

CHAPTER 10

SUBDIVISION REGULATION

ARTICLE 10.01 GENERAL PROVISIONS*

(Reserved)

ARTICLE 10.02 SUBDIVISION ORDINANCE†

Division 1. Generally

Sec. 10.02.001 Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Words used in the present tense include the future tense. Words used in the plural number include the singular, and words in the singular include the plural. The word “shall” is always mandatory. The word “herein” means in this article. The word “regulations” means the provisions of any applicable ordinance, rule, regulation or policy. The word “person” means any human being or legal entity and includes a corporation, a partnership, and an incorporated or unincorporated association. The words “used or occupied” as applied to any land or building shall be construed to include the words intended, arranged, or designed to be used or occupied.

Access. A way of approaching or entering a property.

Adjacent. Abutting and directly connected to or bordering.

Administratively complete. A plat tendered to the city secretary with all of the appropriate fees, documents, data and information required in this article that has received an opinion from the city engineer that the plat complies with the subdivision requirements. The city engineer shall consult with the city planner, public works director and/or city manager to ensure completeness of the plat prior to issuing an opinion.

Alley. A minor right-of-way, dedicated to public use, which gives a secondary means of vehicular access to the back or side of properties otherwise abutting a street, and which may be used for public utility purposes.

Application refers to an application for a plan or plat approval under this Ordinance, which includes the plan or plat package, and unless context dictates otherwise, will include the Resubmittal Application for a plan or plat.

Applicant. A person applying for plan or plat approval under this article.

Approval. The final approval in a series of required actions. For instance, the approval date of a plat requiring approval of the commission and then the council is the date of council approval.

Arterial street or thoroughfare. A principal trafficway more or less continuous across the city or areas adjacent thereto, and shall act as a principal connecting street with state and interstate highways.

Block. A parcel of land, intended to be used for urban purposes, which is entirely surrounded by public streets, highways, railroad right-of-way, public walks, parks or green strips, rural land, drainage channels, or a combination thereof.

Bond. Any form of security including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the city council.

Building or setback line. A line or lines designating the interior limit of the area of a lot within which structures may be erected. The building lines generally provide the boundaries of the buildable area of any given lot and no structure or building may be erected between a building and the corresponding lot line.

Building permit. A permit issued by the City of Rockdale which is required prior to commencing construction or reconstruction of any structure.

Buffer. A barrier constructed of wood, masonry, vegetation, and/or other landscape material in such a manner that adjacent uses will be separated to such a degree that objectionable noise, heat, glare, visual clutter, dust, loss of privacy, air circulation, and other negative externalities shall be abated.

Caliper. The trunk diameter of a tree at three (3) feet above natural grade.

Centerline. When referring to a waterway or drainage, means the centerline of the waterway and refers to existing topographically defined channels. If not readily discernible, the centerline shall be determined by (first) the low flow line, or (second) the center of the two (2) year floodplain.

City. The City of Rockdale, Texas.

City council or council. The Rockdale city council.

City engineer. The city engineer for the city or his/her designated representative.

City limits. Within the incorporated boundaries of the city.

City manager. The chief administrative officer of the City of Rockdale, Texas or his/her designated representative.

City staff. The officers, employees and agents of the city assigned and designated from time to time by the city manager and/or council, including but not limited to the city engineer, to review and/or comment and report on development plans.

City standard details and specifications. A library of city-approved drawings and technical data representing typical drainage, transportation, erosion and sedimentation control, and utility appurtenances to be constructed for city acceptance.

Collector street. A street that collects traffic from local streets and serves as the most direct route to a major or minor arterial street and is intended as a connecting street between a residential district and thoroughfares, highways or business district.

Commission. The planning and zoning commission of the city, or the city manager if a planning and zoning commission is not operational.

Comprehensive master plan or master plan. The overall development plan for the community which has been officially adopted to provide long-range development policies including all specified individual elements thereof among which are the plans for means [sic] land intensities; land subdivision; circulation; and community facilities, utilities and services; and, if none, means professional urban planning and engineering practices.

Construction plans. The maps, drawings, plans and specifications indicating the proposed location and design of improvements to be installed as part of a development.

Contiguous. Adjacent property whose property lines are shared or are separated by only a street, alley, easement or right-of-way.

Corner lot. A lot located at the intersection of and abutting on two (2) or more streets.

County. Milam County, Texas.

County appraisal district. The Milam County Appraisal District.

Crossfall. The transverse slope as related to a given longitudinal slope and measured by the rise to run ratio.

Crosswalk. A strip of land dedicated for public use and which is reserved across a lot or block for the purpose of providing pedestrian access to adjacent areas.

Cul-de-sac. A minor street having one (1) end open to vehicular traffic and having one (1) closed end terminated by a permanent turnaround.

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

Dedication. The grant of an interest in property for public use.

Design storm. A probable rainfall event the frequency of which is specified in periods of years and which is used to design drainage facilities and determine flood elevations.

Developed area. That portion of a lot, easement, or parcel upon which a building, structure, pavement or other improvements have been placed.

Developer. The legal owner of land to be improved and/or subdivided or his/her authorized representative.

Development. A subdivision of land as defined herein or the construction or placement of any buildings, utilities, access, roads or other structures, excavation, mining, dredging, grading, filling, clearing or removing vegetation, and the deposit of refuse, waste or fill. Lawn and yard care, including mowing of tall weeds and grass, gardening, tree care and maintenance, removal of trees or other vegetation damaged by natural forces, and ranching and farming shall not constitute development. Utility, drainage, and street repair, and any construction maintenance and installation which does not require land disturbance or result in additional impervious cover shall also not constitute development.

Development plan. A scaled drawing representing an area of land to be improved/developed and indicating the legal boundary of said property and the nature and extent of all existing and proposed improvements to said project.

Double frontage lot. A lot which runs through a block from street to street and which abuts two (2) or more streets.

Drainageway. See "Waterway."

Drainfield. Private sewage facility, disposal area, trench or bed utilized for final wastewater disposal.

Drive approach. A paved surface connecting the street to a front lot line.

Driveway. The surface connecting a drive approach with a parking space, parking lot, loading dock or garage.

Dwelling unit. A residential unit designed to accommodate one (1) household.

Easement. A grant by the property owner of the use of a strip of land for stated purposes.

Environment. The aggregate of social and physical conditions that influence the life of the individual and/or community.

Escrow funds. A deposit of cash or other approved security with the local government or approved bank or other financial institution in lieu of a performance or maintenance bond.

ETJ limits. The limits of the city's extraterritorial jurisdiction as granted under chapter 42, Local Government Code, being 1 mile from each furthest point of the city limits encircling the entire city limit, plus any contiguous property voluntarily joining the city's ETJ.

Filing Date means, with respect to plan or plat, the date that plan or plat are determined to be complete and are accepted for review by the City. With respect to plats or plans that must be acted upon by the Council after action by the Commission, the Filing Date for the purposes of the deadline for Council action shall be the date of Commission action.

~~Filing date. With respect to plats and plans, the date of their first public hearing before the commission regarding such plat or plan; provided that, with respect to the required council approval of preliminary plans, the filing date for such council approval shall be the date of the first public hearing by the council.~~

Final plat. A map of a land subdivision prepared in a form suitable for filing of record with necessary affidavits, dedications and acceptances, and with complete bearings and dimensions of

all lines defining lots and blocks, streets, alleys, public areas and other dimensions of land.

Floodplain. Channel of a waterway and the adjacent land area subject to inundation during the design storm.

Floodway. Channel of a waterway and the adjacent land areas that must be reserved in order to discharge the design storm without cumulatively increasing the water surface elevation.

Front yard. A space extending the full width of the lot between any building setback line and the front lot line, and measured perpendicular to the building at the closest point to the front lot line.

Frontage. That side of a lot, parcel or tract of land abutting a street right-of-way and ordinarily regarded as the frontal orientation of the lot.

Governing body. The city council of the City of Rockdale, Texas.

Grade. The slope of a road, street, other public way or utility line specified in terms of percent (%); the topographic relief of a parcel of land; the average elevation at ground level of the buildable area of a lot or parcel of land.

Grading. Any stripping, cutting, filling or stockpiling of earth or land, including the land in its cut or filled condition.

Improvements. Any street, alley, roadway, barricade, sidewalk, bikeway, pedestrian way, water line system, wastewater system, storm drainage network, public park land, landscaping, or other facility or portion thereof for which the local government may ultimately assume responsibility for maintenance and operation or which may affect an improvement for which local government responsibility is established.

Individual on-site wastewater system or septic system. All systems and methods used for the disposal of sewage, other than organized sewage disposal systems. Private sewage facilities are usually composed of three (3) units: the generating unit (the residence, institution, etc.), treatment unit, and the disposal unit (the drainfield that may be an absorption trench or bed, or an evapotranspiration bed). A private sewage facility includes a septic tank, seepage tile sewage disposal system or any other on-lot sewage treatment device approved and installed in accordance with all local, state and federal laws and regulations.

Industrial. Nonresidential use of any site involved in manufacturing and/or external storage of goods; any site generating significant negative externalities, such as noise, dust, glare, etc. and/or any site where hazardous materials are stored and/or generated.

Interior lot. A lot other than a corner lot and, bounded by a street on only one (1) side.

Landscape development. Trees, shrubs, ground cover, vines or grass installed in planting areas.

Legal lot. Either a lot recorded in the official county records pursuant to and in compliance with the subdivision regulations in effect at the time of its creation, or a tract of land having existed in its present configuration prior to October 1, 1927.

Legally platted lot. A lot which is part of a subdivision approved by the city and recorded in the official county records.

Letter of credit. A letter from a bank or other reputable creditor acceptable to the city that guarantees to the city that upon failure of the subdivider to fulfill any improvement requirements that at the city's request, funds will be provided to the city to complete the specified improvements.

Living unit equivalent or LUE. A unit of measure which represents the quantity of water utilized and wastewater generated on an average annual daily basis from single-family, detached residence of average size and occupancy and which is the standardized measure used for service units.

Local health district. The Milam County health district.

Local street. A street designed for the sole purpose of providing access.

Lot. A subdivision of a block or other parcel intended as a unit for transfer of ownership, or for development, or for occupancy and/or use.

Minor street. A local street designed primarily for access to abutting residential properties. A minor

street does not include a street designed or required to be designed for through traffic.

Multifamily residence. A single structure designed to accommodate four (4) or more households.

Municipal Authority means the entity responsible for approving plats or plans governed by this Ordinance and as specified in the City's Subdivision Ordinance. Unless otherwise provided, the Planning Commission shall have final authority over resubmittal plats unless they are unable to act within the mandated 15-day time frame, then city staff shall be the final plat authority for resubmittal plats subject to the satisfaction of each condition of a conditional approval or remediation of each reason for disapproval. City Staff is responsible for approving Construction Plans.

Natural channel. The topography of a waterway prior to construction, installation of improvements or any regrading.

Natural drainage. A stormwater runoff conveyance system not altered by development.

Neighborhood. The area of the city characterized by residential land uses which is bounded by physical (such as river, major street, back [lack] of access) and/or political features (such as voting districts, subdivision boundaries).

Neighborhood park. A privately owned parcel of land, within a subdivision, dedicated solely for recreational uses and maintained by the residents of said subdivision.

Official county records. The official records of Milam County, Texas.

Off-site improvements. Any required improvement which lies outside of the property being developed.

One hundred (100) year floodplain. That flood which has a probability of occurring once in a one hundred (100) year period or a one percent (1%) chance in any given year.

Overland drainage. Stormwater runoff which is not confined by any natural or man-made channel such as a creek, drainage ditch, storm sewer, or the like.

Parent tract. Tract or lot as described by deed or plat, which includes one (1) or more lots that are being subdivided.

Park fund. A special fund established by the city to retain monies paid by developers in accordance with the payment in lieu of park land dedication provisions of these regulations and to be used for the purchase of park land or improvements in the vicinity of the subdivided property for which funds have been collected.

Plan or Plat. The phrase "plan or plat" or "plat or plan" when used in this refers to Preliminary Plats, Construction Plans, Final Plats, Minor Plats, Short Form Final Plats, and Amending Plats. Specifically, the term "plan" refers to Construction Plans and the term "plat" refers to Preliminary Plats, Final Plat, Short Form Final Plat, or Amended Final Plat.

Planning and zoning commission. The City of Rockdale planning and zoning commission.

Playscape. Any structure permanently anchored to the ground that is designed for recreational purposes. Sports courts such as basketball or tennis courts are not considered playscapes.

Preliminary plan or preliminary plat. A generalized plan that meets the requirements of this article and that indicates the boundaries of a tract or tracts under common ownership, identifies the purpose of the proposed development and the proposed land use, general lot or parcel layout, community use or public areas, and street alignments.

Primary structure. A structure in which the principal use of the lot is conducted. For example, for single-family residential lots, the house is the primary structure.

Privacy fence. An opaque fence or screen at least six (6) feet in height. A fence shall be considered opaque if it is made of opaque materials and constructed so that gaps in the fence do not exceed one-half (1/2) inch. Fences using boards placed on alternating sides of fence runners shall be considered opaque if the boards overlap at least one-half (1/2) inch.

Public. With respect to land and interests in land within the city limits, the city; and, with respect to land and interests in land within the ETJ limits, the general public.

Public use. Places of noncommercial public assembly or administrative functions where the primary activity is contained within a building(s), including but not limited to churches, schools and government buildings.

Rear yard. A space extending across the full width of the lot between the principal building and the rear lot line, and measured perpendicular to the building to the closest point of the rear lot line.

Replacement trees. New landscape trees to be planted by the developer to replace significant trees removed during the development of property. A replacement tree shall be one of the following species of tree or any other ornamental trees approved by the city:

American Elm	Bald Cypress	Bur Oak
Lacebark	Live Oak	Chinquapin Oak
Montezuma Cypress	Pecan	Cedar Elm
Monterey Oak	Afghan Pine	Big Tooth Maple
Chinese Pistachio	Western Soapberry	Blanco Crabapple
Carolina Buckthorn	Crape Myrtle	Deciduous Holly
Desert Willow	Flame Leaf Sumac	Golden Rain Tree
Japanese Black Pine	Mexican Buckeye	Mexican Plum
Mountain Laurel	Rough Leaf Dogwood	Texas Persimmon
Texas Red Bud	Yaupon Holly	Chinese Flame tree
Chitalpa	American Smoketree	Elm

Required yard. The open space between a lot line and the buildable area within which no structure shall be located except as provided for herein.

Reserve strip. A narrow strip of property usually separating a parcel of land from a roadway or utility line easement, that is characterized by limited depth which will not support development and which is intended to prevent access to the roadway or utility easement from adjacent property and which are prohibited by these regulations unless their control is given to the city.

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

Resubmittal Application means the application for a plan or plat resubmitted to the City following the disapproval or conditional approval of the original application or a Resubmittal Application that satisfies each condition of a conditional approval or remedies the reasons for disapproval.

Resubmittal Date means the date that a Resubmittal Application is determined to be complete and is accepted for review by the City.

Reverse frontage lot. A double frontage lot which is to be developed with the rear yard abutting a major street and with the primary means of ingress and egress provided on a minor street.

Right-of-way. A strip of land occupied or intended to be occupied by street, crosswalk, railroad,

road, electric transmission line, or oil or gas pipe line, water main, sanitary or storm sewer main, or for other similar purpose or use. The usage of the term “right-of-way” for land platting purposes shall mean that every right-of-way hereafter established and shown on the final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Right-of-way intended for streets, crosswalks, water mains, wastewater lines, storm drains, or any other use involving maintenance by a public agency shall be dedicated to the public by the maker of the plat where such right-of-way is established.

Same ownership. Ownership by the same person, corporation, firm, entity, partnership, or unincorporated association; or ownership by different corporations, firms, partnerships, entities, or unincorporated associations in which a stockholder, partner, or associate or a member of his/her family owns an interest in each corporation, firm, partnership, entity, or unincorporated association.

Secondary structure. Any structure that is subordinate and incidental to the primary structure; and is subordinate in area, extent and purpose to the primary structure; and contributes to the comfort, convenience or necessity of the occupants, business or industry in the primary structure, and is located on the same lot as the primary structure.

Setback or building line. A line or lines designating the interior limit of the area of a lot between said line and the corresponding line within which area structures may not be erected. The building lines generally provide the boundaries of the buildable area of any given lot.

Side yard. A space extending from the front yard to the rear yard between the setback line and the side lot line measured perpendicular from the side lot line to the closest point of the setback line.

Significant tree. A native, living tree including any Live Oak, Spanish Oak, Cedar Elm, Shin Oak, Bald Cypress, Post Oak, Pecan, Bur Oak or other such hardwood tree indigenous to Central Texas. A list of significant trees can be provided by city staff.

Slope. The vertical change in grade divided by the horizontal distance over which that vertical change occurred. The slope is usually given as a percentage.

Standard specifications and codes of the city. Shall be applied to all improvements constructed within the city and shall be in accordance with all revisions, as may be adopted by the City of Rockdale.

