any street.

80. Lot, Through

An interior lot having frontage on two streets. Such through lot shall provide a front yard on each street.

81. Lot Lines

The lines bounding a lot as defined herein.

82. 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.

83. Lot Width

The mean horizontal distance between side lines measured at right angles to the depth.

84. Major Subdivision Waiver

See [Waiver, Major Subdivision](#).

85. 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.

86. Minor Plat

A plat dividing land into no more than four (4) lots that meets the submission and approval requirements of Section [5.05 Minor Plat](#). Such plat may be approved by the [City Manager](#). Such plat is also considered a [Filing Plat](#).

87. 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 [5.06.G.2 Minor Replat](#) details.

88. Minor Subdivision Waiver

See [Waiver, Minor Subdivision](#).

89. Official Submission Date

- a. A calendar of official submission dates for subdivision related [Applications](#) requiring [City](#) review and approval pursuant to [Texas Local Government Code Chapter 212](#).
- b. See [4.02 Official Submission Date and Official Vesting Date](#) for further details and standards.

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. See [4.02 Official Submission Date and Official Vesting Date](#) for further details and standards.

91. Parkway

Within the [Right-of-Way](#), the area between the property line and the nearest curb or edge of the roadway (if no curb exists.) See [Figure 2: Example of a Parkway](#) for visual depiction of a parkway.

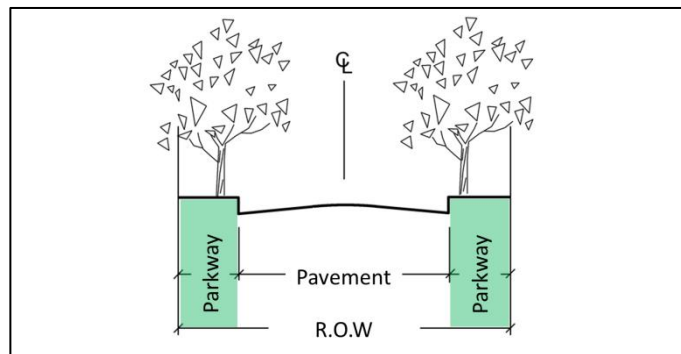


Figure 2: Example of a Parkway

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 are 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. Perimeter Street

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

97. Person

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

98. Planning and Zoning Commission

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

99. 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.

100. Plat, Amending

See Amending Plat.

101. Plat, Development

See Development Plat.

102. Plat, Filing

See Filing Plat.

103. Plat, Minor

See Minor Plat.

104. Plat, Vesting

See [Vesting Plat](#).

105. 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 [7.14.I Preliminary Drainage Plan](#) for details.

106. Preliminary Plat

See [Vesting Plat](#).

107. Preliminary Storm Water Management Plan

The purpose of the [Preliminary SWMP](#) is to identify permanent water quality feature opportunities for [Subdivision](#) development, see Section [7.14.J Preliminary Storm Water Management Plan](#) for details.

108. Preliminary SWMP

Preliminary SWMP is an abbreviation for [Preliminary Storm Water Management Plan](#).



109. Preliminary Utility Plan

A plan detailing both [Water Utility](#) and [Wastewater Utility](#) requirements, see Section [7.12.C Preliminary Utility Plan](#) for details.

110. Premises

In referring to a sexually oriented business, premises means the building of the sexually oriented business.

111. Progress Towards Completion

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

- a. An Application for a Filing Plat or plan for development is submitted;
- b. A good-faith attempt is made to file with the City or County 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.

112. 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.

113. 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.

114. Record Plat

See [Filing Plat](#).

115. 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 [5.06 Replat](#) of this Subdivision Ordinance. A [Replat](#) can function as a [Filing Plat](#) for a property.

116. Residential District

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

117. 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.



118. Residential Use

Residential use means use of a structure as a residence.

119. 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.

120. 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.

121. 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 [Filing 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.

122. 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.

123. 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.

124. Sketch Plat

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

125. Street

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

126. Street Width

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

127. 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.

128. 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.



129. 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](#).

130. Subdivision Ordinance

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

131. Subdivision Plat

A Plat (e.g., Vesting Plat, Filing 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](#).

132. Subdivision Regulations

Any regulations and standards contained within the Subdivision Ordinance.

133. Subdivision Waiver

Either a [Minor Subdivision Waiver](#) or [Major Subdivision Waiver](#), see Section [8.01 Petition for Subdivision Waiver](#).

134. Surveyor

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

135. Thoroughfare

See Arterial Street.

136. 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.

137. 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.

**138. Utility Easement**

See [Easement](#), definition # [55](#).

139. 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.

140. 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 [8.03 Subdivision Vested Rights Petition](#).

141. Vesting Plat

- a. 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.
- b. The [Vesting Plat](#) shall serve as a means for the City to review and study the proposed division of land and/or improvements.
- c. See Section [5.03 Vesting Plat](#).

142. 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.

143. Waiver, Major Subdivision

- a. 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 [8.01 Petition for Subdivision Waiver](#) for details.

144. Waiver, Minor Subdivision

- a. A minor change to the standards, but not the intent, of these Subdivision Regulations, which involves the [City Manager](#) approval unless otherwise noted.
- b. See Section [8.01 Petition for Subdivision Waiver](#) for details.

145. Water Treatment Facility

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

146. 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.



147. 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.

148. 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.

149. 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.



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Section 3. Development Review Bodies

3.01. 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	
5.03.J.4.b	Appeal of the Commission's Decision on a Vesting Plat Extension
5.08.E	Approving a Plat Vacation
8.01.C.1.b	Approving an Appeal of a Minor Subdivision Waiver Decision
8.01.C.2	Approving a Major Subdivision Waiver
8.02.C.3	Approving a Subdivision Proportionality Appeal
8.03.F.4	Approving a Decision by City Council on a Subdivision Vested Rights Petition
8.03.F.5	Approving an Appeal to the Council of a Decision on Subdivision Vested Rights Petition

3.02. Planning and Zoning Commission

A. Establishment

The City's Code of Ordinances establishes the standards governing the Planning and Zoning Commission within Chapter 14.

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	
5.03.J.4.a	Appeal of the City Manager's Decision on a Vesting Plat Extension
5.03.F	Approving a Vesting Plat
5.04.H	Approving a Filing Plat
5.05.H.1.	Approving a Deferral to the Commission of a Minor Plat Decision
5.06.G	Approving a Replat
5.09.I	Approving a Development Plat
5.06.G.2.b.i	Approving a Deferral to the Commission of a Minor Replat Decision
5.07.G.1	Approving a Deferral to the Commission of an Amending Plat Decision
8.01.C.1.b	Recommending an Appeal of a Minor Subdivision Waiver Decision
8.01.C.2.a	Recommending a Major Subdivision Waiver
8.02.C.3	Recommending a Subdivision Proportionality Appeal
8.03.F.3	Approving a Decision by Commission on a Subdivision Vested Rights Petition



3.03. City Manager

A. Responsibilities

Table 3 is a summary of the [City Manager's](#) responsibilities within the Subdivision Ordinance.

Table 3: City Manager Responsibilities	
<i>Subdivision Related Responsibilities</i>	
5.03.F	Reviewing a Vesting Plat
5.04.G	Reviewing a Filing Plat
5.05.G	Approving a Minor Plat
5.06.G	Reviewing a Replat
5.06.G.2.b	Approving a Minor Replat
5.07.F	Approving an Amending Plat
5.08.D	Recommending a Plat Vacation
5.09.I	Reviewing a Development Plat
6.01	Approving Construction Plans
6.01	Approving an Extension of Construction Plans beyond Expiration Date
6.02	Approving a Pre-Construction Meeting
6.03	Approving a Construction Release
6.05.C	Approving Development Agreements and Security for Completion
6.06.A	Approving Inspection of Public Improvements
7.13.A.2	Determining the Approved Means of Wastewater Collection and Treatment
8.01.C.1	Approving a Minor Subdivision Waiver (as applicable)
8.02.C	Reviewing a Subdivision Proportionality Appeal
8.03.F.2	Approving a Decision by the Responsible Official on a Subdivision Vested Rights Petition



3.04. 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 all [Plats](#) to ensure that City regulations are met and to provide a recommendation for either approval or denial in a written report to the [City Manager](#).
2. Per the [City Manager's](#) discretion, 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 shall consist of at least one representative from the following [City](#) departments, as appointed by the [City Manager](#).

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

D. Term

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

E. Responsibilities

The [City Manager](#) 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 4: Development Review Committee Responsibilities	
<i>Subdivision Related Responsibilities</i>	
5.03.E.2	Per the City Manager's discretion, review a Vesting Plat
5.04.G.2	Per the City Manager's discretion, review a Filing Plat
5.05.F.2	Per the City Manager's discretion, review a Minor Plat
5.06.G.1	Per the City Manager's discretion, review a Replat
5.06.G.2.b	Per the City Manager's discretion, review a Minor Replat
5.07.E.2	Per the City Manager's discretion, review an Amending Plat
5.08.D.2	Per the City Manager's discretion, review a Plat Vacation
5.09.I	Per the City Manager's discretion; review a Development Plat



3.05. Summary of Approval Authority of Fundamental Applications

Table 5: Summary of Approval Authority of Fundamental Applications				
Application Type	City Council	Planning and Zoning Commission	City Manager	Development Review Committee
Vesting Plat		Approve	Review	Review*
Filing 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	
Development Agreements and Security for Completion	Approve**		Approve**	
Inspection of Public Improvements			Approve	
Determining the Approved Means of Wastewater Collection and Treatment			Approve	
Minor Subdivision Waiver			Approve	
Appeal of a Minor Subdivision Waiver Decision	Approve	Recommend		
Major Subdivision Waiver	Approve	Recommend		
Subdivision Proportionality Appeal	Approve	Recommend	Review	
Decision by the Responsible Official on a Subdivision Vested Rights Petition			Approve	
Decision by Commission on a Subdivision Vested Rights Petition		Approve		
Decision by City Council on a Subdivision Vested Rights Petition	Approve		Recommend	
Appeal to the Council of a Decision on Subdivision Vested Rights Petition	Approve			
*Indicates possible review				
**City Council may authorize the City Manager to approve				



Section 4. Application Submittal and Processing Procedures

4.01. 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 an 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 under oath 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; and
- i. Application signed by the owner of an interest in the land subject to the Application, or the owner's designated agent.

3. All [Application Forms](#) are available from the [City Manager](#).



D. Development Application Handbook

The [City Manager](#) shall create, manage, and update a Development Application Handbook, which shall be a collection of [Application Forms](#) that the [City Manager](#) has created per [4.01.C.1](#).

E. Universal 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, except when the City Council waives the Application fee for resubmission of an approval that was denied.
3. The [Fee Schedule](#) may be amended from time to time per procedures established 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 extend the time for deciding the Application for a period equal to the time specified in this Subdivision Ordinance to decide the original Application.
- b. The extension of the time for deciding the Application shall commence on the date the modified Application is submitted.
 - i. For [Plat Applications](#), a modified Application shall be accompanied by a properly executed [Waiver of Right to 30-Day Action](#).