Street. Any public or private right-of-way which affords the primary means of vehicular access to abutting property whether designated a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, land, place or however otherwise designated.

Street line. That line limiting the right-of-way of the street and being identical with the property line of persons owning property fronting on the streets.

Street side yard. The side yard of a corner lot abutting the street right-of-way.

Street width. The shortest distance between the lines, which delineate the rights-of-way of a street.

Street yard. A space extending across the length and/or width of a lot between the street right-of-way and the closest faces of the buildings on the lot.

Structural integrity. The ability of a structure to maintain stability against normal forces experienced by said structure.

Structure. Anything constructed or erected on the ground or which is attached to something located on the ground. Structures include buildings, telecommunications towers, sheds, parking lots that are the primary use of a parcel and permanent signs. Sidewalks and paving shall not be considered structures unless located within a public utility or drainage easement.

Subdivider. Any person, developer, firm, partnership, corporation or other entity, acting as a unit subdividing or proposing to subdivide land as herein defined.

Subdivision. The division or redivision of land into two (2) or more lots, tracts, sites or parcels for the purpose of development, laying out any addition to the city, or for laying out any subdivision or

building lots, or any lot, street, alley, access easement, public utility easement, drainage facilities, park or other portion intended for use by the public, or for the use of any owner, purchaser, renter, occupant, person or entity.

Subdivision Ordinances means Chapter 10 of the Code of Ordinances.

Traffic impact analysis (TIA). A study of the impacts of a development on the city's transportation system.

Urbanization. The process of constructing public improvements required to support suburban or urban land use.

Variances. A grant of relief to a person from the requirements of this article when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this article.

Watershed. Area from which stormwater drains into a given basin, river or creek.

Waterway. Any natural or man-made channel conducting stormwater from a two (2) year storm event at a depth of eight (8) inches or more and at a rate of fifteen (15) cubic feet per second or more. Street pavement shall in no instance be considered a waterway.

Working days. Monday through Friday exclusive of city-recognized holidays.

Yard. An open space that lies between the principal or accessory building or buildings and the nearest lot line.

Yard depth. The shortest distance between a lot line and a yard line.

Yard line. A line drawn parallel to a lot line at a distance therefrom equal to the depth of the required yard.

(Ordinance 2004-08-09 (6), ex. A (9.101), adopted 8/9/04)

Sec. 10.02.002 Purpose

(a) The purpose of this article is to provide for orderly, safe and healthful development to promote the health, safety, morals and general welfare of the community. From and after the passage of this article, all plats and subdivisions of land within the corporate limits of the city, and all plats and subdivisions of land outside the corporate limits of the city that the council may be petitioned to include within the corporate limits of the city by an extension of said corporate limits, and all tracts within the city's extraterritorial jurisdiction, shall conform to the following rules and regulations.

(b) The system of improvements for thoroughfares, water and wastewater services, other utilities, drainage, public facilities and community amenities determine in large measure the quality of life enjoyed by the residents of the community. Health, safety, economy, amenities, environmental sensitivity and convenience are all factors which influence and determine a community's quality of life and character. A community's quality of life is of public interest. Consequently, the development of land, as it affects a community's quality of life, is an activity whose regulation is a valid function of municipal government.

(c) The provisions contained herein are designed and intended to encourage the development of a quality urban environment by establishing standards for the provision of open space, stormwater drainage, transportation, public utilities and facilities, and other needs necessary for insuring 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. Through the application of this article, the interests of the public as well as those public and private parties, both present and future, having interest in property affected by these regulations are protected by the granting of certain rights and privileges.

(d) This article is designed and intended to achieve the following purposes, and shall be administered so as to:

(1) Assist orderly, efficient and coordinated development of land within the city's jurisdiction.

- (2) Provide neighborhood conservation and prevent the development of slums and blight.
- (3) Harmoniously relate the development of the various tracts of land to the existing community and facilitate the future development of adjoining tracts.
- (4) Provide that the cost of improvements to minimum standards which primarily benefit the tract of land being developed be borne by the owner or developers of the tract, and that the cost of improvements to minimum standards which primarily benefit the whole community be borne by the whole community.
- (5) Provide the most appropriate design for each tract being subdivided.
- (6) Provide an attractive relationship between the land as developed and the circulation of traffic throughout the municipality, having particular regard to the avoidance of congestion in the streets and highways, and the pedestrian traffic movements appropriate to the proposed development, and to provide for the proper location and width of streets and building lines.
- (7) Prevent pollution of the air, streams, and ponds; to assure the adequacy of drainage facilities; to safeguard both surface and groundwater supplies; and to encourage the wise use and management of natural resources throughout the municipality in order to preserve the integrity, stability, and beauty of the community and the value of the land.
- (8) Preserve the natural beauty and topography of the municipality and ensure appropriate development with regard to these natural features.
- (9) As appropriate, reconcile any differences of interest among the developer, other property owners and the city.
- (10) Establish adequate and accurate records of land subdivision.
- (11) Ensure that public or private facilities are available and will have a sufficient capacity to serve proposed subdivisions and developments within the city's jurisdiction.
- (12) Standardize the procedure and requirements for developing property and submitting plans for review and approval.
- (13) Protect and provide for the public health, safety, morals and general welfare of the community.
- (14) Provide a healthy environment for the present and future citizens; an environment designed to [be] reasonably secure safety from fire, flood and other dangers; and to provide that land be subdivided in a manner to attain such goals and benefits for the community.
- (15) Protect the character and the social and economic stability of all parts of the community and encourage the orderly and beneficial development of all parts of the community.
- (16) Protect and conserve the value of land throughout the community and the value of buildings and improvements upon the land.
- (17) Guide public and private policy and action in providing adequate and efficient transportation systems, water and wastewater systems, public utilities, and other public amenities and facilities.
- (18) Encourage the development of a stable, prospering economic environment.
- (e) Certain minimum standards for land use, construction and development within the city limits are contained in the city's zoning ordinance, applicable building and plumbing codes, city standard details and specifications, and this article. If only the minimum standards are followed, as expressed by the various ordinances regulating land development, a standardization of development will occur. This will produce a monotonous urban setting. Subdivision design within both the city and its extraterritorial jurisdiction should be of a quality to carry out the purpose and spirit of the policies expressed in the master plan and in this article, rather than be limited to the minimum standards required herein.

(Ordinance 2004-08-09 (6), ex. A (9.111), adopted 8/9/04)

Sec. 10.02.003 Authority

- (a) This article is adopted pursuant to the police powers of general law cities, and under

authority of the constitution and general laws of the State of Texas, including, but not limited to, chapter 212 Tex. Loc. Gov't. Code.

(b) In accordance with the city's police powers and authority, and as specifically authorized by chapter 212, Tex. Loc. Gov't. Code, and other applicable laws, the planning and zoning commission, as a condition of subdivision plat or replat approval, shall require the owners and developers of land who desire to subdivide, plat or replat, or lay out any land for development within the city or its extraterritorial jurisdiction, for urban development or other purpose, to provide for building setback lines, to dedicate streets, alleys, parks, easements or other public places or facilities of adequate width and size and to coordinate street layouts and street planning with the city's master plan, with other municipalities, and with county, state and federally designated highways, as they may deem best in the interest of the general public, in order to provide for the orderly development of the areas and to secure adequate provision for traffic, light, air, recreation, transportation, water, drainage, sewage and other facilities.

(Ordinance 2004-08-09 (6), ex. A (9.112), adopted 8/9/04)

Sec. 10.02.004 Jurisdiction

Except as specifically provided otherwise herein, this article shall apply to all subdivisions and all related land development activities, as they are both defined herein, and all land, any part of which is located within the jurisdiction of the city. The jurisdiction of the city shall be defined as follows:

- (1) The corporate limits of the City of Rockdale, Texas; and
- (2) The extraterritorial jurisdiction of the City of Rockdale, Texas; and
- (3) Any additional area outside (1) and (2) above as permitted by law and which has been approved by the council.

(Ordinance 2004-08-09 (6), ex. A (9.113), adopted 8/9/04)

Sec. 10.02.005 Policy

In order to carry out the purposes hereinabove stated, it is hereby declared to be the policy of the city to consider the subdivision and/or development of land as subject to the control of the municipality, pursuant to the master plan, if any, as adopted or amended from time to time, for the orderly, planned, efficient and economical development of the city and its jurisdiction. This section shall be administered such that:

- (1) Land to be subdivided and/or developed shall be of such nature, shape and location that with proper and careful design and development it can be safely used for building purposes without danger to health or risk of fire, flood, erosion, landslide or other menace to the general welfare.
- (2) A final plat shall not be recorded until the necessary public utilities and facilities and other required improvements exist or arrangements are made for their provision.
- (3) Buildings, lots, blocks and streets shall be arranged so as to provide for an attractive and healthful environment and to facilitate fire protection, and provide ample access to buildings for emergency equipment.
- (4) Land shall be subdivided and developed with due regard to topography and existing vegetation with the object being that the natural beauty and natural resources of the land shall be preserved to the maximum extent possible.
- (5) Existing features which would add value to development or to the city as a whole, such as scenic and special features, both natural and man-made, historic sites, and similar assets shall be preserved in the design of the subdivision whenever possible.

(Ordinance 2004-08-09 (6), ex. A (9.114), adopted 8/9/04)

Sec. 10.02.006 Application

(a) The provisions of this article, including design standards and improvement requirements, shall, except as specifically provided otherwise in this article, apply to all subdivisions of land

within the jurisdiction of the city, including but not limited to the following forms of land subdivision and development activity:

- (1) The division of land into two (2) or more tracts, lots, sites or parcels, any part of which shall contain less than five (5) acres in area when subdivided, including multiple divisions to the same property in which one or more subdivided lots are less than five (5) acres;
- (2) The division of land into two (2) or more tracts, lots, sites or parcels, any part of which when subdivided shall contain five (5) acres or more in area and will require the dedication or conveyance of any access, public right-of-way, easement, or any public improvement;
- (3) Land previously subdivided or platted into tracts, lots, sites or parcels, which subdivision was subject to, but not in accordance with, city or county ordinances in effect at the time of such subdividing or platting;
- (4) The combining of two (2) or more contiguous tracts, lots, sites or parcels for the purpose of creating one (1) or more legal lots in order to achieve a more developable site, except as otherwise provided herein;
- (5) Any planned unit development for which two (2) or more lots, tracts, or parcels are designed, established or created for occupancy, use or a building site, or for which a building permit, plumbing permit, electrical permit, floodplain permit, utility tap, or certificate of acceptance for required public improvements is required by the city;
- (6) The platting of any existing legal deed-divided unplatted lot, parcel, site or tract;
- (7) The voluntary platting and recording of a subdivision plat dividing any land within the jurisdiction of the city into lots, parcels, sites or tracts;
- (8) Any plat having received approval from the commission or the council for which said approval has expired; or
- (9) The dedication of any street or alley through any tract of land, regardless of the area involved.

(Ordinance 2004-08-09 (6), ex. A (9.115), adopted 8/9/04)

(10) All subdivision or combination of tracts, regardless of size, shall be reviewed by the city for compliance with city ordinances. (Ordinance adopting Code)

(b) There may be occasions when the city council deems it appropriate to allow a delay in the implementation of certain elements of this article. On those occasions, a development agreement shall be used in accordance with the city policy. (Ordinance 2004-08-09 (6), ex. A (9.115), adopted 8/9/04)

Sec. 10.02.007 Exemptions

- (a) The provisions of this article shall not apply to:
 - (1) Sales of land by metes and bounds in tracts of five (5) acres or more in area and not requiring the dedication of any easements, drainage facilities, land or roadways for use of any purchaser or member of the public, except as otherwise specifically provided in this article;
 - (2) Cemeteries complying with all state and local laws and regulations;
 - (3) Divisions of land created by order of a court of competent jurisdiction;
 - (4) Any subdivision of land for which a preliminary plan or final plat has been filed with the city on or before the effective date of this article, excluding any such plan or plat for which approval has expired or hereafter expires, the ordinance in effect at the time of the adoption of this article shall continue to be effective as to the pending plats provided no substantive change is made to the plat as provided herein; or
 - (5) The combination of two (2) platted lots for the creation of a more developable site and the planning and zoning commission finds that:
 - (A) The proposed use is the same as that for which the subdivision was platted by the subdivider; and

(B) No increase is anticipated in the estimated traffic generation or utility demands; and

(C) Off-site stormwater runoff is neither increased nor concentrated.

(b) The provisions of this article shall not apply to the division of an existing legal lot, said division being caused by the city's acquisition of a part of said legal lot, when the council finds that the acquisition by the city is in the best interest of the public health, safety and welfare of the citizens of Rockdale and/or its extraterritorial jurisdiction. Upon the council so finding, the resulting parcels shall be deemed to constitute legal lots for the purposes of developing under the requirements of this article and other applicable city regulations. In creating said division, the council is empowered to attach to the resulting parcels acquired by the city, and the remainder parcels not acquired by the city upon agreement with the owner, such conditions as it finds reasonable and necessary to offset any adverse effects resulting from the city's acquisition as a part of the original legal lot, insofar as any such condition is not contrary to the spirit and intent of this article.

(c) The provisions of this article shall not be construed, interpreted or applied to land located within the extraterritorial jurisdiction of the city in a manner to regulate:

(1) The use of any building or property for any lawful purpose;

(2) The bulk, density or number of buildings on a tract or parcel of land;

(3) The floor to area ratio of any building to be constructed on any lot; or

(4) The number of residential units that can be built on an acre of land.

(d) Division of any property or portion of property into multiple smaller tracts with one or more of any of the subdivided tracts being five (5) acres or less shall not qualify any of the tracts for an exemption herein.

(e) No property shall be considered exempt under subsection (a)(1) or (2) unless so certified by the city engineer. All divisions of land within the city limits or ETJ that may be exempt from this article shall not be recognized as legal lots until the proposed division is presented to the city engineer for determination as to whether the division of property qualifies for an exemption as set forth above. Failure to receive a letter from the city engineer for a division of any tract, parcel or lot shall be deemed a violation of this article.

(Ordinance 2004-08-09 (6), ex. A (9.116), adopted 8/9/04)

Sec. 10.02.008 Enforcement of regulations

(a) No subdivision of land within the city or its extraterritorial jurisdiction may be recorded until a final plat, accurately describing the property to be subdivided and platted, has been approved by the city in accordance with this article and applicable laws, signed and dated by the chair of the planning and zoning commission and/or other designated officers of the city, and filed in the official county records.

(b) No building permit, certificate of occupancy, plumbing permit, electrical permit, floodplain permit, utility tap or certificate of acceptance for required public improvements shall be issued by the city for or with respect to any land within the city limits; and no floodplain permit, utility tap or certificate of acceptance for required public improvements shall be issued by the city for or with respect to land within the ETJ limits:

(1) For any parcel or plat of land which was developed after the effective date of, and not in conformity with, the provisions of this article; and/or

(2) Until, (i) all improvements required by this article, have been constructed and accepted by the city, or (ii) assurances for the completion of improvements have been provided in accordance with this article.

(c) No excavation or clearing of land, or construction of any public or private improvements shall take place or commence, within six (6) months preceding the date of application for the approval of any development or subdivision; and no such excavation, clearing of land or construction shall begin within any proposed subdivision until such time as the city engineer approves the plans and

specifications for such subdivision.

(d) This article may be further enforced by injunction and other judicial proceedings, either at law or in equity; and, in lieu of or in addition to any other authorized enforcement or action taken, any person who violates any term or provision of this article, with respect to any land or development within the city, [may be punished] by fine and penalties as provided herein.

(Ordinance 2004-08-09 (6), ex. A (9.117), adopted 8/9/04)

Division 2. Platting

SECTION 10.02.009. Review and Approval Procedures.

I. General Procedures.

(a) **Action on Plats and Plans.** Plats and Plans for the development of land within the scope of this Ordinance shall be drawn and submitted to the Municipal Authority for their approval, conditional approval, or disapproval, as provided herein. If an Application is approved with conditions or disapproved, the Municipal Authority shall provide or cause to be provided to the Applicant a written statement for the conditions for approval or reasons for disapproval that clearly articulate each specific condition for the conditional approval or reason for disapproval. Each condition or reason specified in the written statement shall include a citation to the law or ordinance that is the basis for the conditional approval or disapproval, as applicable. In the event that a Municipal Authority subject to quorum requirements fails to act due to lack of a quorum at the meeting at which an Application is posted for action, then: (i) the Application will be deemed approved if it meets the requirements of this Ordinance and applicable state law and was recommended for approval by City Staff; or (ii) the presiding officer of the Municipal Authority is authorized to disapprove an Application that is recommended by City staff to be disapproved due to failure to comply with this Ordinance or applicable law.

(b) **Commencement of Construction.** Notwithstanding any provision of this Ordinance to the contrary, an Applicant shall not commence construction activities within the City's jurisdiction before first obtaining all of the City approvals required by this Ordinance.

(c) **Pre-Development Meeting.** The Applicant is required to attend a pre-development meeting with city staff to help familiarize the Applicant with applicable codes and regulations before submission of the first plat or plan Application. The City Manager/City Administrator or designee may waive this requirement if they deem that the meeting is not necessary. ~~Sec. 10.02.052—Pre-conference meeting. Prior to submitting any plats, any applicant shall schedule a pre-conference meeting through the city secretary. The city secretary shall coordinate with the city manager the appropriate staff to attend the pre-conference meeting.~~ The pre-development ~~conference~~ meeting shall be scheduled within 30 days of the request. No plats shall be accepted until a ~~pre-conference~~ development meeting has occurred. At the ~~pre-conference~~ development meeting, the applicant shall outline the proposed subdivision in sufficient detail through a concept drawing including the lots, lot dimensions, location of streets, detention facilities and other improvements. (Ordinance 2004-08-09 (6), ex. A (9.122), adopted 8/9/04)

(d) **General Subdivision Process.** Generally, the subdivision process is comprised of four (4) individual steps, consisting of the Concept Plan, the Preliminary Plat, Construction Plans, and the Final Plat. Each step of the development process has established deadlines and expirations that must be met in order for the Application and any approval(s) granted to remain valid, in effect and eligible to continue to the next step of, or to complete, the development process. Compliance with each such established deadline constitutes a separate required performance and approval.

(e) **Submittal Schedule.** The City Staff shall prepare an Application submittal schedule. This submittal schedule shall be reviewed and approved by the Commission annually. Applications will only be accepted for submittal or resubmittal on the days authorized by the schedule approved by the Commission. The City Staff is authorized to adjust an approved schedule to accommodate holidays, City Hall closures, and cancelled or special called meetings.

(f) **Application Forms.** The City Staff shall prepare Application forms which shall include a checklist of the required information and documents that are required to be submitted by Applicants in order for an Application to be accepted as complete for review and processing under this Ordinance. The City Staff shall update the Application from time to time as required due to amendments to this Ordinance, state law, or applicable technical codes and manuals. The Commission shall review and approve the Application forms and amendments prepared by the City Staff from time to time.

(g) **Application Completeness Review.**

(i) City staff shall review all Applications for completeness and either accept the Application as complete or reject the Application and provide the Applicant with written notice of rejection that specifies the reasons for rejection within ten (10) business days of the date the Application is submitted. An Application will be considered complete if it is submitted in the required form, includes all information certificates, plans, documents, and instruments required in the Application and by this Ordinance, and is accompanied by the applicable fees. All Applications shall also include a list of any requested variance or exceptions from the City's Ordinance. Resubmittal Applications are also subject to this Subsection (g). An Application that is facially not complete, i.e. does not include completed forms, the information or documents required in the Application are lacking, or it is not accompanied by the applicable fees will not be accepted by the City. If, after additional review, the Application is determined to be incomplete, the City Staff shall provide written notice of the rejection of the Application that includes a description of the Application's deficiencies. No further processing of the Application will occur until the deficiencies are corrected.

(ii) ~~The following are additional requirements for acceptance of an Application:~~

~~(A) Required Number of Copies. The required number of copies of Applications and its components, having the form and content specified in this chapter for the plat package shall be as follows: five.~~

~~(B) Concept Plan. In addition to the items required on the Concept Plan Application and checklist: _____.~~

~~(C) Preliminary Plan. In addition to the items required on the Preliminary Plat Application and checklist: 10-02-053.~~

~~(D) Replat Application. In addition to the items required on the Preliminary Plat Application and checklist:~~

~~(E) Final Plat: 10-02-055~~

~~(F) Construction Plans. In addition to the items required on the Construction Plan Application and checklist, the following must be reviewed and approved prior to the submittal of the Construction Plan Application and submitted with the Application in order for it to be accepted as complete, unless the City Staff determines that one of the items is either not needed or may be reviewed concurrently to process the Construction Plan Application:~~

~~10-02-054.~~

(h) **Order of Acceptance.** No Preliminary Plat shall be accepted for filing until the Concept Plan has been approved. No Final Plat or Construction Plans shall be accepted for filing until the Preliminary Plat has been approved. Any Plans or Plats tendered to the City prior to receiving the appropriate approvals as provided in this section shall not be accepted as received.

(i) **Resubmittal Applications.** Resubmittal Applications are subject to the completeness review process set forth in this section. In addition to containing the portions of the original application that are being

modified, the Resubmittal Application shall include a transmittal letter that describes how each reason for disapproval of the particular Plat or Plan that is the subject of the Resubmittal Application is being remedied or how each condition of a conditional approval is being satisfied, as applicable, and identifying the location in the Resubmittal Application where each remedy or response to a condition can be found. The transmittal letter shall further identify whether any other changes to the Application have been made other than those necessary to respond to the reasons for disapproval. A Resubmittal Application that modifies the original Application beyond what is required to satisfy a conditional approval or to remedy reasons for disapproval shall be considered a new Application and must be accompanied by the required Application fee and will be reviewed and processed in accordance with the deadlines and procedures applicable to initial Applications, including but not limited to the thirty (30) day approval deadlines. [Except for Construction Plan Applications, Resubmittal Applications submitted for the purpose of satisfying a conditional approval or to remedy the reasons for disapproval of a Resubmittal Application shall be accompanied by the applicable Resubmittal Application Fee.]

(j) **Incomplete Application Expirations.** An Application shall expire on the 45th day after the date the Application is submitted to the City if:

- (i) the Applicant fails to provide documents or other information necessary to comply with requirements relating to the form and content of the Application set forth in this Ordinance;
- (ii) within ten (10) business days of the date the Application is submitted to the City, the City provides the Applicant written notice of the failure that specifies the necessary documents or other information that are missing from the Application and the date the Application will expire if the documents or other information is not provided; and
- (iii) the Applicant fails to provide the specified documents or other information within the time provided in the notice.

(k) **Processing of Applications Accepted for Filing.**

- (i) Prior to the Commission meeting at which the Concept Plan is to be heard, City Staff shall review the plan for consistency with City codes, policies and plans.
- (ii) The Application shall be scheduled for consideration by the Municipal Authority within thirty (30) days of the Application Filing Date (or within the applicable extension period if an extension is granted), or within fifteen (15) days of the Resubmittal Date, as applicable. For Applications acted upon by the City Council in addition to the Municipal Authority, the Application shall be scheduled for consideration by the Council within thirty (30) days of the Municipal Authority's action on the Application (or within the applicable extension period if an extension is granted), or within fifteen (15) days of Commission's action on a Resubmittal Application, as applicable.
- (iii) City staff shall prepare a report analyzing the Application, and recommending action on the Application. If the recommended action is disapproval or conditional approval, the report shall include the reasons for disapproval or the conditions for approval, as applicable, and citations to the law or ordinance that is the basis for disapproval or the conditional approval.

(l) **Approval, Disapproval, Conditional Approval.**

- (i) **Initial Application.** The Municipal Authority shall take action on the Application within thirty (30) days of the Filing Date. The failure of the Municipal Authority to act within thirty (30) days of the Filing Date (or within sixty (60) days of the Filing Date where an extension has been granted), shall be deemed an approval of the Plan or Plat by the respective body, except as otherwise agreed to by the Applicant pursuant to Section 4.
- (ii) **Resubmittal Application.** After disapproval or conditional approval of an Application, the Applicant may submit a Resubmittal Application that addresses each condition of approval or remedies each reason for disapproval provided.
- (iii) **Action on Resubmittal Application.** The Municipal Authority shall take action on the Resubmittal Application within fifteen (15) days of Resubmittal Date. If the City Council also approves an Application, the Council, within fifteen (15) days of the date of action on the Application by the Municipal Authority, shall take action on the Application. The failure of either the Municipal Authority to act within fifteen (15) days of the Resubmittal Date (or the Council to act within fifteen (15)

days of action on the Resubmittal Application by the Commission, as applicable), shall be deemed an approval of the Plan or Plat by the Municipal Authority, if the Resubmittal Application satisfies all conditions of a conditional approval or remedies all reasons for disapproval, except as otherwise requested by the Applicant and approved by the Municipal Authority pursuant to Section 4.

(m) Application Expiration.

(i) An Application shall expire six (6) months after the date that all initial staff review comments from all reviewing departments have been issued on the Application if the Application is not approved due to the Applicant's failure to cause the Application to comply with applicable city regulations.

(ii) The Development Services Department may grant one six (6) month extension if the Applicant can show substantial progress in obtaining approval of the Application. Substantial progress shall consist of, at a minimum, a resubmission of the Application and all relevant materials by the Applicant that address all initial staff review comments from all reviewing departments.

(iii) After expiration of an Application, any new Application will be required to be re-submitted as a new Application including re-paying all of the fees associated with this process.

(n) Approval Does Not Waive Compliance. Approval of a Plan or Plat under this Ordinance does not waive any requirement or regulation under this Ordinance or an applicable City Code unless a waiver, exemption, or variance to such requirement or regulation is granted by the City employee, official, or body authorized to grant such waiver, exemption, or variance.

SECTION 10.02.009. REQUESTS FOR EXTENSION OF APPROVAL DEADLINE OR WAIVERS OF PROCEDURES.

(a) The Applicant may request an extension of the thirty (30) day approval deadlines set forth in this Ordinance by requesting an extension on the Application form. The extension request will be considered by the Municipal Authority responsible for approving the particular Plan or Plat Application. Approval of an extension request will extend the deadline for approval of a Plan or Plat by thirty (30) days.

(b) The Applicant may also request in writing the waiver of a deadline or procedure set forth in this Ordinance. If approved by the Municipal Authority, the waiver shall be documented by letter agreement or other form of agreement approved by the Municipal Authority.

SECTION 10.02.010. Conditions for Issuing a Building Permit, Issuing a Site Development Permit, or Accepting Improvements.

No improvements to be accepted by the City for ownership, maintenance and operation shall be accepted; no building permit shall be issued for any new structure or change, improvement or alteration of any existing structure, on any lot or tract of land; no site development permit shall be issued for any lot or tract of land; and no municipal utility service will be furnished to such lot or tract which does not comply with the provisions of this Ordinance and all applicable provisions of the City's Ordinances, except as herein exempted or specifically exempted by the City Council or upon the written Application and approval of a variance. Every official and employee of the city vested with the duty or authority to issue an approval, permit or certificate shall not issue an approval, permit or certificate for any Application, plan, plat, use, building, improvement, or purpose that conflicts with any provision of this Ordinance. Any approval, permit, or certificate issued in conflict with the provisions of this Ordinance shall be null and void.

SECTION 10.02.011. NOTIFICATION AND PUBLIC HEARING. The notification provisions of this subsection apply to replat Applications that were limited by the following during the past five (5) years: interim or permanent zoning classification for a residential use not more than two (2) residential units per lot; or limited by deed restrictions to residential use for not more than two (2) residential units per lot. All owners of property (as determined by the most recent municipal tax rolls from the County Appraisal District), any part of which is located within two hundred (200) feet of the perimeter of the land to be developed, shall be notified by mail. The City shall mail public notification forms, postmarked not fewer than fifteen (15) days prior to the appropriate Commission hearing, to the owners of all property, any part of which is located within two hundred (200) feet of the perimeter of the

property included within the Preliminary Plat.

Sec. 10.02.051 — General procedure

- (a) ~~Plans for the development of land within the scope of this article shall be drawn and submitted to the commission and council for their approval or disapproval, as provided in herein.~~
- (b) ~~Notwithstanding any provision of this article to the contrary, a developer shall not commence construction activities within the city's jurisdiction, including clearing and/or rough grading, before first obtaining all the city approvals required by this article.~~
- (c) ~~Generally, the subdivision process is comprised of four (4) individual steps, including the pre-conference meeting, preliminary plat, construction plans, and the final plat. Each step of the development process has established deadlines and expirations that must be met in order for the application and any approval(s) granted to remain valid, in effect and eligible to continue to the next step of, or to complete, the development process. Compliance with each such established deadline constitutes a separate required performance and approval.~~
- (d) ~~Plats shall not be considered filed until administratively complete. The city staff and city engineer shall notify the applicant not later than 45 days after receipt of a plat of any deficiencies or the plat shall be deemed administratively complete and placed on the next available planning and zoning agenda. Plat applications containing deficiencies in required documentation, information, fees or other requirements provided herein shall not be considered filed with the city until the deficiencies are corrected and the city engineer issues an opinion of administrative completeness, which shall be determined within 45 days of receipt of the correction of deficiencies. The plat shall be deemed filed when scheduled for the planning and zoning agenda for purposes of this article.~~

(Ordinance 2004-08-09 (6), ex. A (9.121), adopted 8/9/04)

Sec. 10.02.052 — Pre-conference meeting

~~Prior to submitting any plats, any applicant shall schedule a pre-conference meeting through the city secretary. The city secretary shall coordinate with the city manager the appropriate staff to attend the pre-conference meeting. The pre-conference meeting shall be scheduled within 30 days of the request. No plats shall be accepted until a pre-conference meeting has occurred. At the pre-conference meeting, the applicant shall outline the proposed subdivision in sufficient detail through a concept drawing including the lots, lot dimensions, location of streets, detention facilities and other improvements. (Ordinance 2004-08-09 (6), ex. A (9.122), adopted 8/9/04)~~

Sec. 10.02.053 Preliminary plat

- (a) Purpose. The preliminary plat provides detailed graphic information and associated text indicating property boundaries, easements, land use, streets, utilities, drainage, and other information required to evaluate proposed subdivisions of land. A preliminary plat shall be required for any subdivision of land, except as otherwise provided for in this article.
- (b) Format. It is recommended that the preliminary plat be drawn on twenty-four by thirty-six inch (24" x 36") sheet(s) at a scale of one (1) inch equals one hundred feet (1" = 100') with all dimensions labeled accurately to the nearest foot. When more than one (1) sheet is necessary to accommodate the entire area, an index sheet showing the entire subdivision at a scale of one (1) inch equals four hundred feet (1" = 400') shall be attached to the plat. **Twenty-Five** copies must be provided with each submittal.
- (c) Content. The preliminary plat shall include all of the tracts intended to be developed at one (1) time, and any off-site improvements required to accommodate the project. The preliminary plat shall contain or have attached thereto:
- (1) General information.
 - (A) Name, address and phone numbers of the developer, record owner, and authorized agents (engineer, land planner, etc.).

(B) The proposed name of the subdivision, which shall not have the same spelling or be pronounced similarly to the name of any other subdivision located within the city or within the extraterritorial jurisdiction of the city, provided however that use of the same base names for different sections or phases is required when the units are contiguous with their namesakes and individually identified by a section or phase number.

(C) The date, scale, and north indicator.

(D) A location map showing the relation of the subdivision to streets and other prominent features in all directions for a radius of at least one (1) mile using a scale of one (1) inch equals two thousand feet (1" = 2,000'). The latest edition of the USGS 7.5 minute quadrangle map is recommended.

(E) The owner's name, deed or plat reference and property lines of property within three hundred (300) feet of the subdivision boundaries as determined by the most recent tax rolls.

(F) Certification and signature blocks as required by the city and the county.

(i) For the city the following notice shall be placed on the face of each preliminary plat by the subdivider: "Preliminary Plat for Review Purposes Only."

(ii) The following certificates shall be [placed] on the preliminary plat by the subdivider:

Recommended for (Approval) (Denial)

Chairman, Planning and Zoning Commission Date

City of Rockdale, Texas

(Approved) (Denied) for Preparation of Final Plat

Mayor, City of Rockdale, Texas Date

(G) The total acreage of the property to be subdivided and the subtotals by land use.

(2) Existing conditions.

(A) The existing property lines, including bearings and distances, of the land being subdivided. Property lines shall be drawn sufficiently wide to provide easy identification.

(B) The location of existing watercourses, dry creek beds, wells, sinkholes and other similar topographic features.

(C) Significant trees, within the boundaries of the subdivision and of 12-inch caliper and larger, shall be shown accurately to the nearest one (1) foot, critical root zones of these trees shall also be shown.

(D) Centerline of watercourses, creeks, existing drainage structures and other pertinent data shall be shown.

(E) Areas subject to flooding shall be shown, delineating the regulatory one hundred (100) year floodplain, and any other floodplains identified in the city's master drainage plan.

(F) Topographic data indicating one (1) foot contour intervals for slopes less than 5%, two (2) foot contour intervals for slopes between 5% and 10%, and five (5) foot contour intervals for slopes exceeding 10%. The contoured area shall extend outward from the property boundary for a distance equal to twenty-five percent (25%) of the distance across the tract, but not fewer than fifty (50) feet nor more than two hundred (200) feet.

(G) The locations, sizes and descriptions of all existing utilities, including but not limited to wastewater lines, lift stations, wastewater and storm sewer manholes, water lines, water storage tanks, and wells within the subdivision, and/or adjacent thereto.

(H) The location, dimensions, names and descriptions of all existing or recorded streets, alleys, reservations, railroads, easements or other public rights-of-way within the subdivision, intersecting or contiguous with its boundaries or forming such boundaries, as determined from existing deed

and plat records. The existing right-of-way width of any boundary street to the proposed subdivision shall also be shown.