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.
- 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.

4.02. Official Submission Date and Official Vesting Date

- A. Official Submission Date
 1. A calendar of official submission dates for subdivision related [Applications](#) requiring [City](#) review and 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.
 2. This calendar shall specify one "official submittal date" for each month.
 3. All [Applications](#) delivered to the City on a date other than a scheduled date shall be dated received on the next [Official Submission Date](#).
- B. Official Vesting Date
 1. 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.
 2. 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.
 3. Every Application or plan is subject to a determination of completeness by the Responsible Official for processing the Application pursuant to [4.04.B Determination of Completeness for Subdivision Related Applications](#).



4.03. 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 [City Manager](#), 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 Plats Applications, see Sections [5.03](#) through [5.08](#).

C. Vested Rights Waiver

1. The [Pre-Application Conference](#) is optional and allows for the exchange of information between the [Applicant](#) and City Staff. It is not the intent of the [Pre-Application Conference](#) to bind either the [Applicant](#) or City Staff to items discussed at the meeting.
2. For consideration of a vested right to develop under previously adopted regulations, refer to [8.03 Subdivision Vested Rights Petition](#).
3. 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](#).
4. 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.
5. A copy of the [Vested Rights Waiver](#) form shall be available in the office of the [City Manager](#).



4.04. Applicability, Completeness, and Expiration

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 [4.04.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 [4.04.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 [City Manager](#) shall be the Responsible Official to 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.

2. Received

- a. If the Applicant is requesting a Waiver of Right to 30-Day Action, the Waiver of Right to 30-Day Action must be received by the [City Manager](#) 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 that day shall not be considered properly submitted, and action shall be taken on the Application at such meeting as scheduled.

3. Requirements Maintained

- a. Submission of a Waiver of Right to 30-Day Action, and acceptance of such waiver by the City as part of an Application, 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 [8.01 Petition for Subdivision Waiver](#)).

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](#).



4.05. 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 following a public hearing, or whenever the City is to consider revocation of an Application that was obtained following a public hearing, personal notice of the appeal or revocation proceeding shall be provided to the Applicant.

4.06. 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 [5.06.B](#) [Replat] and [5.08.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 [5.06.B](#) (Replat) and [5.08.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 board/commission conducting the hearing shall record the 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 [Council](#) and/or [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 [Council](#) and/or [Commission](#), the [City Manager](#) 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

The notice shall set forth the name of the Applicant, the time, place and purpose of the hearing, identification of the subject property.

- i. Notice shall be sent to each owner indicated on the most recently approved municipal tax roll for land inside the City limits, and, when required by State law, on the most recently approved County tax roll for land in the extraterritorial jurisdiction. For recently annexed land that is not included on the most recently approved City or County tax roll, notice may be given by publication.
- ii. Notice shall be considered served by depositing the notice, properly addressed and first class postage prepaid, in the United States 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 [4.06 Public Hearings for Replat and Plat Vacation Applications](#) and State law.
2. The hearing shall be conducted by the [City Council](#).



4.07. 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

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 [6.01.G Expiration Date for Construction Plans](#) for expiration of Construction Plans), and shall become null and void, and all activities under the Application thereafter shall be deemed in violation of these Subdivision Regulations, if:

- a. 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 [Development Agreement](#), within the time limits established for satisfaction of such condition or term; or
- b. The Applicant fails to submit a subsequent complete Application required by these Subdivision Regulations within the time so required; or
- c. A [Development Agreement](#) ([6.05 Development 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

1. Upon the expiration of an approved Application, all previously approved Applications for the same land shall also expire on the expiration date if the filing of an Application was required to avoid expiration for the previously approved Application(s).
2. Thereafter, 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 5. Platting Requirements

5.01. General Subdivision and Platting Procedures

A. Plats Required for Land Subdivision

A [Filing 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 [5.06 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 38-22 [Amending Plat](#).

C. Zoning

1. Conformance with Existing Zoning

All Applications 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 [City Manager](#) to submit an Application simultaneous 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 Application for a [Filing Plat](#) approval shall be accepted for filing until a Site Plan has been approved for the land subject to the proposed Plat.

5.02. Pre-Application Conference

See [4.03 Pre-Application Conference](#).



5.03. Vesting Plat

A. Purpose

The purpose of a Vesting 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 Vesting Plat.

C. Exceptions

1. A [Vesting Plat](#) is not required when a [Minor Plat](#) is submitted (refer to [5.05 Minor Plat](#)).
2. A [Filing Plat](#) in accordance with [5.04 Filing Plat](#), along with [Construction Plans](#) in accordance with [6.01 Construction Plans](#), may be submitted in lieu of a [Vesting Plat](#) if a [Development Agreement](#) and appropriate surety (see [6.05 Development 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 Vesting Plat shall be accompanied by the following:

- a. [Preliminary Drainage Plan](#) (Section 7.14.I);
- b. [Preliminary Storm Water Management Plan](#) (Section 7.14.J);
- c. [Preliminary Utility Plan](#) (Section 7.12.C); and
- d. Other plans if deemed necessary for thorough review by the [City Manager](#), such as a Planned Development Master Plan.

Approval of each shall be separate and in accordance with this [5.03 Vesting 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 having an ownership interest in the property subject to the Vesting Plat.

E. Review by City Manager

The City Manager 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 Vesting 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 Vesting Plat Application, the findings of the [City Manager](#), and any other information available.
 - a. From all such information, the [Commission](#) shall determine whether the Vesting 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 [4.04.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 Vesting Plat, as submitted, shall be deemed approved by the [Commission](#).
3. Take one of the following actions:
 - a. Approve the Vesting Plat;
 - b. Approve the Vesting Plat with conditions, which shall mean that the Vesting 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 Vesting Plat.

G. Criteria for Approval

The following criteria shall be used by the [Commission](#) to determine whether the Application for a Vesting 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 Vesting Plats/Filing Plats;
2. No Plat or Replat may be approved that leaves a structure located on a remainder lot.
3. The Vesting Plat is consistent with any approved [Development Agreement](#);
4. The proposed provision and configuration of Public Improvements including, but not limited to, roads, water, wastewater, storm drainage, park facilities, open spaces, habitat restoration, easements and Right-of-Way 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 Vesting Plat has been duly reviewed by applicable City staff;
6. The Vesting Plat conforms to design requirements and construction standards as set forth in the [Engineering Standards Manual](#);
7. The Vesting 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 Vesting Plat does not endanger public health, safety or welfare; and
9. The Vesting Plat conforms to the [City Manager's](#) subdivision Application checklists.

H. Effect of Approval

1. Approval of a Vesting Plat shall allow the Applicant to proceed with the development and platting process by submitting [Construction Plans \(6.01\)](#) and a [Filing Plat \(5.04\)](#).
2. Approval of the Vesting Plat shall be deemed general approval of the subdivision's layout only, and shall not constitute approval or acceptance of Construction Plans or a Filing Plat.



I. Expiration

1. Two-Year Validity

- a. The approval of a Vesting 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 [Filing Plat](#) for the land area shown on the [Vesting Plat](#).
- b. If Construction Plans and a Filing Plat Application have not been approved within the two (2) year period, the Vesting Plat shall expire.

2. Relationship to Construction Plans

A Vesting Plat shall remain valid for the period of time in which approved Construction Plans are valid ([6.01.G. Expiration Date for Construction Plans](#)).

3. Action on Filing Plat

Should a Filing 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 Vesting Plat shall expire unless an extension is granted as provided in [5.03.J Vesting Plat Extension](#).

4. Void If Not Extended

If the Vesting Plat is not extended as provided in [5.03.J Vesting Plat Extension](#), it shall expire and shall become null and void.

J. Vesting Plat Extension

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

1. Decision by the City Manager

- a. The [City Manager](#) 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 [City Manager](#) 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 [City Manager](#) shall consider whether the following conditions exist:

- a. A Filing Plat has been submitted and/or approved for any portion of the property shown on the Vesting Plat;
- b. Construction Plans have been submitted and/or approved for any portion of the property shown on the Vesting Plat;
- c. Construction is occurring on the subject property;
- d. The Vesting 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 [City Manager](#) 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 City Manager's Decision on a Vesting Plat Extension
 - i. The denial of an extension by the [City Manager](#) may be appealed to the [Commission](#).
 - ii. A written request for such appeal shall be received by the City Manager 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 [City Manager](#).
 - b. Appeal of the Commission's Decision on a Vesting 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 [City Manager](#) 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 Planning and Development Department.
 - iv. The decision of the [City Council](#) is final.
- K. Amendments to Vesting Plats Following Approval
 - 1. Minor Amendments to Vesting Plats
 - a. Minor amendments to the design of the subdivision subject to an approved [Vesting Plat](#) may be incorporated in an [Application](#) for approval of a [Filing Plat](#) without the necessity of filing a new [Application](#) for re-approval of a [Vesting 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 Vesting Plats

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

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



5.04. Filing Plat

A. Purpose

The purpose of a [Filing 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 Filing Plat to be recorded.

B. Applicability

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

C. Exceptions

A Filing Plat is not required when a [Minor Plat](#) is submitted (refer to [5.05 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 Filing Plat.
2. The Filing 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 [Filing Plat](#).

E. Accompanying Applications

1. An Application for a Filing Plat may be accompanied by [Construction Plans](#) if also accompanied by a [Development Agreement](#) and appropriate surety in accordance with [6.05 Development Agreements and Security for Completion](#).
2. Approval of each shall be separate and in accordance with this Section [5.04 Filing Plat](#) and with Section [6.01 Construction Plans](#).

F. Prior Approved Vesting Plat

The Filing Plat and all accompanying data shall conform to the approved Vesting Plat, or as the Vesting Plat may have been amended subsequently Section [5.03.K Amendments to Vesting Plats Following Approval](#), if applicable, incorporating all conditions imposed or required, if applicable.

G. Review by City Manager

The City Manager 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 Filing 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 Filing Plat Application, the findings of the [City Manager](#), and any other information available.
 - a. From all such information, the [Commission](#) shall determine whether the Filing 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 [4.04.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 Filing Plat, as submitted, shall be deemed to be approved by the [Commission](#).
3. Take one of the following actions:
 - a. Approve the Filing Plat;
 - b. Approve the Filing Plat with conditions, which shall mean that the Filing 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 Filing Plat.
4. A motion to approve a Filing 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. Filing Plat Criteria for Approval

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

1. With Prior Approved Vesting Plat

- a. The Filing Plat conforms to the approved Vesting Plat except for minor amendments that are authorized under Section [5.03.K Amendments to Vesting Plats Following Approval](#) and that may be approved without the necessity of revising the approved Vesting Plat;
- b. All conditions imposed at the time of approval of the Vesting Plat, as applicable, have been satisfied;
- c. The Construction Plans conform to the requirements of Section [6.01 Construction Plans](#) and have been approved by the [City Manager](#);
- d. Where Public Improvements have been installed, the improvements conform to the approved Construction Plans and have been approved for acceptance by the [City Manager](#);
- e. Where the [City Manager](#) has authorized Public Improvements to be deferred, a [Development Agreement](#) has been executed and submitted by the property owner in conformity with [Section 6 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 [Engineering Standards Manual](#); and
- h. The plat conforms to [City Manager's](#) subdivision Application checklists and Subdivision Ordinance regulations.