(I) The location of city limit lines and/or outer border of the city's extraterritorial jurisdiction, as depicted on the city's most recent base map, if either traverses the subdivision or is contiguous to the subdivision boundary.

(3) Improvements.

(A) The location, size and description of any proposed drainage appurtenances, including storm sewers, detention ponds and other drainage structures proposed to be constructed on and off the site, and designed in accordance with the requirements of this article.

(B) The developer shall include five copies of the complete application for floodplain map amendment or revision, as required by the Federal Emergency Management Agency (FEMA), if applicable.

(C) The location, dimensions, names and descriptions of all proposed streets, alleys, parks, open spaces, blocks, lots, reservations, easements and rights-of-way; and areas within the subdivision indicating the connection to or continuation of other improvements in adjacent subdivisions.

(D) The location of building setback lines indicated by dashed lines on the plat.

(E) Numbers to identify each lot and each block.

(F) The lengths of each proposed property line of all lots. The area of each non-rectangular lot shall be provided.

(G) Significant trees to remain during construction showing the critical root zones as solid circles, and significant trees designated to be removed showing the critical root zones as dashed circles.

(H) Replacement trees shall be shown on the preliminary plat based on a replacement ratio (inches removed to inches planted) of:

(i) 2:1 (50% replacement) for significant trees twelve (12) inches in caliper and larger; and

(ii) Replacement trees shall not be required for the removal of trees smaller than twelve (12) inches in caliper.

(I) Proposed major categories of land use by acreage showing compatibility of land use with, or proposed variance from, the master plan.

(J) Proposed number of residential and nonresidential lots, tracts or parcels of the subdivision together with the estimated:

(i) Number of LUEs required for each category of lots; and

(ii) Traffic volume to be generated by all proposed development other than single-family residential.

(K) Proposed and existing arterial and collector streets to serve the general area.

(L) Location of sites for parks, schools and other public uses, and all areas of common ownership.

(M) Significant drainage features and structures including any regulatory one hundred (100) year floodplains.

(N) Significant existing features on or within 200 feet of the property, such as railroads, roads, buildings, utilities and drainage structures.

(O) Approximate boundaries and anticipated timing of proposed phases of development.

(P) Identification of known exceptional topographical, cultural, historical, archaeological, hydrological and other physical conditions of the property to be developed, or existing within two hundred (200) feet of the property, which will require the establishment of reasonable design standards in excess of the established minimum standards or require a variance from those

established minimum standards as defined in this article.

(Q) Location of city limit lines and/or outer border of the city's extraterritorial jurisdiction, as depicted on the city's most recent base map, if either such line traverses the development or is contiguous to the development's boundary.

(R) A proposed phasing plan for the development of future sections.

(4) Support documents.

(A) A drainage study, consisting of a drainage area map with contours, location and capacities of existing and proposed drainage features, and calculations in accordance with this article and good engineering practices, shall be provided to ensure the property will be developed in accordance with city drainage policies.

(B) Utility demand data, consistent with the proposed uses indicated on the preliminary plat, to determine the adequacy and the consistency of proposed utility improvements.

(C) A letter of certification, when applicable, that the plat has been submitted to the county health district for review (applicable to all projects proposing septic systems and/or containing any portion of the regulatory one hundred (100) year floodplain outside of the city limits).

(5) Accuracy of data. The applicant shall be responsible for verifying the accuracy of all data submitted, including that which might be obtained from the city, excepting that data which can only be obtained from the city.

(d) Procedure. A preliminary plat for any proposed subdivision of land, that has been found to be administratively complete, shall be submitted to the city for commission approval.

(1) Legible prints, as indicated on the application form, shall be submitted at least thirty (30) days prior to the regular meeting of the commission at which the preliminary plat is to be heard, along with the following:

(A) Completed application forms and the payment of all applicable fees.

(B) A summary letter stating briefly the type of street surfacing, drainage, water and wastewater facilities proposed, and declaring the intent to either dedicate park land or pay fees in lieu of said dedication if such dedication or fees apply.

(C) A petition requesting annexation, if applicable.

(D) A letter requesting any variances from the provisions of this article.

(E) Any attendant documents needed to supplement the information provided on the preliminary plat.

(2) For projects located within the city's extraterritorial jurisdiction, one (1) extra copy of the above-referenced items must be provided to the county for review and approval. The applicant shall be responsible for any additional information required by the county for preliminary plan approval.

(3) City staff shall review all preliminary plat submittals for completeness at the time of application. If, in the judgment of city staff, the preliminary plat submittal substantially fails to meet the minimal informational requirements as outlined above, it will not be accepted for review.

(4) Prior to the commission meeting at which the preliminary plat is presented, city staff shall review the plat for consistency with city ordinances, codes, policies and plans.

(5) City staff shall prepare a report analyzing the preliminary plat submittal and recommending either the approval or disapproval of the preliminary plat. This report shall be available at least five (5) working days prior to the commission meeting.

(6) If the developer chooses to withdraw the preliminary plat, in writing, by noon of the third working day preceding the meeting commission, the submittal may appear on the next commission agenda after repayment of the applicable fees.

~~(e) Notification. All owners of property (as determined by the most recent tax rolls from the county appraisal district), any part of which is located within three hundred (300) feet of the~~

~~perimeter of the land to be developed, shall be notified by mail.~~

(1) The developer shall post signs along contiguous rights-of-way at each corner of the development and at intervals that do not exceed three hundred (300) feet between said corners. Signs must be in accordance with the city standard details and specifications.

~~(2) The city shall publish a public notice at least once in a newspaper of general circulation in the city not fewer than fifteen (15) nor more than thirty (30) days prior to said public hearing.~~

~~(3) The city shall mail public notification forms, postmarked no fewer than fifteen (15) days prior to the appropriate commission hearing, to the owners of all property, any part of which is located within three hundred (300) feet of the perimeter of the property included within the preliminary plan.~~

(f) Approval. The commission, after holding public hearings in accordance with city ordinances and codes, shall act on the request for preliminary plat approval.

(1) The failure of the commission to act within thirty (30) days of the preliminary plat filing date shall be deemed an approval of the plat, except as otherwise agreed to by the developer.

(2) Zoning of the tract, if applicable, that shall permit the uses proposed by the preliminary plat, or any pending zoning amendment necessary to permit the proposed uses shall have been adopted by the council prior to approval of the preliminary plat.

(3) Approval of the preliminary plat shall not constitute approval of the final plat, but shall constitute a vesting of the right to develop under city ordinances, codes and policies in effect on the date of the approval provided that neither the preliminary plat nor any subsequent plat or permit has been, or is, allowed to expire.

(4) The developer should be aware that specific approvals from other agencies may be required.

(5) Upon approval of the preliminary plat, the developer shall furnish one (1) mylar reproducible copy of the approved plat to be kept on file at the city as public record.

(g) Expiration.

(1) The approval of the preliminary plat shall expire twelve (12) months after the filing date, unless:

(A) A corresponding final plat on all, or a portion of, the land approved on the preliminary plat is filed; or

(B) An extension is granted by the commission in accordance with this article.

(2) If a preliminary plat expires, it may be reinstated only upon resubmittal of the unaltered, approved plat to the commission and council and the approval by both bodies. All fees shall be repaid as if the plat were initially being submitted.

(h) Extension. The developer may apply for an extension, in writing, prior to the end of the initial twelve (12) month period, stating reasons for needing the extension and demonstrating pursuit of approvals for construction plans and/or final plat in accordance with this article. Upon receipt of this written request, the commission may, at its discretion, grant up to a two (2) year extension so long as the preliminary plat remains consistent with the master plan and/or ordinances of the city.

(i) Revision. If a revision to a previously approved preliminary plat is required, then no application for final plat shall be accepted until the revised preliminary plat has been submitted and approved by the commission. This signed, approved document shall be kept on file as public record in the offices of the city.

(j) Responsibility. Notwithstanding the approval of any preliminary plat by the council, commission or the city engineer, the developer and the engineer that prepares and submits such plats shall be and remain responsible for the adequacy of the design and nothing in this article shall be deemed or construed to relieve or waive the responsibility of the developer or his/her engineer for or with respect to any plat submitted.

(Ordinance 2004-08-09 (6), ex. A (9.123), adopted 8/9/04)

Sec. 10.02.054 Construction plans

(a) Purpose. Construction plans, based upon the approved preliminary plat, and consisting of detailed specifications and diagrams illustrating the location, design, and composition of all improvements identified in the preliminary plat phase and required by this article and other applicable city ordinances, codes and policies, shall be submitted to the city for approval. In addition, any project that necessitates the construction, reconstruction or modification of existing city infrastructure shall also be submitted to the city for approval. The plans shall be kept by the city as a permanent record of required improvements in order to:

- (1) Provide better records that facilitate the operation and maintenance of, and any future modifications to existing city infrastructure.
- (2) Provide data for evaluation of materials, methods of construction and design.
- (3) Provide documentation of approved public improvements to ensure that all such improvements are built to city standards and specifications.
- (4) No final plat shall be certified by the city, and no construction activities shall commence, until such time as construction plans completely describing the on-site and off-site improvements required by this article and other applicable city ordinances and codes, have been approved by the city engineer.

(b) Format. Drawings shall be on twenty-four inch by thirty-six inch (24" x 36") sheets at generally accepted horizontal and vertical engineering scales. Five complete copies shall be provided with each submittal.

(c) Content. Construction plans shall include all on- and off-site improvements required to serve the proposed development as indicated on the approved preliminary plat and in compliance with applicable ordinances, codes, standards and policies of the city, and other applicable governmental entities. All construction plans shall be signed and sealed by a registered professional engineer, licensed to practice in the State of Texas, and shall contain or have attached thereto:

(1) Cover sheet.

(A) The appropriate project name, date, and the name, addresses and phone numbers of the developer, engineer and surveyor, etc.

(B) A location map showing the relation of the subdivision to streets and other prominent features in all directions for a radius of at least one (1) mile using a scale of one inch equals two thousand feet (1" = 2,000'). The latest edition of the USGS 7.5 minute quadrangle map is recommended.

(2) Street and roadway systems.

(A) The horizontal layouts and alignments showing geometric data and other pertinent design details. The horizontal layout shall also show the direction of stormwater flow and the location of manholes, inlets and special structures;

(B) Vertical layouts and alignments showing existing and proposed centerline, right and left right-of-way line elevations along each proposed roadway;

(C) Typical right-of-way cross-sections showing pertinent design details and elevations as prescribed in the city standard details and specifications;

(D) Typical paving sections showing right-of-way width, lane widths, median widths, shoulder widths, and pavement recommendations; and

(E) Attendant documents containing any additional information required to evaluate the proposed roadway improvements, including geotechnical information.

(3) Drainage improvements.

(A) Detailed design of all drainage facilities as indicated in the preliminary plat phase, including

typical channel or paving section, storm sewers and other stormwater control facilities.

(B) Typical channel cross-sections, plan and profile drawings of every conduit/ channel shall be shown.

(C) Existing and proposed topographic conditions indicating one (1) foot contour intervals for slopes less than 5%, two (2) foot contour intervals for slopes between 5% and 10%, and five (5) foot contour intervals for slopes exceeding 10%, and referenced to a United States Geological Survey or Coastal and Geodetic Survey benchmark or monument.

(D) Attendant documents containing design computations in accordance with this article, and any additional information required to evaluate the proposed drainage improvements.

(E) Five copies of the complete application for floodplain map amendment or revision, as required by the Federal Emergency Management Agency (FEMA), if applicable.

(4) Erosion and sedimentation controls.

(A) Proposed fill or other structure elevating techniques, levees, channel modifications and detention facilities.

(B) Existing and proposed topographic conditions with vertical intervals not greater than one (1) foot referenced to a United States Geological Survey or Coastal and Geodetic Survey benchmark or monument.

(C) The location, size, and character of all temporary and permanent erosion and sediment control facilities with specifications detailing all on-site erosion control measures which will be established and maintained during all periods of development and construction.

(D) Contractor staging areas, vehicle access areas, temporary and permanent spoils storage areas.

(E) A plan for restoration for the mitigation of erosion in all areas disturbed during construction.

(5) Water distribution systems.

(A) The layout, size and specific location of the existing and proposed water mains, pump stations, storage tanks and other related structures sufficient to serve the proposed land uses and development as identified in the preliminary plat phase and in accordance with the city standard details and specifications.

(B) The existing and proposed location of fire hydrants, valves, meters and other fittings.

(C) Design details showing the connection with the existing city water system.

(D) The specific location and size of all water service connections for each individual lot.

(E) Attendant documents containing any additional information required to evaluate the proposed water distribution system.

(6) Wastewater collection systems.

(A) The layout, size and specific location of the existing and proposed wastewater lines, manholes, lift stations, and other related structures sufficient to serve the land uses and development as identified in the preliminary plat phase, in accordance with all current city standards, specifications, and criteria for construction of wastewater systems.

(B) Plan and profile drawings for each line in public rights-of-way or public utility easements, showing existing ground level elevation at centerline of pipe, pipe size and flow line elevation at all bends, drops, turns, and station numbers at fifty (50) foot intervals.

(C) Design details for manholes and special structures. Flow line elevations shall be shown at every point where the line enters or leaves the manholes.

(D) Detailed design for lift stations, package plants or other special wastewater structures.

(E) Attendant documents containing any additional information required to evaluate the proposed wastewater system, and complete an application for state commission on environmental quality approval.

- (7) Street lighting. The location, size, type and description of streetlights according to city standard details and specifications.
- (8) Street signs. The location, size, type and description of street signs according to city standard details and specifications.
- (9) Sidewalks. The location, size and type of sidewalks and pedestrian ramps according to city standard details and specifications.
- (10) Improvements for parks and other public and common areas - as identified and/or approved on the preliminary plat.
- (11) The location, size and description of all significant trees (to remain and to be removed), and replacement trees to meet the requirements of this article.
- (12) Landscaping and screening. The location, size and description of all landscaping and screening materials as required by this article.
- (13) Design criteria. Final design criteria, reports, calculations, and all other related computations, if not previously submitted with the preliminary plat.
- (14) Cost estimates. A cost estimate of each required improvement, prepared, signed and sealed by a professional engineer licensed to practice in the State of Texas.
- (d) Procedure. After all necessary approvals of the preliminary plat have been granted, construction plans, together with a completed application form and review fee, shall be submitted to the city engineer for approval.
- (1) Construction plans may be submitted for review and approval simultaneously with a final plat, provided however that the final plat shall not be approved until the construction plans have been approved. If the construction plans and the final plat are to be reviewed simultaneously, a complete application for construction plans and a complete application for final plat must be submitted to the city simultaneously.
- (2) City staff shall review all construction plan submittals for completeness at the time of application. If in the judgment of the city, the construction plan submittal substantially fails to meet the minimal informational requirements as outlined above, it will not be accepted for review.
- (3) The city engineer shall review the construction plans to insure compliance with this article, and other applicable city ordinances, codes, standards and specifications, and good engineering practices.
- (4) For projects located within the city's extraterritorial jurisdiction, the construction plans and attendant documents shall be provided to the county for review and approval. The applicant shall be responsible for any additional information required by the county for construction plan approval.
- (e) Approval. Within thirty (30) days of the date on which all required information has been accepted for review, the city engineer shall either approve or disapprove the construction plans.
- (1) If the construction plans are disapproved, the city engineer shall notify the applicant, in writing, of disapproval and indicate the requirements for bringing the construction plans into compliance.
- (2) If construction plans are approved, then the city engineer shall sign the cover sheet of the construction plans, returning one (1) signed copy to the applicant and retaining the other signed copy for city records.
- (3) The developer should be aware that specific approvals from other agencies may be required.
- (4) All improvements shown in the approved construction plans shall be constructed pursuant to and in compliance with the approved plans, except as otherwise specifically approved.
- (f) Revision. Where it becomes necessary, due to unforeseen circumstances, for corrections to be made to construction plans for which approval has already been obtained, the city engineer shall have the authority to approve such corrections when, in his/her opinion, such changes are

warranted and also in conformance with city requirements. Approval of such changes agreed to between the developer and city engineer shall be noted by initialing and dating by both parties on the two (2) original signed copies of the construction plans.

(g) Responsibility. Notwithstanding the approval of any construction plans by the council, commission or the city engineer, the developer and the engineer that prepares and submits such plans and specifications shall be and remain responsible for the adequacy of the design of all such improvements; and nothing in this article shall be deemed or construed to relieve or waive the responsibility of the developer or his/her engineer for or with respect to any design, plans and specifications submitted.

(h) Record Drawings: Once all public improvements are completed, record drawings shall be submitted to the city in a digital format acceptable to the city for inclusion in the city's Geographic Information System.

(Ordinance 2004-08-09 (6), ex. A (9.124), adopted 8/9/04)

Sec. 10.02.055 Final plat

(a) Purpose. The final plat provides detailed graphic information and associated text indicating property boundaries, easements, streets, utilities, drainage, and other information required for the maintenance of public records of the subdivision of land.

(1) A final plat shall be required for all subdivisions of land.

(2) The final plat shall conform to the approved construction plans and approved preliminary plat.

(b) Format. The final plat shall be drawn on eighteen inch by twenty-four inch (18" x 24") mylar sheets at a scale of one (1) inch equals one hundred feet (1" = 100') with all dimensions labeled accurately to the nearest one tenth (1/10) of a foot. When more than one (1) sheet is necessary to accommodate the entire area, an index sheet showing the entire subdivision at a scale of one (1) inch equals four hundred feet (1" = 400') shall be attached to the plat. ~~Twenty~~ **Five** copies shall be submitted with each submittal.

(c) Content. The final plat shall include all of the tracts intended to be developed at one (1) time, and shall contain or have attached thereto:

(1) General information.

(A) The proposed name of the subdivision, which shall not have the same spelling or be pronounced similarly to the name of any other subdivision located within the city or within the extraterritorial jurisdiction of the city, provided however, that use of the same base names for different sections or phases is required when the units are contiguous with their namesakes and individually identified by a section number.

(B) The date, scale, north point, addresses of the owner of record, developer, registered public surveyor, and registered professional engineer if required, platting the tract. The engineer and surveyor shall affix their seals to the plat in conjunction with the signing of the certification requirements.

(C) A location map showing the relation of the subdivision to streets and other prominent features in all directions for a radius of at least one (1) mile using a scale of one (1) inch equals two thousand feet (1" = 2,000'). The latest edition of the USGS 7.5 minute quadrangle map is recommended.

(D) Identification and location of proposed uses and reservations for all lots within the subdivision.

(E) The owner's names and the property lines of property within three hundred (300) feet of the subdivision boundary, together with the respective plat or deed references as determined by the most recent tax rolls.

(F) Certification, signature and revision blocks as required by the city and county, including but not limited to the following:

(i) Certification from a registered professional engineer and approval by the department of state health services (if applicable) that water satisfactory for human consumption is available in adequate supply at the time of submission, except that such certification is not required if the property will be served by the city water system.

(ii) Certification from the county health district that a subdivision is located in an area which cannot reasonably be served by an organized wastewater collection system and that the use of septic tank or other means of disposal has been approved by the county health district. Said certificate shall show the limitations, if any, of such approval.

(G) Lot area, width and depth, public utility and drainage easements, and setbacks shall conform to the requirements as established for the designated land use as set forth in this article.

(2) Existing conditions.

(A) The existing property lines, including bearings and distances, of the land being subdivided. Property lines shall be drawn sufficiently wide to provide easy identification.

(B) Areas delineating the regulatory one hundred (100) year floodplain, if applicable. This information must be certified by a registered professional engineer.

(C) The location, dimensions, names and descriptions of all existing and recorded streets, alleys, reservations, railroads, easements or other public rights-of-way within the subdivision, intersecting or contiguous with its boundaries or forming such boundaries, as determined from current deed and plat records. The existing right-of-way width of any boundary street to the proposed subdivision shall also be shown.

(D) Location of city limit lines and/or outer border of the city's extraterritorial jurisdiction, as depicted on the city's most recent base map, if either such line traverses the subdivision or is contiguous to the subdivision boundary.

(3) Survey control information.

(A) True bearings and distances to the nearest established street lines, official monuments, or existing subdivision corner which shall be accurately described on the plat and rotated to the state plane coordinate system. Using said system, X and Y coordinates shall be identified for four (4) property corners.

(B) The description and location of all permanent monuments or benchmarks, standard monuments, survey control points and lot pins.

(C) Suitable primary control points to which all dimensions, bearings and similar data shall be referenced. At least one (1) corner of the subdivision shall be located with respect to a corner of the original survey of which it is a part.

(D) Sufficient data shall be shown on the plat for each lot to prove mathematical closure.

(4) Improvements.

(A) The location, bearings, distances, widths, purposes and approved names of proposed streets, alleys, easements and rights-of-way to be dedicated to public use.

(B) Streets. Provide complete curve data (delta, arc length, radius, tangent, point of curve, point of reverse curve, point of tangent, long chord with bearing) between all lot corner pins.

(C) Watercourses and easements. Provide distances to be provided along the side lot lines from the right-of-way line or the high bank of a stream. Traverse line to be provided along the edge of all major waterways in a convenient location, preferably along a utility easement if paralleling the drainage easement or stream.

(D) The property lines and number designations of all proposed lots and blocks, with complete bearings, distances and dimensions for front, rear and side lot lines. The surveyor shall certify that all lots meet the city's minimum requirements set forth herein.

(E) The use, property dimensions, names and boundary lines of all special reservations to be dedicated for public use, including sites for schools, churches, parks and open spaces; common

ownership; or subsequent development.

(F) The location of building setback lines, as required by the city's zoning ordinance and indicated by dashed lines on the plat, and the location, dimensions, and descriptions of all required easements within the subdivision, intersecting, or contiguous with its boundaries or forming such boundaries.

(G) The proposed location of sidewalks for each street, to be shown as a dotted line inside the proposed right-of-way lines.

(5) Support documents. The following supporting documents must accompany the final plat:

(A) Developer shall include five copies of the approved application for floodplain map amendment or revision, as required by the Federal Emergency Management Agency (FEMA), if applicable.

(B) If a subdivision is located in an area served by any utility other than the city, the developer shall furnish a letter from such utility certifying their approval of the location of the utility easements shown on the plat and indicating the utility's intent to serve the property, except that said letters are not required if the easements conform to those approved on the preliminary plat.

(C) If the construction of all improvements needed to serve the subdivision is not completed prior to the filing of the plat for recordation then the developer must provide financial assurance for the completion of the remainder of those improvements in accordance with this article.

(6) The applicant shall be responsible for verifying the accuracy of all data submitted.

(d) Procedure. After approval of the preliminary plat and construction plans for a proposed subdivision, a final plat for that subdivision shall be submitted to the city for commission approval before recordation.

(1) A final plat may be submitted for review and approval simultaneously with construction plans, provided however that the final plat shall not be approved until the construction plans have been approved. If the final plat and construction plans are to be reviewed simultaneously, a complete application for final plat and a complete application for construction plans must be submitted to the city simultaneously.

(2) Legible prints, as indicated on the application form, shall be submitted at least thirty (30) days prior to the regular meeting of the commission at which the final plat is to be heard, along with the following:

(A) Completed application forms and the payment of all applicable fees.

(B) Any materials or documents required by the commission and/or council as a condition of preliminary plat approval.

(C) A letter requesting any variances from the provisions of this article, if not previously approved as part of the preliminary plat, and posted pursuant to the requirements of this article.

(D) Twenty (20) copies of the deed restrictions or covenants, if such documents are to be used. These shall be filed for record in conjunction with the filing of the final plat.

(E) Certification from all applicable taxing authorities that all taxes due on the property have been paid.

(F) Performance and maintenance guarantees as required by the city.

(G) Any attendant documents needed to supplement the information provided on the final plat.

(3) For projects located within the city's extraterritorial jurisdiction, one (1) extra copy of the above-referenced items must be provided to the county for review and approval. The applicant shall be responsible for any additional information required by the county for final plat approval.

(4) City staff shall review all final plat submittals for completeness at the time of application. In the judgment of city staff, the final plat submittal substantially fails to meet the minimal informational requirements as outlined above, it will not be accepted for review.

(5) Prior to the commission meeting at which the final plat is presented, city staff shall review

the plat for consistency with city codes, policies and plans.

(6) City staff shall prepare a report analyzing the final plat submittal, as well as any comments received concerning the preliminary plat, and recommending the either approval or disapproval of the final plat. This report shall be available at least five (5) working days prior to the commission meeting.

(7) If the developer chooses to withdraw the final plat, in writing, by noon of the third working day preceding the meeting commission, the submittal may appear on the next commission agenda after repayment of the applicable fees.

(e) ~~Notification. Public notification of final plats filed as part of an approved preliminary plat shall not be required.~~

(f) Approval. The commission, after holding a public hearing, shall act on the request for final plat approval.

(1) The failure of the commission to act within thirty (30) days of the final plat filing date shall be deemed an approval of the plat, except as otherwise agreed to by the developer.

(2) For final plats submitted simultaneously with construction plans, the failure of the commission to act within thirty (30) days of the later of the filing date or the construction plan approval date shall be deemed an approval of the final plat, except as otherwise agreed to by the developer.

(3) The developer shall begin construction of the required public improvements or file a financial surety instrument for the improvements within six (6) months after final plat approval by the commission, or such approval of the final plat shall be void.

(4) Unless the final plat is recorded in the official county records within twelve (12) months after approval by the commission, such approval of the final plat shall be void, except that the developer may apply in writing to allow extension of approval prior to the end of such twelve (12) month period, stating just cause therefor, and the commission may grant an extension not to exceed one (1) year.

(5) Zoning of the tract, if applicable, that shall permit the proposed use, or any pending zoning amendment necessary to permit the proposed use shall, have been adopted by the council prior to approval of the final plat.

(6) The developer should be aware that specific approvals from other agencies may be required.

(7) The city engineer and developer's engineer must certify that the design standards of division 3 of this article have been complied with and that the development and improvements meet sound engineering practices.

(g) Revision. If revision of the final plat is required by the commission, then the final plat shall not be recorded until the revised final plat has been resubmitted and approved by city staff for compliance with the commission's requirements, and the council's requirements, if any, established by the council during its consideration of the preliminary plan.

(h) Recordation.

(1) Prior to the recordation of the final plat, one (1) original copy of the final plat shall be submitted to the city for signatures; and

(A) The final plat shall have been approved by the commission pursuant to the provisions of this article.

(B) All conditions of final plat approval established by the commission shall have been determined to be complete by city staff.

(C) Construction plans for all required improvements shall have been approved by the city engineer.

(D) Fees in lieu of parkland dedication as required by this article, if applicable, shall have been

paid.

- (E) Performance and maintenance guarantees for all required improvements shall have been established pursuant to this article.
- (F) Copies of any agreements required providing for the proper and continuous operation, maintenance, and supervision of any facilities that are of common use or benefit which cannot be satisfactorily maintained, or which have been rejected for operation and/or maintenance, by an existing public agency shall be executed.
- (G) Written acceptance of all improvements required by this article by the city engineer or, in lieu of acceptance, assurance of completion of said improvements pursuant to this article, shall be received by the city.
- (H) Applicable fees pursuant to city ordinance shall be paid, including, but not limited to, all professional fees, engineer, and attorney fees incurred by the city for or with respect to the review, processing and approval of the application for the approval of the subdivision plat.
- (I) Notes shall be added to the plat describing any variances approved by the commission.
- (2) City staff shall, upon determination that all provisions of this article have been satisfied, and all the above conditions have been met, obtain signatures certifying final plat approval by the chairperson of the commission, and the mayor, as attested to by the city secretary.
- (3) Once the original final plat has been certified by the chairperson of the commission and the mayor, city staff shall notify the developer that the original final plat is ready for reproduction.
- (4) The developer, at his/her own expense, shall make two (2) photographic mylar copies of the original, signed final plat, and return the photographic mylar copies and the original final plat to the city engineer for recordation.
- (5) If the land area represented by the subdivision is located outside the corporate limits of the city on the date of its filing for recordation with the official county records, then it must be approved by the commissioners court of the county prior to recordation. It shall be the responsibility of the developer to be familiar with the process, procedures, and requirements necessary to secure county approval. Such approval shall be evidenced by the signature of the statement of certification by the county judge.
- (6) City staff shall, after the photographic mylar copies and the original final plat have been duly recorded in the official county records, return the original final plat to the developer within five (5) working days by notifying the developer that the original final plat is available for pickup at the office of the city engineer.
- (7) The city shall keep one (1) photographic mylar copy of the original approved final plat on file as public record.
- (i) Responsibility. Notwithstanding the approval of any final plat by the council, commission or the city engineer, the developer and the engineer that prepares and submits such plats shall be and remain responsible for the adequacy of the design and nothing in this article shall be deemed or construed to relieve or waive the responsibility of the developer or his/her engineer for or with respect to any plat submitted.

(Ordinance 2004-08-09 (6), ex. A (9.125), adopted 8/9/04)

Sec. 10.02.056 Amended plats

- (a) Purpose. An amended plat that meets all of the informational requirements set forth in this article may be approved and recorded by the city without vacation of the preceding plat, without a public hearing, and without approval of other lot owners within the platted subdivision provided that any persons with a vested interest affected by the plat amendment sign the plat and application; and that the purpose of the amended plat is:
- (1) To correct an error in any course or distance shown on the preceding plat; or
- (2) To add any course or distance that was omitted on the preceding plat; or

- (3) To correct an error in the description of the real property shown on the preceding plat; or
 - (4) To indicate monuments set after death, disability, or retirement from practice of the engineer or surveyor charged with responsibilities for setting monuments; or
 - (5) To show the proper location or character of any monument which has been changed in location, character, or shown incorrectly on the preceding plat; or
 - (6) To correct any other type of scrivener or clerical error or omission as previously approved by the commission and council; such errors and omissions may include, but are not limited to: lot numbers, acreage, street names, and identification of adjacent recorded plats; or
 - (7) To correct an error in courses and distances of lot lines between two (2) adjacent lots where lot owners join in the application for an amended plat and neither lot is abolished, provided that such amendment does not attempt to remove recorded covenants or restrictions and does not have a material adverse effect on the property rights of the other owners in the plat; or
 - (8) To relocate a lot line in order to cure an inadvertent encroachment of a building or improvement on a lot line or on an easement; or
 - (9) To relocate one (1) or more lot lines between one (1) or more adjacent lots where the owner or owners of all such lots join in the application for the amended plat, provided that such amendment does not attempt to remove recorded covenants or restrictions, or increase the number of lots.
- (b) Format. The format of an amended plat shall be the same as the format for a final plat.
 - (c) Content. The content of an amended plat shall be the same as the content requirements for a short form final plat.
 - (d) Procedure.
 - (1) The amended plat may be submitted without reapproval of a preliminary plat or construction plans. The amended plat, prepared by a surveyor, and engineer if required, and bearing their seals shall be submitted to the city for approval before recordation of the plat.
 - (2) Legible prints, as indicated on the application form shall be submitted to the city along with the following:
 - (A) Completed application forms and the payment of all applicable fees.
 - (B) Certification from all applicable taxing authorities that all taxes due on the property have been paid.
 - (C) Any attendant documents needed to supplement the information provided on the plat.
 - (D) The city shall require the following note on the amended plat: This subdivision is subject to all general notes and restrictions appearing on the plat of _____, Lot(s) _____, recorded at Cabinet _____, Slide _____ of the Plat Records of _____ County, Texas.
 - (e) Notification. Public notification and public hearings shall not be required for an amended plat.
 - (f) Approval. The city engineer shall forward an administratively complete amended plat meeting the requirements of this article to the planning and zoning commission. The planning and zoning commission shall act within thirty (30) days of receipt of an administratively complete submittal. However, if in the city engineer's or the planning and zoning commission's determination, the amended plat does not satisfy this article, the city engineer may require the plat to be processed in accordance with the final plat procedures of this article.
 - (g) Expiration. Approval of an amended plat shall expire if said plat is not recorded in the plat records of the county within six (6) months of city approval.
 - (h) Recordation. Recordation of an amended plat shall follow the same recordation provisions of a final plat.
 - (i) Responsibility. Notwithstanding the approval of any amended plat by the planning and zoning commission, the developer and the engineer that prepares and submits such plats shall be and

remain responsible for the adequacy of the design and nothing in this article shall be deemed or construed to relieve or waive the responsibility of the developer or his/her engineer for or with respect to any plat submitted.

(Ordinance 2004-08-09 (6), ex. A (9.126), adopted 8/9/04)

Sec. 10.02.057 Short form final plats

(a) Purpose. The provision of adequate data concerning land use, utility requirements, traffic impact, streets, easements and dedications is vital to ensure the continued health, safety and welfare of the city's residents. Recognizing that the significance of this data is reduced for the small scale projects that are most heavily impacted by the burden of producing this data, the city allows alternate procedures for simple resubdivisions, lot splits, and the platting of existing development and of land proposed for site development where public improvements are not required.

(1) Applicants for subdivisions or resubdivisions creating no more than four (4) new lots may follow the procedure set forth below provided that the subdivision meets all of the following criteria:

(A) The city engineer shall certify that the proposed subdivision meets all the requirements of the short form final plat.

(B) No new public street shall be necessary for each lot to access a public street.

(C) Each of the lots is contiguous with at least one (1) of the other lots in the subdivision for a distance of at least fifty (50) feet.

(D) No off-site improvements to the city's infrastructure are determined to be necessary by the city engineer.

(E) No off-site drainage improvements are determined to be necessary by the city engineer.

(F) No new easements shall be necessary to serve each lot and the plat shall show existing easements thereon.

(2) The commission may require the standard final plat procedures outlined in this article, if the commission determines that the plat is inconsistent with any element of the master plan, or any established city ordinances, codes or policies.

(b) Format. The format of the short form final plat shall correspond with the format for final plats as required by this article.