2. Without Prior Approved Vesting Plat

- a. The Filing Plat conforms to all criteria for approval of a Vesting Plat;
- b. The Construction Plans conform to the requirements of Section [6.01 Construction Plans](#) and have been approved by the [City Manager](#);
- c. A [Development Agreement](#) with surety for installation of Public Improvements has been prepared and executed by the property owner in conformance with [Section 6 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 Filing Plat conforms to the [City Manager's](#) subdivision Application checklist and Subdivision Ordinance regulations.



J. Procedures for Filing Plat Recordation upon Approval

The Applicant shall supply to the [City Manager](#) the required number of signed and executed copies of the Filing 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 Filing Plat, the [City Manager](#) shall procure the appropriate City signatures on the Filing Plat.

b. Recording upon Performance

The Filing Plat shall be recorded after:

i. The Filing Plat is approved by the City;

ii. All required Public Improvements have been completed and accepted by the City or a [Development Agreement](#) has been executed and appropriate surety provided in accordance with Section [6.05 Development Agreements and Security for Completion](#); and

iii. All County filing requirements are met.

2. Submittal of Filing Plat Where Improvements Installed

Where all required Public Improvements have been installed prior to recording of the Filing Plat, the Applicant shall meet all requirements in accordance with [Section 6 Construction Plans & Procedures](#).

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

Where some or all required Public Improvements are not yet completed in connection with an approved Filing Plat, the Applicant shall submit the Filing 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 [5.04.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 Filing Plat:

1. Supersedes any prior approved Vesting 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 [Development Agreement](#) (refer to [Section 6 Construction Plans & Procedures](#)).

3. Authorizes the Applicant to seek [6.03 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 [City Manager](#), the following signature blocks shall be used in conjunction with the Filing Plat.

1. Certificate of Surveyor

CERTIFICATE OF SURVEYOR	
STATE OF TEXAS	§
COUNTY OF GONZALES	§
<p>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.</p> <p>(Engineer's or Surveyor's Seal)</p> <div style="text-align: right; margin-top: 20px;"><hr style="width: 200px; border: 0; border-top: 1px solid black;"/><div style="text-align: center;">Licensed Professional Engineer or Registered Professional Surveyor</div></div> <div style="text-align: right; margin-top: 20px;">Date</div>	
STATE OF TEXAS	§
COUNTY OF GONZALES	§
<p>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.</p> <p>Given under my hand and seal of office this _____ day of _____, 20____.</p> <div style="text-align: right; margin-top: 20px;"><hr style="width: 200px; border: 0; border-top: 1px solid black;"/><div style="text-align: center;">Notary Public in and for the State of Texas</div></div> <div style="text-align: right; margin-top: 20px;"><hr style="width: 200px; border: 0; border-top: 1px solid black;"/><div style="text-align: center;">Type or Print Notary's Name</div></div> <div style="text-align: right; margin-top: 20px;">My Commission Expires: _____</div>	

Figure 3: Certificate of Surveyor or Engineer



2. Owner's Statement for Fire Lane Easement

OWNER'S STATEMENT FOR FIRE LANE EASEMENT	
<p>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 same 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 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</p>	
<p>Owner (Printed Name): _____</p>	
<p>Owner (Signature): _____</p>	
<p>Date: _____</p>	

Figure 4: Owner's Statement for Fire Lane Easement



3. Owner's Acknowledgement and Dedication

OWNER'S ACKNOWLEDGEMENT AND DEDICATION

STATE OF TEXAS §
COUNTY OF GONZALES §

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 Gonzales, 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 GONZALES §

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: Owner's Acknowledgement and Dedication



4. Lienholder's Ratification of Plat Dedication

LIENHOLDER'S RATIFICATION OF PLAT DEDICATION	
STATE OF TEXAS	§
COUNTY OF GONZALES	§
<p>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.</p>	
<p>Lienholder: _____</p>	
<p>Date: _____</p>	
STATE OF TEXAS	§
COUNTY OF GONZALES	§
<p>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.</p>	
<p>GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the _____ day of _____, 20 ____.</p>	
<p>_____ Notary Public in and for the State of Texas</p>	
<p>_____ Type or Print Notary's Name</p>	
<p>My Commission Expires: _____</p>	

Figure 6: Lienholder's Ratification of Plat Dedication



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

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

Approved

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

The undersigned, the City Secretary of the City of Gonzales, Texas, hereby certifies that the foregoing Filing Plat of the _____ Subdivision or Addition to the City of Gonzales was submitted to the Planning and Zoning Commission on the _____ day of _____, _____, and the Commission, by formal action, then and there accepted the Filing 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 Gonzales, Texas

Figure 7: Certificate of Filing Plat Approval



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

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

Approved

Chairman, Planning and Zoning Commission Date

City of Gonzales, Texas

The undersigned, the City Secretary of the City of Gonzales, Texas, hereby certifies that the foregoing Filing Plat of the _____ Subdivision or Addition to the City of Gonzales was submitted to the Planning and Zoning Commission on the _____ day of _____, _____, and the Commission, by formal action, then and there accepted the Filing 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 Gonzales, Texas

Figure 8: Certificate of Filing Plat Approval



7. Certificate of Completion and Authorization to File

CERTIFICATE OF COMPLETION AND AUTHORIZATION TO FILE

Approved

Chairman, Planning and Zoning Commission Date

City of Gonzales, Texas

The undersigned, the City Secretary and the City of Gonzales, Texas, hereby certifies that the foregoing Filing Plat of the _____ Subdivision or Addition to the City of Gonzales was submitted to the Planning and Zoning Commission on the _____ day of _____, _____, and the Commission, by formal action, then and there accepted the fee simple dedication of streets, thoroughfares, alleys, and parks to the public use forever and dedication of easements for trails, 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 as shown and set forth in and upon said plat, that the public works and infrastructure improvements have been completed in accordance with the construction plans, have been tested and have been accepted by the City, that the Filing Plat is now acceptable for filing with Gonzales County and said Commission further authorized 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 Gonzales, Texas

Figure 9: Certificate of Completion and Authorization to File



5.05. 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 [City Manager](#).

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 lot into four (4) or fewer lots.
2. The person, firm or corporation owning the property shall not have more than one Minor Plat approved during any twelve (12) month period.
3. The person, firm or corporation presenting the proposed Plat shall dedicate all easements and Right-of-Way as required elsewhere in these regulations.
4. Private wells and private wastewater treatment facilities that meet the current City 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 [Development 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 City Manager

The City Manager 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 City Manager

The City Manager 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 [4.04.D](#).
 - a. If no decision is rendered by the [City Manager](#), or if the [City Manager](#) 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 [4.04.D](#).

H. Deferral of Decision of a Minor Plat Application

1. Deferral to the Commission of a Minor Plat Decision

Per Section [5.05.G.3.c](#), if the [City Manager](#) 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 [City Manager](#) 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 [Filing Plat](#), as outlined in Section [5.04.J Procedures for Filing 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.



5.06. 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 [4.06 Public Hearings for Replat and Plat Vacation Applications](#), if applicable.
 - a. See specific notice and hearing requirements for "Certain" Replats in Section [5.06.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 [Filing 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 [Filing Plat](#).
2. The Replat document shall be prepared by a 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 [5.06.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 [8.01 Petition for Subdivision Waiver](#)) and is protested in accordance with this Section [5.06.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 Filing Plat (except for the special public hearing and notice requirements described in Section [5.06.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 (i.e., a [Minor Replat](#)) may be approved by the [City Manager](#) in accordance with this Section [5.06 Replat](#).
- b. Prior to 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 [5.05 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.



5.07. 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. Make necessary changes to the preceding [Plat](#) to create six (6) or fewer lots in the [Subdivision](#) or a part of the [Subdivision](#) covered by the preceding [Plat](#) if:
 - i. The changes do not affect applicable zoning and other regulations of the municipality;
 - ii. The changes do not attempt to amend or remove any covenants or restrictions; and
 - iii. The area covered by the changes is located in an area that the City has approved, after a public hearing, as a residential improvement area (per State law, [TLGC 212.016](#)).



- b. 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. Notice Not Required
The approval and issuance of an Amending Plat shall not require notice, hearing or approval of other lot owners.
- E. Review by City Manager
The City Manager shall:
 1. Initiate review of the plat and materials submitted; and
 2. Request written comments from the [Development Review Committee \(DRC\)](#), if deemed necessary.
- F. Action by City Manager
The City Manager 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 [4.04.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 [4.04.D](#).
- G. Deferral of Decision on an Amending Plat Application
 1. Deferral to the Commission of an Amending Plat Decision
Per Section [5.07.F.3.c](#), if the City Manager 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 City Manager 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.



5.08. 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. 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 Filing Plat was approved by the City; or
- b. The property owner has breached a [Development 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 [4.06 Public Hearings for Replat and Plat Vacation Applications](#).

D. Review and Recommendation by the City Manager

The City Manager 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 [City Manager](#), 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 [Filing 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.



5.09. Development Plat

A. Purpose

The purpose of a [Development Plat](#) is to ensure 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 [5.09](#) 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 [5.09.D Exceptions](#).

2. The Term "Development"

For purposes of this Section [5.09](#), "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 lying within the City or within its Extraterritorial Jurisdiction (ETJ) in the following circumstances:

- a. The development of any tract of land that 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 [5.09.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 [Filing 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 [5.09](#) 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 [Filing Plat](#). In addition to this information, a [Development Plat](#) shall:

1. Be prepared by a 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 shall be decided first. The applicant must execute a [Waiver of Right to 30-Day Action](#) (see Section [4.04.D](#)) 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, Engineering Standards 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 Filing Plat (see Section [5.04](#) Filing 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 Filing Plat (see Section [5.04 Filing Plat](#)).



Section 6. Construction Plans & Procedures

6.01. 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 the [City Manager's requirements](#), as provided in the [Development Application Handbook](#). Incomplete Construction Plans shall not be accepted and such plans shall be returned to the Applicant.
- In addition to the requisite number of hard copies, [Construction Plans](#) shall also be prepared and submitted electronically oriented in Texas State Plane grid coordinates (U.S. Survey Foot), Grid North, South Central Zone (4204), NAD 83, at an elevation datum based on NAVD 88.

C. Responsible Official and Decision Authority for Construction Plans

1. Review and Approval Action

The [City Manager](#) 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 [City Manager](#) 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 6 Construction Plans & Procedures](#) prior to the approval and/or recordation of the Filing Plat, unless otherwise stated within this Subdivision Ordinance.

E. Criteria for Approval

The City Manager shall approve Construction Plans if:

- The Construction Plans are consistent with the approved Vesting Plat, or the proposed Filing Plat; and
- 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.

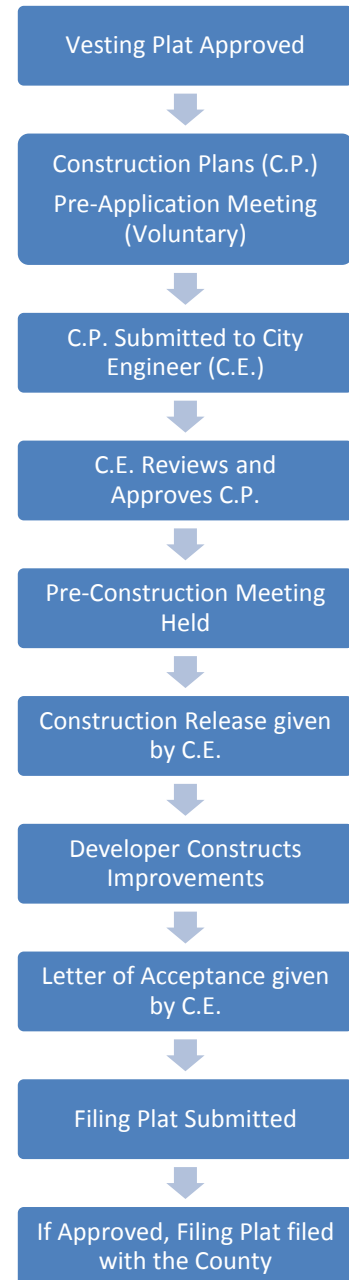


Figure 10: Construction Plan Process



F. Effect

Approval of Construction Plans authorizes the Applicant to:

1. Schedule a Pre-Construction Meeting ([6.02](#)); and
2. Apply for Construction Release ([6.03](#)).

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 [6.01.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 [City Manager](#) for such extension prior to expiration of the plans, and shall include reasons why the plans should be extended.

2. Decision by the City Manager

- a. The [City Manager](#) 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 [City Manager](#) fail to act on an extension request within thirty (30) calendar days, the extension shall be deemed to be approved.

3. Consideration

The City Manager shall extend Construction Plans approval for a period of six (6) additional months beyond the expiration date if:

- a. A Filing 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 [Development Agreement](#) (Section [6.05 Development Agreements and Security for Completion](#)), if applicable, is still valid and in full effect.

4. Conditions

In granting an extension, the [City Manager](#) 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.



6.02. Pre-Construction Meeting

A. Requirement

1. The Applicant(s) shall attend a [Pre-Construction Meeting](#) with the [City Manager](#) following the approval of [Construction Plans](#) and prior to commencement of any construction on the property.
2. The [City Manager](#) shall require three (3) business days to 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. Notice

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

D. Effect

1. Following the [Pre-Construction Meeting](#) and upon approval of the [Construction Plans](#) and full compliance with all pre-construction requirements, the [City Manager](#) shall authorize [Construction Release](#), allowing the Applicant to commence with construction of the project.
2. The Applicant may also be issued a Building Permit, if appropriate, provided that a Building Permit Application has been submitted and approved and all other Building Permit requirements have also been met.

6.03. Construction Release

1. Requirements for a Construction Release

- a. Upon approval of the [Vesting 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 [City Manager](#) 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 [6.01.G](#) and [6.01.H](#)).



6.04. Timing of Public Improvements

A. Completion Prior to Filing Plat Approval and Recordation

1. Completion of all required [Public Improvements](#), in accordance with the approved [Vesting Plat](#) and the approved [Construction Plans](#), shall occur prior to [Filing Plat](#) approval and recordation.
2. A [Filing Plat](#) shall not be accepted for filing, nor shall it be considered for approval, prior to completion of such improvements except as provided in Section [6.04.B Completion after Filing Plat Approval & Recordation](#)).

B. Completion after Filing Plat Approval & Recordation

1. The [City Manager](#), upon written request by the Applicant, may allow construction of Public Improvements after Filing Plat approval and recordation.
2. Postponement of Public Improvements shall be conditioned on execution of a [Development Agreement](#) and provision of security, in accordance with Section [6.05 Development Agreements and Security for Completion](#).
3. It shall be at the [City Manager's](#) discretion to determine whether postponing construction of Public Improvements until after Filing Plat approval and recordation is appropriate, and therefore, whether financial guarantee is acceptable through a [Development Agreement](#).
4. 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.

C. Deferral of Obligation

The [City Manager](#) may defer the Developer's obligation to construct, Public Improvements to serve a new development upon execution of a [Development Agreement](#) and upon provision of adequate security (see Section [6.05 Development Agreements and Security for Completion](#)).

D. 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.

E. 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 Filing Plat approval and recordation.
2. The Applicant's engineer shall provide the [City Manager](#) with written certification that all necessary easements are secured for the various utility providers, and such easements shall be shown on the Filing Plat with the recording information for each.

F. 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 [6.02 Pre-Construction Meeting](#)), or prior to approval and recordation of the Filing Plat, whichever occurs first.
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 easement 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 secure the services of a Right-of-Way agent, at the developer's cost. The City may secure easements through eminent domain proceedings, should the City deem it appropriate it.
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.



6.05. Development Agreements and Security for Completion

A. Development Agreements

1. When any of the required Public Improvements will be postponed and constructed after [Filing Plat](#) approval and recordation, the [Filing Plat](#) shall not be accepted for filing, nor shall it be approved, unless and until the Applicant enters into a [Development Agreement](#) of standardized format approved by the City by which the Applicant:
 - a. Will complete the improvements;
 - b. Warrants the improvements for a period of two (2) years following final acceptance by the City;
 - c. 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;
 - d. Provides provisions (e.g., performance and payment bonds) for securing the obligations of the agreement consistent with Section [6.05.D Security for Completion of Improvements](#); and
 - e. 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.
2. Exception
 - a. If escrow is provided in agreement with Section [6.05.E \(Escrow Policies and Procedures\)](#), then the requirement for a [Development Agreement](#) may be waived by the [City Manager](#).

B. Development Agreements to Run with the Land

1. The [Development 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 shall be required to execute the agreement or provide written consent to the covenants and other items contained in the agreement.

C. Development Agreement Decision by the City Council

1. The [City Manager](#) shall review all [Development Agreements](#).
2. The [City Manager](#) shall recommend an action to the [City Council](#) for all [Development Agreements](#).
3. The [Development Agreement](#) shall require the approval of the [City Council](#). The [City Council](#) may approve, approve with conditions, or deny a [Development Agreement](#).
 - a. The [City Council](#) may authorize the [City Manager](#) to approve specific [Development Agreements](#) on behalf of the [City Council](#). In the event of a disagreement between the City staff and the Subdivider concerning stipulations of the [Development 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 [Filing 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 Manager](#).
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 [City Manager](#).
 - b. Security shall be subject to the review and approval of the [City Manager](#).
 - 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 Filing 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 \$15,000 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 [City Manager](#) may require studies and other information to support the Developer's request to escrow.
2. Escrow Deposit with the City
 - a. When the [City Manager](#) 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 [City Manager](#) shall review and approve the amount, which shall be approved and paid prior to recordation of the Filing 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 [City Manager](#), at his/her discretion, may require an escrow fee agreement be executed.

6.06. Inspection, Maintenance, and Acceptance of Public Improvements

A. Inspection of Public Improvements

1. Timing and Contact

- a. The [City Manager](#) 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 [City Manager](#) 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 [City Manager](#).

3. Corrections to Improvements

If the [City Manager](#) 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 shall be charged an inspection fee in an amount equal to three percent (3%) of the total construction cost of the public infrastructure, storm drains, and streets in each Subdivision or development.
- b. Inspections shall be conducted during normal business hours, 8:00 A.M. to 5:00 P.M., 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 [City Manager](#).

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 [City Manager](#), 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. 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 [City Manager](#).
3. Digital files of all the [Record Drawings](#) shall be submitted by the [Applicant](#) and received by the [City](#).

E. Acceptance or Rejection of Improvements by the City Manager

1. Responsible Official

The [City Manager](#) 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 [City Manager](#) 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 [City Manager](#) 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 [Filing Plat](#).

- a. In cases where a [Filing 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 [Filing Plat](#).
- b. In cases where a [Filing Plat](#) has already been approved with a [Development Agreement](#), then the [Letter of Final Acceptance](#) will indicate that the City's acceptance of the Public Improvements.

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.

5. Rejection

The [City Manager](#) 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 [Vesting Plat](#) or [Filing Plat](#) by the [City Council](#), or [Construction Plans](#) by the [City Manager](#), 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 [City Manager](#), 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 [6.06.E.3 Letter of Final Acceptance](#) for acceptance dates).
2. The maintenance bond 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 [Filing Plat](#) approval.



Section 7. Subdivision Design Standards

7.01. 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.

7.02. 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.

7.03. 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 Uniform Traffic Control Device Manual;
 - e. Generally accepted Standard Specifications for Construction of Public Works;
 - f. American Association of State Highway Transportation Officials Design Manual;
 - g. Texas Health Code;
 - h. [Engineering Standards Manual \(ESM\)](#);
 - i. Texas Water Code;
 - j. Master Drainage Plans;
 - k. Floodplain Ordinance;
 - l. Erosion Control Ordinance;
 - m. Stormwater Management Plan; and
 - n. All other codes and ordinances of the City
2. If the construction of [Public Improvements](#) is not completed within two (2) years from the [Vesting Plat](#) approval date, then the infrastructure must be redesigned using the most current criteria.

7.04. 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 Manager](#), 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. Traffic Impact Analysis

1. A [Traffic Impact Analysis](#) (TIA) may be required at the time of [Vesting Plat](#) submittal for all site developments 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 residential 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 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 [City Manager](#) if the roadway is fully built.
- E. [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 [Filing 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.

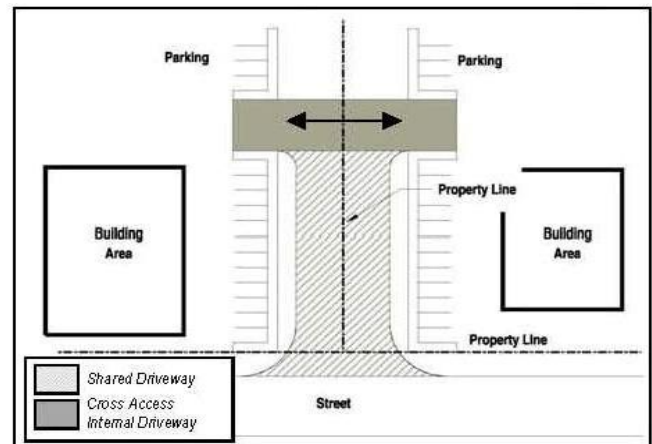


Figure 11: Example of Common Driveway (For Illustrative Purposes Only)

F. Driveway Design for State Maintained Roadways Criteria

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

The following [Table 6: Dimensions for Driveways along State Maintained Roadways](#) indicates the minimum dimensional values required for driveways along State-maintained roadways.