(c) Content. The content of the short form final plat shall correspond with the content for final plats as required by this article, except that:

(1) Construction plans may not be required.

(2) The city may permit omission of any informational requirements that are determined by the city to place an excessive burden on the applicant, including, but not limited to contours, centerlines of existing watercourses, etc.

(3) The city shall require the following note on the final plat: This subdivision is subject to all general notes and restrictions appearing on the plat of _____, Lot(s) _____, recorded at Cabinet _____, Slide _____ of Plat Records of _____ County, Texas.

(d) Procedure. The procedure for review and approval of a short form final plat shall follow the procedure for final plats, except that:

(1) The short form final plat may be submitted without approval of a preliminary plat or construction plans. The plat, prepared by a surveyor, and engineer if required, and bearing their seals shall be submitted to the commission for approval before recordation of the plat.

(2) Legible prints, as indicated on the application form shall be submitted at least thirty (30) days prior to the regular meeting of the commission along with the following:

(A) Completed application forms and the payment of all required fees.

(B) ~~Twenty-Five~~ (20-5) copies of the deed restrictions or covenants, if such documents are to

be used. These shall be filed for record in conjunction with the filing of the plat.

(C) Certification from all applicable taxing authorities that all taxes due on the property have been paid.

(D) Notification materials as required herein.

(E) A petition requesting annexation, if applicable.

(F) Any attendant documents needed to supplement the information provided on the plat.

(3) For projects located within the city's extraterritorial jurisdiction, one (1) extra copy of the above-referenced items must be provided to the county for review and approval. The applicant shall be responsible for any additional information required by the county for short form final plat approval.

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

(f) Approval. The approval process of a short form final plat shall be the same as the approval of a final plat.

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

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

(i) Responsibility. Notwithstanding the approval of any short form final plat by the commission, council or city engineer, the developer and the engineer that prepares and submits such plats shall be and remain responsible for the adequacy of the design and nothing in this article shall be deemed or construed to relieve or waive the responsibility of the developer or his/her engineer for or with respect to any plat submitted.

(Ordinance 2004-08-09 (6), ex. A (9.127), adopted 8/9/04)

Sec. 10.02.058 Vacation of undeveloped subdivision

When no lots on a plat of subdivision have been sold, the developer may request the vacation of the plat prior to the time that the improvements covered by the guarantees are installed, and when such plat is vacated, all fiscal sureties shall be returned to the developer. (Ordinance 2004-08-09 (6), ex. A (9.128), adopted 8/9/04)

Sec. 10.02.059 Revisions to pending preliminary plat or final plat

This section shall apply to preliminary plats or final plats legally filed and pending approval before the commission or city council which substantially vary from the previously filed and approved plat (such plats shall be referred to herein as a "project in progress").

(1) Purpose. Submission of a revised preliminary plat to the city shall be required when substantial changes to a project in progress are proposed on an approved preliminary plat.

(2) Revision to preliminary plat. If one or more of the following changes to a project in progress has been made before the approval of a preliminary plat, the developer shall meet with staff in a pre-conference meeting to discuss the changes to the previously submitted preliminary plat prior to resubmitting to the commission and council to ensure compliance with city regulations. The following are deemed substantial changes requiring resubmission:

(A) Any change that causes the preliminary plat to be inconsistent with the city's master plan for the property.

(B) More than a 5% change in the overall concept or design of the development or layout of the lots.

(C) Any change in land use categories that total more than five percent (5%) of the land area.

(D) Any change in the total number of residential or nonresidential lots totaling more than five percent (5%) of the total number of lots for any individual category of lots.

- (E) Any change in classification of arterial or collector streets or in alignment of arterial, collector or minor streets of more than 150 feet.
 - (F) Any change in parkland that totals more than five percent (5%) of the proposed parkland area.
 - (G) Any change in detention pond or drainage channel location by more than 150 feet.
 - (H) Any change in phase timing by more than one year.
 - (I) Any change that would not be consistent with the original intent of the approving body, or would require a variance.
- (3) Revision to final plat. If one or more of the following changes to a project in progress has been made after approval of a preliminary plat and after the filing or approval of a final plat, the developer shall meet with staff in a pre-conference meeting to discuss changes to the previously submitted plat prior to resubmitting to the commission and council. The following are deemed substantial changes requiring submission to the city:
- (A) Any change that causes the final plat to be inconsistent with the city's master plan.
 - (B) Any change in land use categories that total more than one percent (1%) of the land area.
 - (C) Any change in the total number of residential or nonresidential lots totaling more than one percent (1%) of the total number of lots for any individual category of lots.
 - (D) Any change in classification of arterial or collector streets or in alignment of arterial, collector, or minor streets of more than 75 feet.
 - (E) Any change in parkland that totals more than one percent (1%) of the proposed parkland area.
 - (F) Any change in detention pond location by more than 75 feet.
 - (G) Any change in drainage channel location by more than 75 feet.
 - (H) Any change in phase timing by more than one year.
 - (I) Any change that would not be consistent with the original intent of the approving body, or would require a variance.
- (4) Procedure for submission.
- (A) A preliminary plat that is required to be resubmitted to the city under this section shall be submitted pursuant to the procedure set forth in [section 10.02.053](#).
 - (B) Construction plans and final plats that are required to be submitted to the city under this section shall be submitted pursuant to the procedures set forth in [sections 10.02.054](#) and [10.02.055](#).
 - (C) For cause shown, the city council may waive the requirement for resubmission of a revised plat.
- (5) Current regulations govern. If a preliminary plat, construction plans or final plat of a project in progress is required to be resubmitted under this section, the subdivision shall be governed by the regulations, ordinances, rules, expiration dates, or other properly adopted requirements of the city in effect at the time of the resubmission to the city.

(Ordinance 2004-08-09 (6), ex. A (9.129), adopted 8/9/04)

Secs. 10.02.060–10.02.100 Reserved

Division 3. Design Standards

Sec. 10.02.101 Generally

- (a) Additional regulations. In addition to the requirements established by this article, all development within the city limits shall be designed so as to comply with the intent and provisions

of the zoning ordinance, building and housing codes, master plan, regulations of the state department of transportation and the department of state health services, and any other applicable law or regulation adopted by a unit of federal, state or local government; and all development within the extraterritorial jurisdiction of the city shall comply with this article and all other applicable laws and regulations adopted by a unit of federal, state or local government.

(b) Standards in general. The minimum design standards as contained herein shall provide the basic criteria for evaluating proposed preliminary plats, construction plans, final plats, amended plats, short form final plats, and other development or improvements subject to this article. The city may, however, establish reasonable design requirements in excess of these established minimum standards, or grant variances from those established minimum standards, where by reason of exceptional topographic, cultural, historic, archaeological, hydrologic, or other physical conditions of the property to be developed or of an adjacent tract, the strict adherence to these standards will result in an inappropriate subdivision design or cause unnecessary hardship.

(c) Coordinated design. The quality of life and the community in the Rockdale urban area is dependent on the quality of design of the individual developments in which people live and work. Good community design requires the coordination of the efforts of each developer of land within the urban area. It is intended that the urban area shall be designed as a group of integrated residential neighborhoods and appropriate commercial, industrial and public facilities. Therefore, the design of each development shall be prepared in accordance with the applicable principles established by the master plan for land use, circulation, community facilities and public utility services and in accordance with the following general principles:

(1) The neighborhood, as a planning unit, is intended as an area principally for residential use, and of a size that can be served by one (1) elementary school. Space for recreational, educational and shopping facilities to serve the residents of the neighborhood should be provided and designed as an integral part of each neighborhood. The size of lots and blocks should be designed to provide for adequate water and wastewater service, traffic circulation, light, air, open space, landscaping and off-street parking. The arrangement of lots and blocks and the street system should be designed to make the most advantageous use of topography and natural physical features. Tree masses and large individual trees should be preserved to the greatest extent possible. The system of sidewalks and roadways and the lot layout should be designed to take advantage of the visual qualities of the area.

(2) The components of the street system should in different degrees serve the separate purposes of access to property and safe, efficient movement of traffic. Land use types should be served by roadways whose capacity increases in proportion to the traffic generation of the land use. Design and location of points of access to property should be appropriate to the volume and speed characteristics of traffic utilizing the intersection.

(3) An open space system throughout the urban area should provide a range of active and passive recreation opportunities. Park, open space and recreation facilities should be located with sensitivity to user population, natural features, traffic generation, and nearby land use.

(4) Land use arrangement and design should minimize the difference in intensity between adjacent uses in order to provide for the provision of water, wastewater and roadways sufficient to serve the proposed densities and provide for compatible neighboring developments. Step-down patterns of use surrounding major activity centers, combined with buffering techniques, should ensure that residential densities are compatible with each other, and that residential development is not adversely impacted by higher intensity uses.

(5) Public utilities and infrastructure should be provided within all subdivisions in order to ensure the health, safety and well-being of the public. Utility capacity should be sufficient to meet accepted standards of service to reasonably anticipated development. Where excess capacity in utility lines or facilities within a subdivision will further the efficient and desirable extension of utilities to adjacent property, equitable provision of such capacity is essential to the orderly growth of the urban area.

(6) Construction of water, wastewater, drainage, gas, electric, telephone and cable television

utilities that require utility cuts of a public street shall be repaired pursuant to applicable city ordinances.

(d) Policy. All improvements within the city's jurisdiction shall be designed in accordance with good engineering practices.

(1) The commission shall not recommend approval or approve any plat or plan which does not meet the minimum requirements of this article in making adequate provisions for improvements that protect the public health, safety and property, and benefit the present and future owners of property within the development, other lands within the city and neighboring areas.

(2) It shall be the responsibility of the developer to design and construct improvements, in accordance with:

- (A) The requirements of this article.
- (B) Good engineering practices.
- (C) Approved engineering plans for construction.
- (D) The regulations and principles of law established pursuant to the state law.
- (E) Any variances granted.

(Ordinance 2004-08-09 (6), ex. A (9.131), adopted 8/9/04)

Sec. 10.02.102 General plat requirements

(a) All requirements pertaining to lot size, yard size, dwelling size, lot coverage, height, parking, loading and screening contained in the current zoning ordinance of the city shall be adhered to for development under this article.

(b) Streets.

(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. A variance will be allowed 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 (minor) streets shall be so laid out that their use by through traffic shall be discouraged.
- (4) Street jogs with centerline offsets of less than one hundred fifty feet (150) shall be avoided.
- (5) Street right-of-way widths shall conform to the city's thoroughfare plan, and shall conform to the following:

<u>Class of Street</u>	<u>Right-of-Way Width in Feet</u>
A - Entrance roadway	200
B - Major thoroughfare	120

C - Major thoroughfare	100
D - Secondary thoroughfare	80
E & F - Collector	60
G - Minor	50

(6) Half streets shall be prohibited, except where necessary to the reasonable development of the subdivision in conformance with the other requirements of these regulations and where the city finds it will be practicable to require the dedication of the other half when the street has already been provided adjacent to an area to be subdivided; the other remaining portion of the street shall be platted within such subdivision. Where part of a residential or collector street is being dedicated along a common property line, the first dedication shall be one-half of the proposed street right-of-way plus five feet (5').

(7) Cul-de-sacs in residential additions shall not be longer than six hundred feet (600') from the nearest intersection, and in industrial areas they shall not exceed one thousand feet (1,000') from the nearest intersecting street, and there shall be provided at the closed end a turnaround having an outside roadway diameter of at least eighty feet (80') and a street property line diameter of at least one hundred feet (100').

(8) All streets shall be paved, and paving shall conform to [section 10.02.103](#), "Improvements," of these regulations.

(9) Street grades shall be established regarding topography, proposed land use, and the facilities in the area surrounding the land to be subdivided. Minimum grades shall be three-tenths percent (0.30%) on concrete streets only and five-tenths percent (0.50%) on all other types of street paving.

(10) Street name markers shall be installed in accordance with the prescribed type currently in use by the city, or an approved equal, as approved by the city manager. Street markers and erection thereof will be at the expense of the subdivider.

(11) Residential lots shall not face arterial streets or thoroughfares, and driveway or alley pavement cuts shall not be permitted on arterial streets. Alleys shall be provided along side and rear lot lines on arterial streets for rear entrance.

(c) Alleys.

(1) Alleys shall be provided in commercial and industrial districts and shall be paved with reinforced concrete, except that the city may waive this requirement where other definite and assured provision is made for service access, such as off-street loading, unloading, and parking consistent with and adequate for the uses proposed.

(2) Alleys may be required in all residential areas. Where required, they shall be paved with reinforced concrete.

(3) The minimum right-of-way width of an alley shall be twenty feet (20') in industrial and commercial areas and fifteen feet (15') in residential areas. The 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. The radii of the turnouts for alleys intersecting thoroughfares shall be sixteen feet (16') and shall be ten feet (10') at intersections with all other streets.

(4) Alley intersections and sudden changes in alignment shall be avoided, but, where necessary, lot corners shall be cut off at least fifteen feet (15') on each tangent to permit safe vehicular movement.

(5) Dead-end alleys shall be avoided where possible, but, if unavoidable, they shall be provided with adequate turnaround facilities, as determined by the city.

(6) All alleys shall be paved, and the paving shall conform to [section 10.02.103](#), "Improvements," of these regulations.

(7) 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 feet (5') of a point where the driveway would intersect the alley pavement at ninety degrees (90°). Fences are optional.

(d) Lots.

(1) All lots shall conform to the regulations as set forth in the city's zoning ordinance.

(2) Corner lots in residential areas shall be ten feet (10') wider than inside lots so as to allow the required setback from both streets.

(3) Each lot shall face onto a public street or a private drive, except in a planned unit development. Lots with street frontage at both front and rear shall be avoided, except when the lot backs onto a highway or major thoroughfare.

(4) Side lines of lots shall be approximately at right angles to straight street lines and radial to curved street lines.

(5) The minimum lot size outside the city limits shall be 7,500 sq. ft. with a minimum front yard width of 75 feet. Lots designed as cul-de-sacs may request a smaller front yard width on a showing that the cul-de-sac reduces the linear feet available to provide for 75 feet, provided the general intentions of the section are met.

(6) Lots to be served by septic systems shall have a minimum of 1 acre per LUE and conform to the county and Texas Commission on Environmental Quality regulations based on percolation tests.

(7) Building setback lines shall be recorded on plats for property within the extraterritorial jurisdiction.

(e) Easements.

(1) Easements across lots on rear or side lot lines shall be provided for utilities when necessary and shall be at least fifteen feet (15') wide.

(2) Where a subdivision is bounded by a watercourse, drainageway, channel, or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially to the lines of such watercourse, or of such width to provide for any future anticipated construction, plus a minimum of ten feet (10') on each side.

(f) Blocks.

(1) The lengths, widths, and shapes of blocks shall be determined with regard to the following items:

(A) Provision of adequate building sites suitable to the special needs of the type of use proposed;

(B) Zoning requirements as to lot sizes and dimensions;

(C) Needs for convenient access, circulation, control, and safety of traffic; and

(D) Limitations of topography.

(2) Where no existing subdivision controls, the blocks shall not exceed one thousand two hundred feet (1,200') in length nor be less than five hundred feet (500') in length, except in certain instances where topographical features warrant special consideration. These limits shall be exceeded only upon specific approval by the city. Blocks longer than six hundred feet (600') shall be avoided in business districts.

(g) Survey monuments and lot markers.

(1) Permanent survey reference monuments. A concrete monument, six inches (6") in diameter and twenty-four inches (24") long, shall be placed on all boundary corners. A copper pin 1/4 inch in diameter embedded at least three inches (3") in the monument shall be placed at the exact

intersection point on the monument. The monuments shall be set at such an elevation that they will not be disturbed during construction, and the top of the monument shall be no less than twelve inches (12") below the finished grade of the development.

(2) Lot markers. Lot markers shall be 1/2-inch reinforcing bar, eighteen inches (18") long, or approved equal, and shall be placed at all lot corners flush with the ground, or below ground, if necessary, in order to avoid being disturbed.

(Ordinance 2004-08-09 (6), ex. A (9.132), adopted 8/9/04)

Sec. 10.02.103 Improvements

(a) Standard specifications and construction details.

(1) All improvements proposed for any subdivision to be developed under the jurisdiction of this article shall be furnished and installed by the subdivider/developer in accordance with the applicable divisions of Standard Specifications for Public Works Construction, as adopted by the city and the other applicable specifications noted herein, or in the absence of such specifications and details, to meet the approval of the city.

(2) All improvements, even in previously approved but still in unimproved subdivisions, or in resubdivided tracts, shall conform to the city's current regulations and specifications for street, drainage, and utility construction.

(3) Where reference is made within these regulations to the standard specifications, it shall be understood that the word "owner" is to be interpreted as the developer or subdivider and the words "owner's representative" are to be interpreted as the developer's engineer or inspector. Where the standard specifications allow options not specifically addressed by these regulations, the developer's engineer shall request guidance from the city in writing.

(b) Street paving.

(1) Concrete strength requirements.