Table 6: Dimensions for Driveways along State Maintained Roadways		
Criteria	Commercial & Multi-Family Driveway	Service Driveway
Driveway Throat Width	24-40 Feet	30-48 Feet
Driveway Curb Radius	20-30 Feet	25-40 Feet
Minimum Distance to Intersection Along Roadway	300 Feet	300 Feet
Minimum Driveway Spacing Along Roadway	300 Feet	300 Feet
Notes		
1	The requirements for Driveway Throat Width and Driveway Curb Radius are for standard undivided two-way operation and may be varied by the City Manager if traffic volumes, truck usage, common driveways, and other factors warrant such.	
2	Distance measured from the proposed driveway face of curb to the face of the nearest curb of the nearest driveway. Minimum spacing does not implicitly determine the number of driveways allowed. See 7.04.F.2 (below) for additional restrictions on driveway locations along State-maintained roadways.	
3	Distance measured from the intersection street nearest face of curb to the face of the curb of the proposed driveway. See 7.04.F.2 (below) for additional restrictions on driveway locations along State-maintained roadways.	
4	Service driveway spacing may be reduced to 150 feet if the ingress/egress volume is less than 50 vehicles per day and if the service driveway is a secondary driveway ancillary to a commercial driveway within the same development. See 7.04.F.2 (below) below for additional restrictions on driveway locations along State-maintained roadways.	
5	Driveway spacing may be reduced to 250 feet if the driveway is right-in/right-out only. Appropriate signage, pavement markings, and traffic control devices must be provided to limit turning movements to right-in/right-out.	

2. Additional Design Requirements

- a. Plans for all work within State Right-of-Way shall be submitted to the [City Manager](#).
- b. A driveway permit from TXDOT shall be acquired prior to [Vesting Plat](#) approval. Driveways shall be in accordance with TXDOT standards.
- c. Deceleration Lane
 - i. When the turning volume for a driveway exceeds 60 vehicles per hour during the peak hour, a deceleration lane shall be provided on highways with a posted speed of 40 mph or less.
 - ii. When the turning volume for a driveway exceeds 50 vehicles per hour during the peak hour, a deceleration lane shall be provided on highways with a posted speed of 45 mph or greater.



G. 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
Driveway Throat Width	Arterial Streets	24-40 Feet	30-48 Feet
	Collectors	24-40 Feet	30-48 Feet
	Minor/Local Streets	24-40 Feet	24-36 Feet
Driveway Curb Radius	Arterial Streets	20-30 Feet	25-30 Feet
	Collectors	10-20 Feet	10-20 Feet
	Minor/Local Streets	10-20 Feet	10-20 Feet
Minimum Distance to Intersection Along Roadway	Arterial Streets	200 Feet	200 Feet
	Collectors	150 Feet	150 Feet
	Minor/Local Streets	100 Feet	100 Feet
Minimum Centerline Driveway Spacing Along Roadway	Arterial Streets	250 Feet	250 Feet
	Collectors	150 Feet	150 Feet
	Minor/Local Streets	100 Feet	100 Feet
Notes:			
1	The requirements for <i>Driveway Throat Width</i> and <i>Driveway Curb Radius</i> are for standard undivided two-way operation and may be varied by the City Manager 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 City Manager .		
3	Distance measured from the intersection Right-of-Way line to the centerline of the proposed driveway.		
4	Refer to 7.04.G.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 [Table 6: Dimensions for Driveways along State Maintained Roadways](#).

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.

**H. 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.	

I. 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 [City Manager](#) that verifies adequate sight distance is available for the proposed driveway location.
4. For sight triangle requirements, (i.e., visibility triangles), please refer to [7.07.C. Triangular Sight Visibility Easements](#) (see also [Figure 12: Visibility Triangles](#)).



7.05. Alleys

A. Use of Alleys

During the [Vesting Plat](#) approval process, the [Planning and Zoning Commission](#) shall have the authority to require alleys or reject the use of any proposed alley. Additionally, the [Planning and Zoning Commission](#) may approve changes to the alignment or location of any proposed alley during the [Vesting Plat](#) approval process. The [Planning and Zoning Commission](#) shall base its decision on providing reasonable compatibility with surrounding development, providing safe and efficient traffic movement, and providing areas for infrastructure and city services, such as sanitation services.

B. Standards for Commercial and Industrial Alleys

Alleys in commercial and industrial districts shall be 16 feet in width and be paved with reinforced concrete.

C. Standards for Residential Alleys

Alleys in all residential areas shall be 12 feet in width and paved with reinforced concrete.

D. 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 single family residential areas shall have a minimum right-of-way width of 15 feet.
3. Alley turn-outs shall be paved to the property line and shall be at least two (2) feet wider than the alley paving.
4. A uniform transition in alley pavement widths shall be made in a distance of not less than 20 feet.
5. Alleys may be required along the rear lot lines when adjacent to Arterial Streets for rear entrance.
6. See section [7.10.K Street and Alley Requirements](#) for additional requirements.

E. 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](#).

F. Alley/Street Intersection - Right Angles

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

G. Alley/Street Intersection - Prohibition

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

H. 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.

I. Alleys Intersections or Alley Sharp Angle

In cases where two alleys intersect or turn at 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.

J. Radii of the Turn-Outs

The radii of the turn-outs for alleys intersecting [Arterial Streets](#) shall be 16 feet and shall be 10 feet at intersections with all other streets.



K. 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.

L. Private Alleys

Private alleys are prohibited.

M. Dead-End Alleys

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

7.06. 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 City Manager, 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 avoided in commercial and industrial districts.



7.07. Easements and Dedications

Easements and fee simple dedication of all property needed for the construction of streets, Arterial 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 Engineering Standards 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 sixteen (16) 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 [City Manager](#).
3. Easements at least sixteen (16) feet wide for utility construction, service, and maintenance shall be provided for lots which have frontage along state highways.
4. Easements of at least eight (8) feet in width shall be provided on each side of all rear lot lines and alongside lot lines, where necessary, for utilities to ensure a total easement width of sixteen (16) feet.
5. 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.
6. 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-four (24) 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-six (26) feet and a minimum outside radius of 50'.
4. Any emergency access and fire lane easement more than one hundred (100) 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 one hundred (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. 20' x 20' 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. 45' x 45' 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. 15' x 15' sight visibility easements at the main driveways.
 - d. All zoning districts (as noted above):
 - i. 15' x 15' sight visibility easements on corner lots at the intersection of an alley and a street.

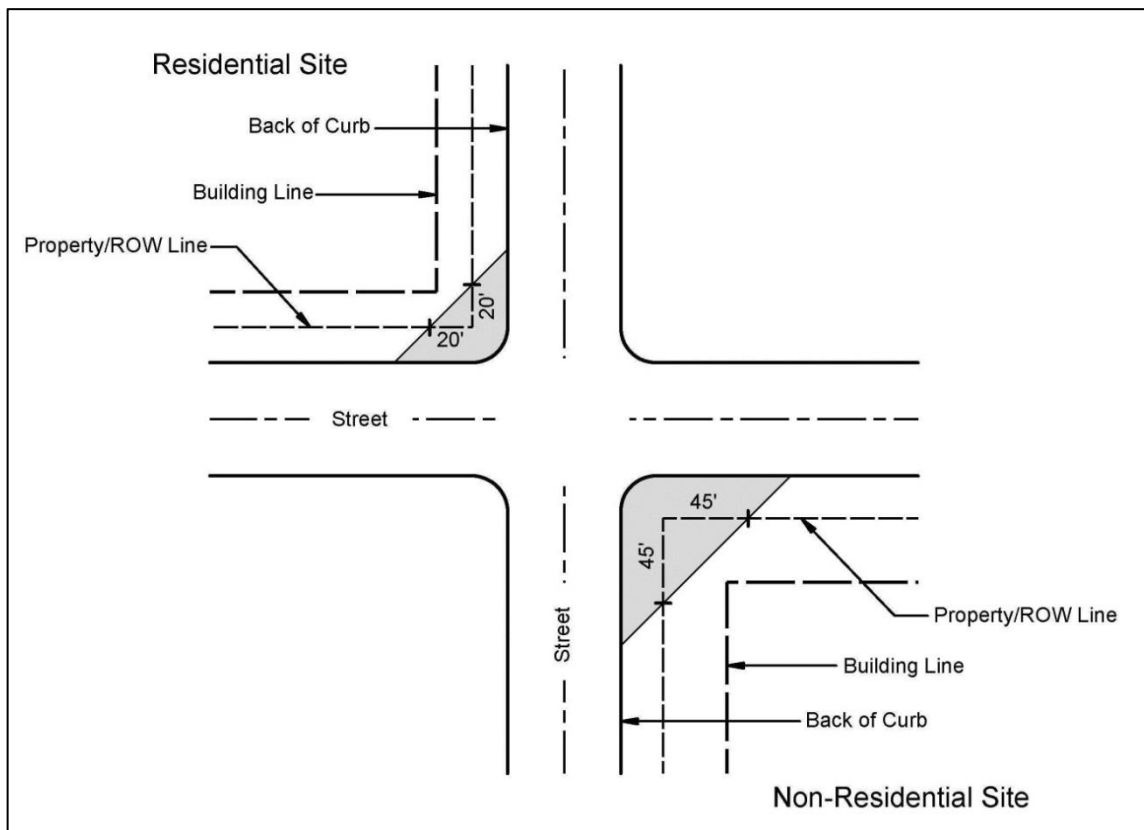


Figure 12: Visibility Triangles



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.

3. On commercially zoned lots, the preceding triangular sight visibility restrictions may be altered to permit the placement within the easement area of one single pole sign, not to exceed fourteen (14) inches in diameter, with every portion of said sign allowing minimum height clearance between it and the ground of ten (10) feet.

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 sixteen (16) 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 [City Manager](#).
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 [7.14 Drainage and Storm Water](#), specifically [7.14.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 [City Manager](#) 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 [City Manager](#).



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

Floodplain Easement Restriction: Construction within the floodplain may only occur with the written approval of the City. 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.
- 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.

F. Retaining Wall Easements

1. If in the opinion of the City Manager, the grading plans submitted with the Application for approval of a Filing 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 Vesting Plat and the Filing 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 City Manager.
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. 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 7.07.F.5 (below).
5. 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 Filing 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 8 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.



7.08. 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 dedicated to the City for public use, 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 [Filing 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 nonprofit 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, nonprofit 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. Appropriately limit the uses of the common property;
4. Give each lot owner the right to the use and enjoyment of the common property;
5. Place responsibility for operation and maintenance of the common property in with the [Homeowners' or Property Owners' Association](#);
6. 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;
7. Give each lot owner voting rights in the association; and
8. 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 [City Manager](#) for approval;
3. After approval (see above), create an incorporated nonprofit corporation;
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 Filing Plat approval; and
6. Pay attorney fees for document review.

G. Maintenance, Repair or Capital Improvement

Any maintenance, repair or capital improvement effort made to [Homeowners' or Property Owners' Association](#) property or facilities by the City as a result of non-performance or negligence on the part of the Association shall be assessed between the various Association members in proportion to the taxable value of their properties.

7.09. 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](#).

D. Right Angles for Side Lot Lines

All side lines of lots shall be at approximately right angles 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 [City Manager](#) 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 railroad 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 per the Zoning Regulations.

G. Double Frontage and Reverse Frontage Lots

1. 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.
2. Where lots have double frontage, front building setbacks shall be established in accordance with the Zoning Regulations.

H. Lots with Septic Tanks

In a Subdivision where buildings are to be served by septic tanks, 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 Flood

1. 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).
2. 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.



7.10. Streets

A. General

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. Design and Construction

Design and construction shall conform to specifications included within these Subdivision Ordinance regulations as well as those included within the [Engineering Standards 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.



C. 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 Plans](#).

- 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 construct their proportional share of the 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 [City Manager](#) and shall be roughly proportional to the impact the development causes on the street system.
- (d) If the Developer disagrees with the [City Manager's](#) determination of rough proportionality, then the Developer may file a [Subdivision Proportionality Appeal](#).



c. Existing Streets

Streets may currently exist by reasons of [Plat](#), metes and bounds description, general description or by prescription. If the existing geometrical configuration does not accommodate the current [Comprehensive Plan/Transportation Plan](#), the City may require the dedication of additional Right-of-Way to address safety, design, topography, and traffic management considerations.

i. 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.

ii. 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 [Filing Plat](#).

iii. 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 [Vesting Plat](#) and [Filing 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 Filing Plat.

D. Street Classification Descriptions

1. Local Street

- a. Distributes traffic to and from residences.
- b. Short in length, non-continuous to discourage through traffic.
- c. Low-density residential/single family.

2. Collector Street

- 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. Arterial Street

- 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.



E. 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 [City Manager](#) 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 conformity 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 conformity with Section [7.10.F 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.



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

1. Cul-de-sacs

- a. A cul-de-sac or dead-end street shall not exceed six hundred (600) feet in length.
- b. A cul-de-sac street shall be platted and constructed with a concrete 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 [7.07.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 [7.10.F.1 Cul-de-sacs](#) (above) and a temporary turnaround easement meeting the dimensions listed for the Right-of-Way in Paragraph [7.10.F.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 Filing Plat which shall denote a temporary easement.

In the event that the temporary dead-end street (as approved and shown on the [Filing 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.

**G. Street Class Requirements**

1. Street layout shall provide for continuation of Collector Streets in areas between Arterial Streets.
2. 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.
3. 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.

H. 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 (Back of Curb to Back of Curb)	Number of Lanes	Parking	Number of Parkways and Width	Median Width	Sidewalk Width
Arterial Street	Figure 13	120'	61'	4	Prohibited	Two @ 29.5'	None	4'
Collector Street	Figure 14	55'-60'	41'	2	Limited	Two @ 7.5'-10'	None	4'
Local Street	Figure 15	50'	33'	2	Permitted	Two @ 8.5'	None	5' or 6'
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	Collector Streets : Existing rights-of-way (R.O.W.) fifty-five feet (55') in width or greater may be used for Collector Streets . New R.O.W dedicated for Collector Streets must be a minimum of sixty feet (60').							
4	Arterial Streets : Sidewalks (see Section 7.11 Sidewalks) shall be six feet (6') wide when directly behind the curb, see Figure 13 .							

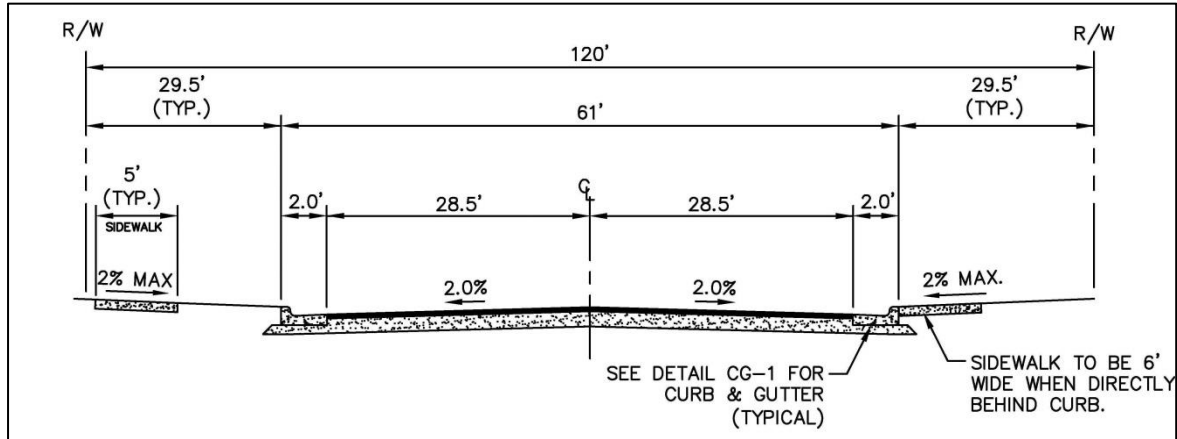


Figure 13: Arterial Street

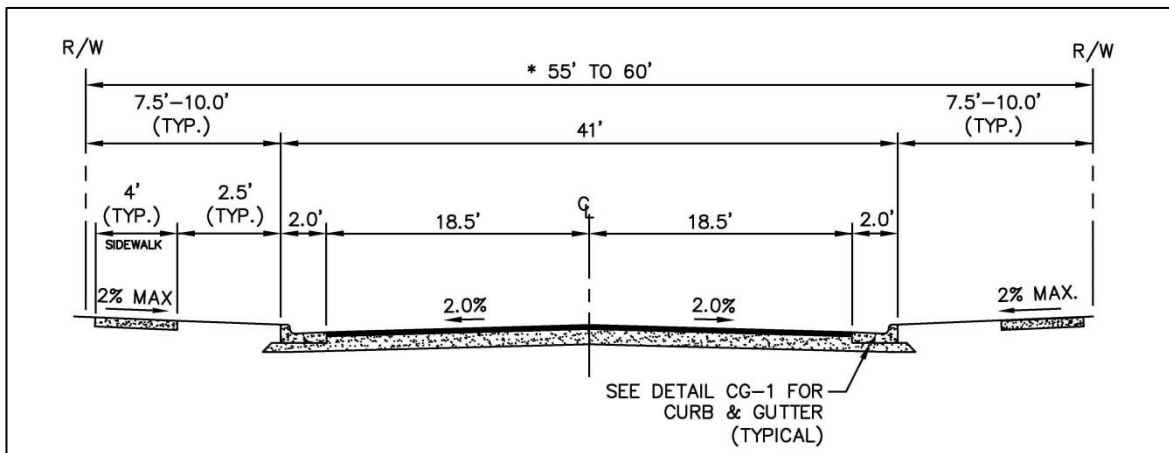


Figure 14: Collector Street

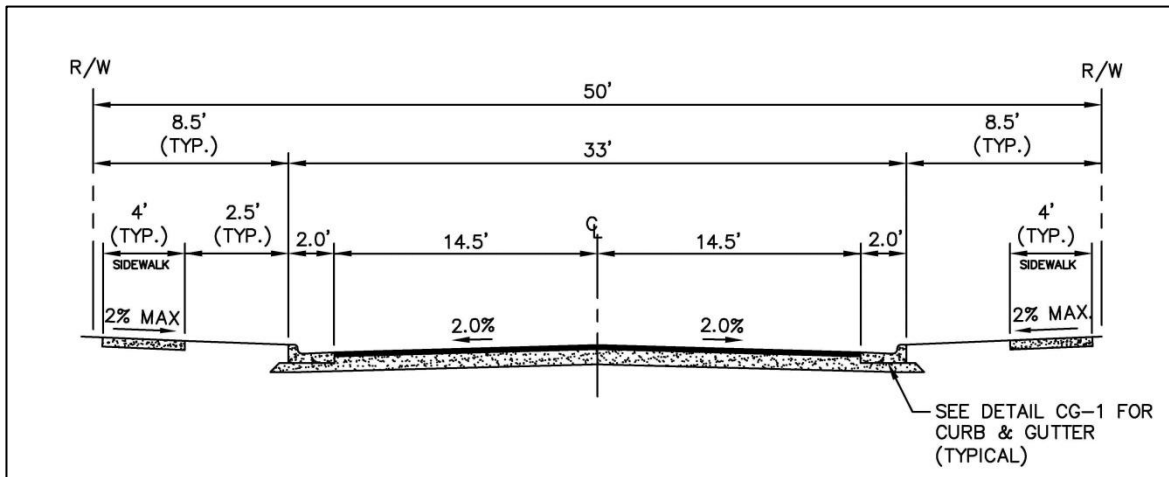


Figure 15: Local Street



I. Street Intersection Design

No street or intersection shall vary from a 90 degree angle of intersection by more than five (5) degrees.

J. Construction Responsibilities

1. Local Street and Alley Construction

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

2. Arterial Street and Collector Street Construction

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

K. 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.
 - i. The minimum size street which can safely accommodate a development is a local street with two 15-foot lanes of traffic.
 - ii. In addition, a four foot (4') wide sidewalk is required on the developing side of the street to provide pedestrian safety and to meet the requirements of the Americans with Disabilities Act (ADA).
- 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 twelve feet (12') wide in residential areas and sixteen feet (16') 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 ten feet (10') and where alleys intersect Arterial Streets the radius shall be sixteen feet (16').
- d. For additional alley requirements, please see [7.05 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') and a maximum of twenty feet (20') in special cases.



L. 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](#).



7.11. Sidewalks

- A. Sidewalks and Pedestrian ways are required as a part of Subdivision 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 recognized as an important provider of health benefits.
- B. Sidewalk Location and Design
1. Sidewalks shall be constructed for both sides of all streets within the Subdivision.
 2. Sidewalks shall be constructed along all lots 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 [City Manager](#) 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 four (4) feet and a minimum thickness of four (4) inches.
 2. Sidewalks along [Arterial Streets](#) shall be no less than five feet (5') in width.
 3. 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.
 4. 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.
 5. 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.
 6. 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.