(A) Concrete curb and gutter. Concrete curb and gutter shall be constructed of a batch design, providing a twenty-eight (28) day compressive strength of three thousand five hundred (3,500) pounds per square inch (psi). No. 4 deformed steel bars shall be used for reinforcing.

(B) Reinforced concrete pavements and monolithic curb. Concrete pavement and monolithic curb properly and continuously reinforced shall be constructed of a concrete batch design, providing the appropriate twenty-eight (28) day compressive strength. The minimum reinforcement shall be no. 4 deformed bars spaced at twenty-four (24) inches center to center, both ways.

(2) Pavement types and thicknesses.

(A) Collector and minor streets and alleys in residential areas.

(i) The subdivider/developer shall, at his own cost and expense, pay for constructing all streets and alleys in residential areas within his subdivision and one-half (1/2) of all perimeter streets.

(ii) A six-inch (6") thickness of three thousand five hundred (3,500) psi reinforced concrete pavement on a compacted subbase shall be required.

(iii) An alternate type of pavement may be eight-inch (8") thickness of compacted flexible base on a compacted subbase with a 2-inch thickness of type C asphaltic concrete surface, except in alleys. All alleys shall be paved with reinforced concrete.

(B) Collector streets and alleys in commercial or industrial areas.

(i) The subdivider/developer shall, at his own cost and expense, pay for constructing all collector streets and alleys within his subdivision and one-half (1/2) of all perimeter streets.

(ii) Collector streets and alleys shall be designed and constructed with eight-inch (8") thickness of three thousand five hundred (3,500) psi reinforced concrete pavement on a compacted subbase.

(C) Major thoroughfare construction.

(i) On roadways, adjacent to the proposed subdivision that are designated to be major thoroughfares, the subdivider/developer shall be required to construct at his own cost expense the outer 22 feet of the street section with integral curbs on each side.

(ii) Where major thoroughfares traverse a subdivision, the subdivider shall be required, at his own cost and expense, to construct, a 22-foot wide section (measured face to face of curbs) plus integral curbs on both sides along the outer portion of each side of the roadway.

(iii) Thoroughfares shall be designed and constructed with an eight-inch (8") thickness of three thousand five hundred (3,500) psi reinforced concrete pavement on a compacted subbase.

(3) Street and R.O.W. requirements.

(A) Residential streets, collector streets, and alleys.

(i) Residential street paving shall be a minimum of twenty-six feet (26') in width, measured between the faces of curbs.

(ii) Collector street paving shall be a minimum of forty feet (40') in width, measured between the faces of curbs, except that the width for collector streets in industrial and commercial areas must be a minimum of forty-four feet (44') in width and thirty-six feet (36') around schools, measured between the faces of the curbs.

(iii) Alley paving shall be ten feet (10') wide in residential areas and sixteen feet (16') wide in commercial and industrial areas. 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. Paving radius where alleys intersect residential and collector streets shall be ten feet (10') and, where alleys intersect thoroughfare streets, the radius shall be fifteen feet (15').

(4) Roadway classifications. The following minimum pavement widths are set by this article for construction as follows:

Roadway Classification	Minimum Right-of-Way Width	Minimum Pavement Width Between Faces of Curbs
Class A - Entrance roadway	200'	Two 36' traffic lanes and two 8' parking lanes divided by a 50' median
Class B - Major thoroughfare	120'	Two 36' traffic lanes divided by a 16' median
Class C - Major thoroughfare	100'	Two 33' traffic lanes divided by a 15' median
Class D - Secondary thoroughfare	80'	Four 11' traffic lanes
Class E - Collector street	60'	Two 12' traffic lanes and two 8' parking lanes
Class F - Collector street	60'	Two 10' traffic lanes and two 8' parking lanes
Class G - Minor (residential) street	50'	One 10' traffic lane and two 8' parking lanes

Note: The minimum width of a median adjacent to a left turn lane shall be five feet (5').

(5) Street returns.

(A) The minimum radius for all street returns shall be twenty feet (20'). The radius for all street returns on major thoroughfares shall be thirty feet (30').

(B) Returns for driveways on residential streets shall be ten feet (10'). Commercial and industrial driveway returns shall be a minimum of ten feet (10') and a maximum of twenty feet (20') except in special cases.

(6) Miscellaneous reinforced concrete requirements.

(A) Reinforcing steel. All steel reinforcing for street and alley concrete paving shall be deformed no. 4 bars at twenty-four inch (24") centers both ways and shall meet ASTM designation A-15, A-16, or A-408.

(B) Sawed dummy joints. Sawed dummy transverse joints shall be not greater than 20'-2" apart or as required by the city at intersections. Longitudinal sawed dummy joints shall be required in all pavements where the concrete is poured in a continuous width of 30 feet or more. The longitudinal dummy joint shall be located at one-third point of the width or as directed by the city.

(C) Expansion joints. Expansion joints shall be placed at distances no greater than 600 feet and shall be constructed in accordance with the city's standards. Construction joints shall be constructed in accordance with the expansion joint standard. Expansion joints shall have dowels #5 smooth at 24-inch centers. Construction joints shall have the reinforcing bars continuous through the joint.

(D) Longitudinal pavement slopes.

(i) The minimum longitudinal standard alley pavement slopes shall be five percent.

(ii) The maximum longitudinal slopes are as follows:

<u>Type of Street</u>	<u>Maximum Slope</u>
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Major thoroughfare	6%
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Collector streets	8%
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Minor streets	10%
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(iii) Maximum grades for alleys shall be 8% within 30 feet of its intersection with a street and 14% elsewhere.

(iv) The minimum grades for streets and alleys shall be 3%.

(E) Longitudinal radius.

(i) The minimum centerline radii shall be as follows:

Major thoroughfare	1,000'
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Collector street	500'
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Minor street	150'
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(ii) A 100-foot tangent must be provided in the center of all reverse curves.

(F) Transverse pavement cross-sections.

(i) The transverse pavement slope for all non-divided streets shall consist of a parabolic curve from the pavement centerline to the gutter. The crown of the parabolic curve shall be four (4) inches above the gutter grade on residential streets and six (6) inches on collector streets. For divided streets, the transverse slope shall be 2% or as required by the city.

(ii) The transverse slope back of the curb shall vary between 1/4 inch per foot minimum to 3/4 inch per foot maximum. If a steeper grade is required, retaining walls shall be constructed along the property line.

(7) Lime stabilization.

(A) Stabilization of the subgrade shall be required under all street pavement where the plasticity

index of the subgrade is 15 or greater. This stabilization shall be 6 inches thick with 6 percent hydrated lime by weight.

(B) Hydrated lime shall be spread uniformly over the soil to be treated and sprinkled to the proper moisture content. The soil, lime, and water shall be mixed until a homogeneous product is obtained that is free of clods and lumps. The mixture shall then be immediately rolled and compacted to 95% standard proctor density.

(Ordinance 2004-08-09 (6), ex. A (9.133), adopted 8/9/04)

Sec. 10.02.104 Sidewalks

(a) Concrete sidewalks shall be provided on each side of all streets and shall have a width of not less than four feet (4') and thickness of not less than four inches (4") and shall be constructed of three thousand (3,000) psi concrete on both sides of all streets and thoroughfares within the subdivision, except that sidewalks will not be required in industrial areas. Sidewalks shall be constructed two feet (2') from the property line within the street or thoroughfare right-of-way and shall extend along the street frontage including the sides of corner lots and block ends. Construction of sidewalks adjacent to curbs in residential areas 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.

(b) Sidewalks in commercial 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.

(c) All concrete for sidewalks shall be placed on a two-inch (2") sand cushion and shall be reinforced with 6 x 6 no. 10 gauge welded wire fabric.

(d) Longitudinal slope of sidewalks shall be that of the curb adjacent to the sidewalk. The transverse slope of the sidewalk shall be 1/4 inch per foot starting at the back of the curb. The maximum ground slope from the edge of the sidewalk on the property line side shall not exceed 11%. If it does exceed eleven percent (11%), a retaining wall that is acceptable to the city shall be provided on the property line.

(Ordinance 2004-08-09 (6), ex. A (9.134), adopted 8/9/04)

Sec. 10.02.105 Storm sewer

(a) General. Plans, profiles, and specifications shall be prepared for storm sewer improvements to be constructed and shall show the locations, sizes, grades, hydraulic gradients, flow arrows, and other details for the proposed pipe, inlets, manholes, culverts, outlet structures, and other appurtenances. Each sheet of the plans and profiles shall bear the seal, signature, and date of the registered professional civil engineer who prepared them.

(b) The subdivider/developer shall pay for the cost of all drainage improvements connected with development of his subdivision, including any necessary off-site channels or storm sewers and acquisition of any required easements.

(c) An enclosed storm sewer shall be provided in all areas where the quantity of the accumulated storm runoff does not exceed two hundred (200) cubic feet per second (cfs).

(d) In drainage courses where the accumulated storm runoff is more than two hundred (200) cfs and less than five hundred (500) cfs, either an enclosed storm sewer system or a concrete-lined channel shall be constructed.

(e) In drainage courses where the accumulated storm runoff is more than five hundred (500) cfs, the drainage improvements may be either an enclosed storm sewer system, a concrete-lined channel, or an earthen channel. Earthen channels shall be designed according to the criteria as set forth herein for open channel sections.

(1) Rational Method. The design of storm drainage improvements in the city shall be based on flood discharges determined from the Rational Method. The formula for calculating storm flows in this manner is:

$Q = CIA$, where,

Q is the storm flow at a given point, measured in cubic feet per second;

C is the percentage of rainfall on a given area that flows off as free surface water;

I is the average intensity of rainfall in inches per hour for a period equal to the time of flow from the farthest point of the drainage area to the first inlet or given point on the storm sewer;

A is the area in acres tributary to the design point.

(2) Runoff coefficient "C". The runoff coefficient, which considers the slope of the terrain, the character of the land use, the length of overland flow, and the imperviousness of the drainage area, shall be determined from the ultimate land development plan of the city. The runoff coefficient for the appropriate land uses shall be as follows:

Commercial areas	0.90
Industrial areas	0.80
Residential areas	0.60
Apartment areas	0.80
Park areas	0.40

(3) Rainfall intensity "I".

(A) The rainfall intensity-frequency curves, which are shown on Plate 1, are plotted from data published by the U.S. Department of Commerce Weather Bureau, Technical Paper No. 40.

Editor's note—Plate 1 is not printed herein.

(B) The intensity, I, in the formula $Q = CIA$, is determined from these curves by arriving at a time of concentration and adapting a storm frequency upon which to base the drainage improvements.

(4) Time of concentration. The time of concentration, which is the time of flow from the farthest point of the drainage area to the first inlet in the system, or given point on the storm sewer, consists of the time required to flow in the gutter to the inlet, plus the time of flow in the storm sewer. A minimum time of concentration of fifteen (15) minutes shall be used for all areas except commercial areas, and a minimum time of concentration of ten (10) minutes shall be used in commercial areas. A nomograph, shown on Plate 2, is attached for estimating the time of concentration.

Editor's note—Plate 2 is not printed herein.

(5) Storm frequency. Design storm frequencies for storm drainage improvements in the city shall be as follows:

Type of Facility Frequency	Description of Area to be Drained	Maximum Concentration Allowed (Minutes)	Design Frequency (Years)
*Storm ***sewers	Residential, commercial and industrial	30	25
**Culverts, bridges, channels and creeks	Any type of area less than 100 acres	30	25
***Culverts, bridges, channels, and creeks	Any type of area greater than 100 acres but less than 1,000 acres	45	50
****Culverts, bridges, channels, and creeks	Any type of area greater than 1,000 acres	60	100

* When the maximum time of concentration or area to be drained is exceeded, the design shall be based on a fifty (50) year frequency.

** When the maximum time of concentration or area to be drained is exceeded, the design shall be based on a one hundred (100) year frequency.

*** Whenever, in a storm sewer, an inlet is located at a low point so that flow in excess of the storm sewer capacity would be directed onto private property, the design frequency shall be increased beyond twenty-five (25) years. If the inlet location is such that overflow could cause damage or serious inconvenience, it may be desirable to increase the design frequency to as much as one hundred (100) years.

**** When the maximum time of concentration of sixty (60) minutes is exceeded on any area to be drained, the design shall be based on a one hundred (100) year frequency having a maximum time duration of 60 minutes.

(6) Area. The area used in determining flows by the "Rational Method" shall be calculated by subdividing a map into drainage areas within the basin contributing stormwater runoff to the system.

(7) Spread of water.

(A) During the design storm, the quantity of stormwater that will be allowed to collect in the streets before being intercepted by a storm drainage system is referred to as the "spread of water." In determining the limitations for carrying the stormwater in the street, the ultimate development of the street shall be considered. The use of the street for carrying stormwater shall be limited to the following.

Spread of Water

Major thoroughfares	One traffic lane each side to remain clear
Collector streets	One (1) traffic lane to remain clear
Residential streets	Six-inch (6") depth of flow at curb

(B) Curves are provided on Plate 3 for determining the spread of water for certain gutter slopes, gutter discharge, and pavement crown. Also provided are nomographs, Plate 4 and Plate 5, for determining the capacity of parabolic gutters for various widths of streets and a curve for determining the curb inlet opening length (Plate 6).

Editor's note—Plates 3, 4, 5 and 6 are not printed herein.

(C) The length of inlet opening for each cubic feet per second of gutter flow is as follows:

<u>Street Grade</u>	<u>Length of Inlet Opening in Feet per CFS</u>
Less than 2%	1.0
2% to 3.5%	1.5
Greater than 3.5%	2.0

(8) Storm sewer design.

(A) Stormwater runoff in excess of that allowed to collect in the streets shall be intercepted in inlets and carried away in a storm sewer system. Storm sewer capacity shall be calculated by Manning's Formula:

$$Q = \frac{1.486}{n} A R^{2/3} S^{1/2}$$

Where,

Q is the discharge in cubic feet per second;

A is the cross-sectional area of flow in square feet;

R is the hydraulic radius in feet;

S is the slope of the hydraulic gradient in feet per foot; and

n is the coefficient of roughness (n = 0.013 for concrete pipe and 0.015 for poured culverts).

(B) In the design of the storm sewer system, the elevation of hydraulic gradient of the storm sewer shall be a minimum of one and one-half feet (1.5') below the elevation of the adjacent street gutter.

(C) Storm sewer pipe sizes shall be so selected that the average velocity in the pipe will not exceed fifteen feet (15') per second nor be less than three feet (3') per second.

(D) Storm sewer pipe shall be reinforced concrete culvert pipe conforming to ASTM Description C-76 class III and shall be a minimum of eighteen inches (18") in diameter.

(9) Open channel design.

(A) Stormwater runoff in excess of that allowed to collect in the streets in developed areas and runoff in undeveloped areas may be carried in open channels (not in the street right-of-way). Open channel capacity shall be calculated by Manning’s Formula, and roughness coefficients shall be as follows:

Type of Lining	Roughness Coefficient “n”	Maximum Permissible Mean Velocity
Earth (Bermuda grass)	0.035	8 ft. per sec.
Earth (non-vegetated)	0.030	5 ft. per sec.
Concrete-lined	0.015	15 ft. per sec.
Weathered rock	0.030	15 ft. per sec.

(B) Open channels shall be constructed with a trapezoidal cross-section and shall have side slopes no steeper than 3:1 in earth and 1.5:1 when lined with concrete.

(C) Where the grade of the open channel must be 0.30%, or less, the channel shall be concrete-lined regardless of the amount of runoff.

(D) Concrete lining in channels shall have a minimum thickness of six (6) inches and shall be reinforced with 12 x 12 W4 x W4 welded wire fabric with a nominal diameter of 0.225 inches and a nominal weight of 0.136 lbs./L.F.

(E) Concrete-lined channels shall have a reinforced concrete toe wall constructed along the base and side slopes of the lined channel with a minimum vertical depth of two (2) feet. A horizontal concrete section, one (1) foot in width, shall be constructed between the top of the channel lining and the toe wall.

(F) The subdivider/developer shall dedicate a right-of-way on all earthen and concrete-lined channels of sufficient width to provide for excavation of the open channel of proper width, plus ten feet (10') on each side to permit ingress and egress for maintenance.

(10) Culvert design.

(A) At locations of creek crossing with proposed roadway improvements, it is sometimes necessary to receive and transport stormwater under the roadway in culverts. The quantity of flow shall be determined by the Rational Method, and the capacity of the culvert shall be calculated by Manning’s Formula.

(B) Design of culverts shall include the determination of upstream backwater conditions as well as downstream velocities and flooding conditions. Consideration shall be given to the discharge velocity from culverts, and the following limitations are required.

Culvert Discharge–Velocity Limitations

<u>Culvert Discharging Onto</u>	<u>Maximum Allowable Velocity (f.p.s.)</u>
-------------------------------------	--

Earth

6

Sod earth	8
Paved or riprap apron	15
Shale	10
Rock	15

(C) Generally, all culverts shall be designed with a free outfall, and the following head losses shall govern the design of the culvert.