7.12. 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 [City Manager](#) 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 five hundred feet (500') in residential areas, but under no circumstances shall a hose-lay for more than five hundred feet (500') 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 three hundred feet (300'), but under no circumstances shall a hose-lay of more than three hundred feet (300') 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 [7.12 Water Utility](#) and [7.13 Wastewater Utility](#) requirements.

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

- a. Concurrent with the submission of a Vesting 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 [City Manager](#) for review prior to construction.



3. Plan Document

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

4. Coordination with other Utility Providers

a. Vesting 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. Filing Plat

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



7.13. 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 [City Manager](#) 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 [City Manager](#) 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 [City Manager](#).

B. Basic Requirements

1. Wastewater Disposal System Required

- a. All [Subdivisions](#) shall provide an approved wastewater disposal system conforming to the current 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 [City Manager](#) 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 [7.12.C Preliminary Utility Plan](#).



7.14. 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](#).
- 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 [7.14 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 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 Gonzales 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 system.
- 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 dedicated City drainage system within an easement in the rear yard.
- c. Furthermore, no more than one lot may drain to a second lot before the flow is directed to the street or to a dedicated City drainage system.
- 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 [Engineering Standards 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 [Engineering Standards 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 [Engineering Standards 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 reinforced 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 reinforced concrete pipe and collection inlets.

5. All storm sewer systems shall be designed utilizing reinforced concrete pipe, shall be constructed within City streets or Right-of-Ways, and shall be dedicated to the City.

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 3:1 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 [Development Application Handbook](#).
- 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, [Engineering Standards 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 [City Manager](#) 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 [Vesting 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 [Development Application Handbook](#).
- 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, [Engineering Standards 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 Manager](#) 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 Vesting 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.



7.15. 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 [Vesting Plat](#) and [Filing 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

Any retaining wall four (4) feet or height 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 four (4) 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 [City Manager](#) has approved the proposed change(s).



7.16. Private Streets and Gated Subdivisions

A. Private Streets and Gated Subdivisions

1. General 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

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. 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](#).

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 Filing 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 Filing 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 Filing 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 or 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.
 - v. 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 THIS 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.

B. 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 who will 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 Per 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.
- C. **Property Owners Associations 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 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 Filing 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.
- D. **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 Filing Plat. All City regulations relating to infrastructure financing and developer cost participation shall apply to subdivisions with private streets.
- E. **Converting Private Streets to Public Streets**

The property 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. The request will be accepted for consideration if it contains the 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 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 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 association's expense, the removal of guard houses, access control devices, landscaping or other aesthetic amenities located within the street lot. 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.

F. 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 an 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 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.



7.17. Survey Monuments and Lot Markers

A. Temporary Survey Reference Markers

1. Before the [Vesting Plat](#) is submitted to the City for consideration, a temporary marker and a guard stake with flagging shall be placed by the surveyor on all of the development's perimeter boundary corners which do not have a "found" monument.
 - a. Perimeter boundary corners includes points of intersection (PI), points of curvature (PC), points of compound curvature (PCC), points of tangency (PT) and any other point along the boundary which is necessary to establish the boundary of the development.
 - b. A guard stake with flagging shall be placed on all "found" monuments.
 - c. The temporary markers shall be within one foot (1') of the surveyed corner and the guard stake shall be within one foot (1') of the temporary marker or the "found" monument.
2. Submission of the [Vesting Plat](#) prepared by the licensed surveyor shall be considered evidence that the temporary markers, guard stakes, and flagging have been set, regardless of whether or not the [Vesting Plat](#) has been sealed and signed.

B. Permanent Survey Reference Monuments

1. Before the [Filing Plat](#) is submitted to the City for consideration, 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. In addition to the requisite number of hard copies, [Filing Plats](#) shall also be prepared and submitted electronically oriented in Texas State Plane grid coordinates (U.S. Survey Foot), Grid North, South Central Zone (4204), NAD 83, at an elevation datum based on NAVD 88.
3. Submission of the [Filing Plat](#) prepared by the licensed surveyor shall be considered evidence that the monuments and benchmarks have been set, regardless of whether or not the [Filing Plat](#) has been sealed and signed.

C. Public Right Of Way Markers

1. Public Right-of-Ways and easements for public streets or approved access easement shall be indicated by monuments placed along their centerlines. 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.



D. Survey Benchmarks

1. All survey monuments and lot markers shall adhere to the adopted survey benchmark documents.
2. Each [Filing Plat](#) is required to have at least one permanent benchmark monument set within its boundary based upon NAVD 88. All portions of the perimeter boundary of the development shall be less than ½ mile from the benchmark, or additional benchmarks shall be set such that all portions of the perimeter boundary of the development are within ½ mile of a benchmark.
3. Benchmark monuments may be similar to permanent boundary corner monuments set flush with the ground, or may be set on top of visible concrete structures such as headwalls or curb inlets by chiseling a 1-1/2 inch square in the concrete ¼ inch deep. The location and elevation of the Benchmark(s) (based on NAVD 88) shall be noted on the [Filing Plat](#).



7.18. 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 [City Manager](#).
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 [Filing 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 Filing 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. Street lighting shall conform to City standards.
3. In no instance shall the spacing between street lights exceed six hundred (600) feet.
4. Cost of installation of street lighting shall be borne by the Developer.



Section 8. Subdivision Relief Procedures

8.01. Petition for Subdivision Waiver

A. Purpose

The purpose of a petition for a [Subdivision Waiver](#) to a particular standard or requirement with 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.

B. Definitions

Subdivision Waivers shall be classified as a [Minor Subdivision Waiver](#) or [Major Subdivision Waiver](#).

C. Decision-Maker

1. Minor Subdivision Waiver

a. Decision-Maker Authority

- i. The [City Manager](#) shall act upon a 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 [8.01.J Minor Subdivision Waiver Appeal](#))

Table 10: Minor Subdivision Waiver		
Section	Standard	City Manager
7.05.M	Dead-End Alleys	Approve
7.09.D	Right Angles for Side Lot Lines	Approve
7.04.D	Traffic Impact Analysis	Approve
7.12.B.2	Water Lines Extended to Subdivision Borders	Approve
7.13.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 [Vesting Plat](#), to [Construction Plans](#), or where no [Vesting Plat Application](#) has been submitted for approval, to a [Filing 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, if desired, submit more than one Subdivision Waiver petition if there are several standards or requirements at issue.
- d. For processing a Subdivision Waiver in relationship with a Plat Application, an Applicant shall submit a Waiver of Right to 30-Day Action in accordance with [4.04.D Waiver of Right to 30-Day Action](#).

2. Waiver Petition Acceptance

- a. A petition for a [Subdivision Waiver](#) shall not be accepted in lieu of:
 - i. A [Subdivision Proportionality Appeal \(8.02\)](#) or
 - ii. A [Subdivision Vested Rights Petition \(8.03\)](#).
- 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 [City Manager](#).

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 Vesting Plat, Construction Plans, Filing 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 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 [4.04.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 constraints 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 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 to the Applicant shall not be deemed to 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 needs of the Applicant.

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, if uniformly applied, imposes an undue hardship or disproportionate burden on the Applicant. The Applicant shall submit the burden of proof with the original submittal.



H. Subdivision Waiver Decision

1. The Decision-Maker shall consider the Subdivision Waiver petition and, based upon the criteria set forth in [8.01.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 the standard or requirement as it is stated in this Subdivision Ordinance.
2. Decision Process for a Minor Subdivision Waiver

The Decision-Maker shall deny or grant a request for a Minor Subdivision Waiver concurrently with the decision of a Vesting Plat, Construction Plans, Filing Plat or Replat, as applicable.

3. Decision Process for a Major Subdivision Waiver
 - a. Recommendation of the Planning and Zoning Commission
 - i. The Commission shall consider the Major Subdivision Waiver request 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 [City Manager](#).
 - ii. The Commission shall recommend to the City Council to approve or deny a request for a Major Subdivision Waiver by majority vote.
 - 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 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 [City Manager](#), [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 of the [City Manager](#), as allowed within the Subdivision Regulations.
 - b. The written request to appeal shall be submitted to the [City Manager](#) 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 [City Manager](#).
 - 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** may appeal the Commission's decision by submitting a written notice of appeal to the **City Manager** 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 simple majority vote.
- 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 those Applications shall also result in extension of the Subdivision Waiver.



8.02. 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 uniform dedication, construction, and fee standards to a proposed development does not result in a disproportionate burden on the property owner, taking into consideration the nature and extent of the demands created by the proposed development on the City's roadways and public facilities systems.

2. Applicability

- a. An Applicant may file a petition for relief under this [8.02 Subdivision Proportionality Appeal](#) to contest any requirement to dedicate land or to construct [Public Improvements](#) as required by this Subdivision Ordinance, other ordinance, or attached as a condition to approval of the [Application](#).
- b. A petition under this [8.02 Subdivision Proportionality Appeal](#) shall not be used to waive standards on grounds applicable to any Subdivision Waiver Application, as outlined in [8.01 Petition for Subdivision Waiver](#).

B. Petition Requirements

1. Form of Petition

The petition for relief from a dedication, construction, or fee requirement shall allege that Application of the standard relating to the requirement is not roughly proportional 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 or does not reasonably benefit the proposed development.

2. Study Required

The Applicant shall provide a study in support of the petition for relief that includes the following information:

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 [City Manager](#) within fourteen (14) calendar days following the [City Council's](#) decision to conditionally approve or deny an [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.
- c. The [City Manager](#) may extend the time for submitting the study for a period not to exceed an additional thirty (30) calendar days for good cause shown.

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 [City Manager](#) 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 [City Manager](#) shall be the Responsible Official for a petition for relief from a dedication or construction requirement.

2. Review and Recommendation

- a. The [City Manager](#) shall review the petition and supporting study and shall make a recommendation to:
 - i. The Commission, and
 - ii. The City Council.
- b. In response to a petition for relief from a dedication or construction requirement pursuant to [8.02 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 [Planning and Zoning Commission](#).

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 [8.02.B](#)) is filed with the [City Manager](#).

5. Burden of Proof

The [Applicant](#) bears the burden of proof to demonstrate that the [Application](#) of a dedication or construction requirement that is uniformly applied imposes a disproportionate burden on the Applicant.

6. Decision

The [City Council](#) shall consider the petition for relief from a dedication or construction 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 the City's water, wastewater, storm drainage, parks or roadway system, 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 [City Manager](#) 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 [8.02.C.6](#), the City Council shall take one of the following actions:

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

8. Notification of Decision on Petition

The [City Manager](#) 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 conformity 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 [City Manager](#).



3. If the Application for which relief was granted is denied on other grounds, a new petition for relief may be required by the [City Manager](#).

E. Effect of Relief

1. The [City Manager](#) 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 of the plat or related Application.



8.03. 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. Prohibit 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.

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. Automatic Waiver

Submission of a Subdivision Vested Rights Petition shall require a Waiver of Right to 30-Day Action (See Section [4.04.D](#)).

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](#) shall 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 [8.03.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).

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 giving rise to 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 narrative description of how the Application of current standards affect proposed landscaping, Usable Open Space or park dedication, shown on the Application for which the petition is filed;
11. A copy of any prior vested rights determination involving the same land; and
12. 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 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 Filing 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.
 - c. The [Responsible Official](#) may defer making a decision on the Subdivision Vested Rights Petition and instead forward the petition to the [Commission](#) for a decision, in accordance with the process outlined in [8.03.F.3](#).
3. Decision by Commission on a Subdivision Vested Rights Petition
 - a. If the original related [Application](#) is to be decided by the [Commission](#), or if the [Responsible Official](#) defers making a decision on a Subdivision Vested Rights Petition pursuant to [8.03.F.2.c](#),



the Responsible Official for that type of Application shall submit a report in the form of a recommendation on the petition to the Commission.

- b. The [Commission](#) shall render a decision on the petition within thirty (30) calendar days following the date the petition was filed at the City or deferred by the [Responsible Official](#).
 - c. The Commission's decision on a petition shall be upon a simple majority vote of the full Commission's voting members.
4. Decision by City Council on a Subdivision Vested Rights Petition
- a. Where the City Council is the final Decision-Maker on the related Application, or for any petition submitted pursuant to Paragraph [K. Dormant Projects](#), the Responsible Official for that type of Application shall submit a report in the form of a recommendation on the petition to the City Council.
 - b. The City Council shall render a decision on the petition within thirty (30) calendar days following the date the petition was filed at the City.
 - c. The City Council's decision on a petition shall be upon a simple majority vote of the full City Council's voting members, and shall be final.
5. Appeal to the Council of a Decision on Subdivision Vested Rights Petition
- a. For an Applicant-Initiated Appeal

The Applicant may appeal the [Responsible Official's](#) or [Commission's](#) decision on the Subdivision Vested Rights Petition to the City Council by submitting written notice of appeal to the applicable Responsible Official within fourteen (14) calendar days following the date of such decision.

 - i. A letter stating the reasons for the appeal, citing the specific applicable section(s) of the Subdivision Ordinance, shall be submitted by the Applicant.
 - b. For a City Council-Initiated Appeal

No less than four (4) voting members of the [City Council](#) may appeal the [Responsible Official's](#) or [Commission's](#) decision on the Subdivision Vested Rights Petition to the entire City Council by submitting written notice of appeal to the applicable Responsible Official within fourteen (14) calendar days following the date of such decision.

 - i. The Council shall consider and act on whether it will appeal the decision at its first regular meeting (for which there is time to include such appeal on its posted agenda, as required by State law) that occurs after the date at which the decision was made.
 - ii. Written notice of the City Council's vote to appeal shall be submitted to the [City Manager](#) within seven (7) calendar days following the City Council's vote to appeal the decision.
 - c. The City Council shall hear and decide the appeal within thirty (30) calendar days following receipt of the notice of appeal by the City.
 - d. Approval of an appeal by the City Council shall only be upon a favorable vote of at least four (4) of the City Council's voting members, and shall be final.

G. Criteria for Subdivision Vested Rights Petition Approval

1. Factors

The [Decision-Maker](#) shall decide the [Subdivision Vested Rights Petition](#) based upon 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) 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 achieved 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 conformity 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 [8.03.K](#) only:

a. Dormant Project

A dormant project shall meet the following criteria:

- i. An [Initial Permit](#) 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. [Vesting Plat](#),



- ii. [Construction Plans](#),
 - iii. [Construction Release](#),
 - iv. [Subdivision Waivers](#) to any requirement in these Subdivision Regulations (per [8.01 Petition for Subdivision Waiver](#)), 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 [Filing 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 [8.03.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. As of 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 [8.03.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 [8.03.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 [8.03.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 [8.03.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.



Section 9. Figures

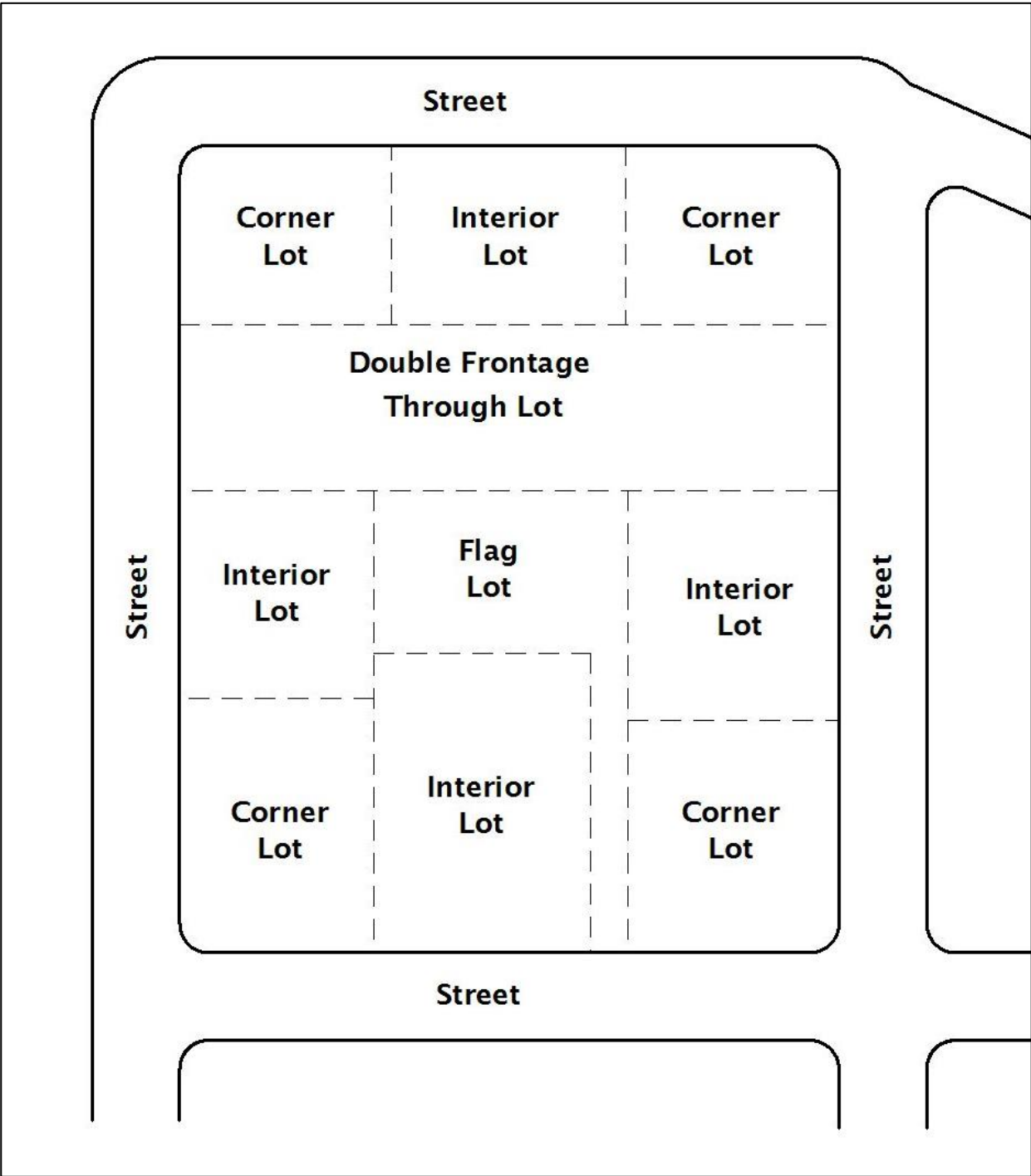


Figure 16: Lot Type Examples

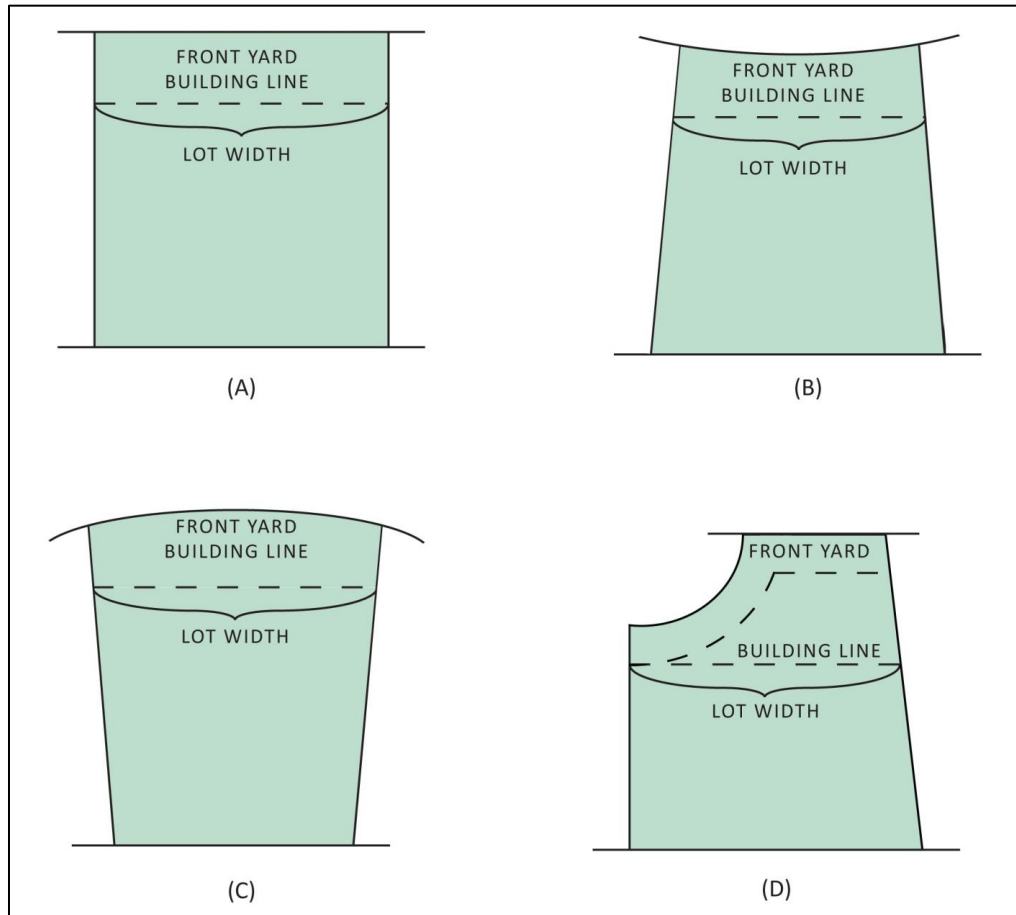


Figure 17: Lot Width Example