(i) Frictional head loss:

$$h_f = S_f L$$

Where,

S_f = Slope of frictional gradient in feet per foot; and

L = Length of culvert in feet

(ii) Head loss due to change in velocity:

$$h_v = \frac{V_2^2}{2g} - \frac{V_1^2}{2g}$$

Where,

V_2 = Velocity in culvert;

V_1 = Velocity in channel upstream from culvert; and

g = Acceleration due to gravity

(iii) Head loss at upstream entrance to culvert due to entrance and change in section:

$$h_e = \frac{V_2^2}{2g} - \frac{V_1^2}{2g} \quad \text{where } V_1 \text{ is equal to or less than six feet (6') per second.}$$

$$h_e = \frac{V_2^2}{2g} - .05 \frac{V_1^2}{2g} \quad \text{where } V_1 \text{ is greater than six feet (6') per second.}$$

(Ordinance 2004-08-09 (6), ex. A (9.135), adopted 8/9/04)

Sec. 10.02.106 Water systems

Water systems, provided through the city or other service provider, shall have sufficient number of outlets and shall be of sufficient size to furnish adequate domestic water, to furnish fire protection to all lots, and to conform with the city's comprehensive master plan and in the extraterritorial jurisdiction to complement the city's comprehensive master plan. The city shall make the final determination of the adequacy of water mains proposed. All water system improvements shall be installed at the cost and expense of the subdivider.

(1) The minimum size of water main shall be six-inch (6") diameter and shall be looped. The distribution system shall be gridironed with minimum size six-inch (6") diameter mains at intervals not to exceed one thousand two hundred feet (1,200'). Where intervals between "cross-connecting" mains must exceed one thousand two hundred feet (1,200') or where dead-ends must

exist, eight inch (8") diameter or larger mains shall be installed.

(2) In cul-de-sacs of less than three hundred feet (300') in length where a fire hydrant is not required, flush valves shall be installed.

(3) Eight-inch (8") and larger mains shall be installed in all streets in zoning districts commonly referred to as "commercial" or "industrial," with minimum size eight-inch (8") intersecting mains every six hundred feet (600'). Where dead-ends must exist, eight-inch (8") or larger mains shall be installed with a flush valve or fire hydrant installed. The minimum limits set forth in the above shall not be exceeded except upon the specific approval by the city, but in no event shall these requirements be less than the minimum required by the state department of insurance.

(4) All water mains shall be constructed within street rights-of-way or easements dedicated to the city.

(5) All water mains twelve inches (12") in diameter and smaller shall be polyvinyl chloride (PVC) pipe or ductile iron pipe. Water mains larger than twelve-inch (12") may be constructed with either reinforced concrete steel cylinder pipe, ductile iron pipe, or PVC.

(6) (A) The ductile iron pipe shall have a single rubber gasket joint, shall have a cement mortar lining of the "Enameline" type, or approved equal, and shall have a minimum cover of forty-two inches (42"). Water mains fourteen-inch (14") and larger may be either ductile iron pipe, thickness class 50 minimum, with cement mortar lining; reinforced concrete steel cylinder pipe, class 150 minimum; or PVC. Ductile iron pipe shall be required in all bores, in unstable soil conditions (expansive clays, unstable subsoil), in or near creeks, or where lines must be installed at shallow depths (less than 36").

(B) The ductile iron pipe shall be centrifugally cast in metal molds in accordance with the latest edition of the applicable specifications of ANSI A21.5c (AWWA C151) and Federal Specification WW-P-421c. The joint details shall be in accordance with the applicable specifications of ANSI A21.11 (AWWA C111), latest edition. All ductile iron pipe shall be polywrapped.

(7) (A) Polyvinyl chloride (PVC) pipe shall be new, manufactured in the United States of America, and shall conform to the current specifications of AWWA C900 or C909, PVC pipe, with cast iron outside dimensions and with rubber ring joints. PVC water pipe shall be listed by Underwriters' Laboratories and approved for use in cities and towns of Texas by the state department of insurance. The rigid PVC pipe shall bear the seal of approval (or "NSF" mark) of the National Sanitation Foundation Testing Laboratory for potable water pipe.

(B) Provisions must be made for contraction and expansion at each joint with a rubber ring and an integral thickened bell as part of each joint. Pipe and fittings must be assembled with a nontoxic lubricant. Pipe shall be made from NSF approved class 12454-A or B PVC compound conforming to a minimum ASTM resin specification D-1784. PVC pipe shall be class 150 (DR 18) and meet the physical dimensions as shown on the following list.

Nominal Size	Outside Diameter	Class 150 (DR 18) Nominal Wall Thickness
6	6.90	0.406
8	9.05	0.533
10	11.10	0.654
12	13.20	0.777

(C) PVC pipe shall be designed for a minimum 150 psi water pressure, plus 35 psi surge allowance. Service connections shall not be made by direct tapping for service lines; a brass

tapping saddle shall be used to tap service lines.

(8) (A) All pipes for water mains shall be placed on a six-inch (6") layer of crushed rock or rounded gravel bedding material.

(B) The trench shall be backfilled with a minimum of six inches (6") of crushed stone or sand sides and twelve inches (12") of crushed stone or sand over the top of the pipe and consolidated to a minimum of 95 percent standard proctor density. This is basic-class "B" as defined by ASCE Manual No. 37 and AWWA C900-75. Final backfill is to conform to section W.4.16.1, or section W.4.16.2. The class "B" embedment material is further defined as follows:

(i) 95% of material passing 3/4" screen.

(ii) 95% of material retained on no. 4 screen.

(iii) Cushion sand acceptable by the city.

(C) Tracer tape, blue in color, similar to Terra Tape or an approved equal "D" Detectable, as supplied by Griffolyn Co., Inc., Houston, Texas, shall be installed in the backfill material over the top of all water mains in accordance with the manufacturer's recommendations.

(9) Fittings shall be ductile iron with single rubber gasket joints and shall be cement-lined and coated inside and out with a seal-coat of bituminous material, unless the pipe material is reinforced concrete steel cylinder, in which case special fitting shall be furnished. All ductile iron fittings shall conform to the applicable standards and specifications of ANSI, latest edition.

(10) (A) Gate valves shall conform to American Water Works Association Specification C500, latest edition. Valves shall be designed for a minimum water working pressure [of] 150 pounds per square inch. Gate valves shall have a clear waterway equal to the full nominal diameter of the valve and shall be opened by turning to the left. Each valve shall have the maker's initials, pressure rating, and year in which manufactured cast in the body.

(B) All valves buried in the ground shall be provided with cast-iron valve boxes of proper dimensions to fit over the valve bonnets and to extend to such elevation at or slightly above the finished street grade or ground line, as approved by the city. Tops shall be complete with covers and shall be adjustable. Valve boxes shall be set vertical and concentric with the valve stem. Any valve box which has so moved from its original position as to prevent the application of the valve key shall be satisfactorily reset by the developer at his own expense. A reinforced concrete pad of the dimensions 2'-0" x 2'-0" x 6", shall be poured around all valve boxes, unless otherwise directed by the city.

(11) Fire hydrants shall conform strictly to AWWA Standard Specifications for Fire Hydrants for Ordinary Water Works Service, C502, latest edition, except for changes or additions specifically outlined as follows:

(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 of more than six hundred feet (600') 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) All fire hydrants shall have one (1) pumper nozzle and two (2) hose nozzles with the city's standard threads, shall have a main barrel valve opening of not less than five inches (5"), and shall be placed on connecting mains of not less than six inches (6") in diameter. Six-inch (6") gate valves shall be placed on all fire hydrants leads.

(D) The bonnets of all fire hydrants shall be painted by the subdivider/developer in accordance with the size of the water main in which the fire hydrant lead is attached flow.

(i) 6-inch main – Silver Below 500 GPM: red

(ii) ~~8-inch main – Royal blue.~~ 500-999 GPM: **orange**

(iii) ~~10-inch main and larger – Standard yellow.~~ 1000-1499 GPM: **green**

(iv) 1500 GPM or more: **blue.**

(E) The operating nut shall be designed to prevent seepage of rain or sleet and the accumulation of dust around the revolving nut. The operating nut shall conform to the standards now in use by the city. The hydrant valve shall open by turning to the left.

(F) The hydrant top or bonnet shall be free draining of a type that will maintain the operating mechanism in readiness to use under freezing conditions. It shall be so designated [designed] as to make tampering difficult and shall be provided with convenient means to afford lubrication to insure ease of operation and the prevention of wear and corrosion.

(G) The body of the hydrant shall be equipped with a breakable flange, or breakable cast-iron flange bolts, just above the grade line.

(H) All hydrants shall be of such design as will permit their extension without excavating in case of future grade changes.

(I) The complete hydrant shall be of such design that when the hydrant barrel is broken through traffic collision, it may be replaced without excavating or breaking the pavement. The barrel and operating mechanism shall be so designed that in case of accident, damage or breaking of the hydrant above or near the grade level, the main valve will remain reasonably tight against leakage or flooding.

(J) Changes in shape or size of the waterway shall be accomplished by means of easy curves. The junctions of hose or pumper nozzles with the barrel shall be rounded to ample radii. Exclusive of the main valve opening, the net area of the waterway of the barrel and foot piece of the smallest part shall be not less than 150 percent of that of the net opening of the main valve.

(K) Hydrants shall be provided with an automatic and positively operating, non-corrodible drain or drip valve so as to drain the hydrant completely when the main valve is shut. A drain valve operating by springs or gravity is not acceptable.

(L) Operating stem whose threads are not located in the barrel or waterway shall be made of genuine wrought iron or steel and shall be bronze bushed where passing through the stuffing box. Operating threads must be sealed against contact with the water at all times regardless of open or closed position of main valve. All operating stems shall be coupled opposite the break flange with a breakable coupling or coupled in such a way as to part without breaking.

(M) Unless otherwise specified by the city, hydrants shall be furnished with "O" ring seals.

(N) The hydrant head shall be constructed so that it may be rotated to face the nozzles in any desired direction. The developer shall rotate the fire hydrant in such a direction to best serve the city.

(O) Hydrants closing with the pressure must have a bronze cap nut to seal the bottom end of stem threads against contact with water.

(P) If required by the city, the developer shall furnish drawings with complete detailed dimensions of the hydrant proposed for the subdivision.

(Q) (i) Fire hydrants shall be placed at all locations shown in the plans. Each hydrant shall be set upon a slab of stone or concrete not less than four inches (4") thick and less than one (1) square foot of surface area. Where solid rock exists in the bottom of the trench and same is excavated to the proper depth to form a foundation for the hydrant, the slab of stone or concrete above specified may be omitted.

(ii) The hydrant shall be set perpendicular, and to the proper depth, and shall be carefully and substantially blocked against firm trench walls using class 2,000 concrete as herein specified.

(iii) There shall be placed around the base of the hydrant not less than seven (7) cubic feet of sound broken stone or clean gravel, or other suitable material, to provide reservoir capacity so that the hydrant will completely drain when closed.

(iv) If required, extensions shall be installed on fire hydrant barrels so that the fire hydrant will be properly installed and exposed at finished grade.

(R) The above-mentioned fire hydrants in residential, commercial, and industrial tracts of real estate located in the city shall be installed and operable prior to the erection of any building in which combustible material is used as determined by the fire chief of the city.

(S) The owner of any commercial or industrial tract property contemplated for development under this article on which fire hydrants and water mains are to be installed shall provide easements to the city whereby the fire, police and water utilities departments of the city shall have ready ingress and egress to, from, and across such property to any location on such property when necessary to extinguish a fire or to prevent the occurrence of a fire or to maintain, service and inspect such fire hydrants and water mains that may be installed or when such access to and from said property is essential to the preservation of life or property.

(12) All pipe, fittings, valves, services, embedment materials, testing procedures, and other facilities related to the water system improvements shall be furnished and installed in conformance with the applicable specifications of ASTM, AWWA, and ANSI, latest editions.

(Ordinance 2004-08-09 (6), ex. A (9.136), adopted 8/9/04)

Sec. 10.02.107 Wastewater systems

Wastewater facilities shall be furnished and installed to adequately service the subdivision and shall conform to the city's wastewater plan. The adequacy of the wastewater facilities provided by the subdivider/developer shall be determined by the city.

(1) Materials.

(A) Wastewater mains may be polyethylene-lined ductile iron pipe or PVC.

(B) Wastewater mains 4 inches through 15 inches in diameter (PVC) pipe shall conform to the specifications of ASTM D-3034, SDR 35 or SDR 26. Pipe in sizes greater than 15 inches in diameter shall be type T-1 A and T-2 B as specified in ASTM designation F-679. Joints for the PVC pipe and fittings shall be compression rubber gasket joints. The bell shall consist of an integral wall section with factory-installed ring securely locked in bell groove to provide positive seal under all installation conditions. Fittings and accessories shall be manufactured and furnished by the pipe supplier, or approved equal, and shall have bell and/or spigot configuration identical to that of the pipe.

(C) Connections shall be made with fabricated fittings. Field-glued connections are not allowed. When PVC pipe passes through a manhole wall, sleeves with a rubber ring joining shall be used to provide a positive watertight connection.

(D) The PVC pipe shall be placed on a six-inch (6") layer of crushed rock or rounded gravel bedding material. The trench shall be backfilled with a minimum of six inches (6") of crushed stone or sand on the sides and twelve inches (12") crushed stone or sand over the top of the pipe and consolidated to a minimum of 95 percent standard proctor density. This is basic-class "B" embedment as defined by ASCE Manual No. 37 and AWWA C900-75 and ASTM C-2321, with five percent (5%) maximum Mandrell Test to be performed. Final backfill is to conform to section S.4.17. The class "B" embedment material is further defined as follows:

(i) 195% [sic] of material passing 3/4" screen.

(ii) 95% of material retained on no. 4 screen.

(iii) Cushion sand acceptable to the city.

(E) The encasement, embedment, and backfill requirements for PVC pipe and ductile iron pipe shall conform to the standard details and specifications of the city.

(2) Minimum size main. The minimum diameter of sewer mains shall be eight inches (8"). Six-

inch (6") diameter sewer mains may be acceptable only for short distances at dead-ends (not to exceed 400 feet) and only in locations approved by the city. Cleanouts shall be installed on all dead-end sewer lines.

(3) Locations. Wherever possible, sewers shall be located in alleys or easements and shall be a minimum of five feet (5') to six and one-half feet (6-1/2') deep to the invert.

(4) Alignment and grades. All sewers shall be laid in straight alignment with a uniform grade between the manholes. Grades and appurtenances of sanitary sewers shall conform to the requirements of the Texas Commission on Environmental Quality (TCEQ), and the following are the minimum slopes which shall be provided for a velocity of at least 2.0 feet per second; however, slopes greater than these are desirable.

<u>Sewer Pipe - Diameter</u>	<u>Minimum Slope in Feet per 100 Feet</u>
4-inch (service mains)	1.000
6-inch	0.500
8-inch	0.330
10-inch	0.250
12-inch	0.200
15-inch	0.150
18-inch	0.110
21-inch	0.090
24-inch	0.080
27-inch	0.060
30-inch	0.055
36-inch	0.045

(5) Infiltration.

(A) Prior to the acceptance, the sewer pipe shall be subject to leakage tests. The leakage outward or inward (exfiltration or infiltration) shall not exceed two hundred (200) gallons per inch of the pipe diameter per mile per twenty-four (24) hours for any section of the system.

(B) Other testing procedures (exfiltration, air, etc.) may be used subject to the approval of the city.

(C) Any developer or contractor causing infiltration or inflow into the city's system, either knowingly or unknowingly, shall be required to pay all expenses incurred by the city due to said infiltration or inflow as determined by the city manager.

(6) Lift stations. All lift stations shall be designed and constructed with two or more sewage

pumps, and the stations shall be capable of pumping the design maximum flow with the largest pump-out of service. Detailed design data, plans, and specifications of the pumps shall be submitted to the city manager prior to the purchase and installation of the pumps.

(7) Force mains.

(A) All force mains shall be PVC or ductile iron pipe for wastewater mains. Adequate provisions shall be made for the embedment of the pipe.

(B) At design for average flows, a cleansing velocity of at least two (2) feet per second shall be maintained. Where necessary, automatic air relief valves shall be placed at high points in the force main to prevent air locking.

(8) Manholes.

(A) Manholes shall be placed at points of change in alignment, grade, or size of sewer, the intersection of sewers, and the end of all sanitary sewer mains that will be extended at a later date. Manholes shall be precast reinforced concrete or fiberglass.

(Ordinance 2004-08-09 (6), ex. A (9.137), adopted 8/9/04)

(B) Maximum manhole spacing for sewers with straight alignment and uniform grades should be determined so as to assure continuous operation based on available cleaning equipment. The maximum manhole spacing shall be as follows:

Minimum Design Standards		
Sewer Pipe Size	Manhole Diameters	Maximum Distance Between Manholes
6"	4'-0"	400 feet
8"	4'-0"	650 feet
10"	4'-0"	800 feet
12"	5'-0"	800 feet
15"	5'-0"	800 feet
18"	5'-0"	800 feet
21"	5'-0"	800 feet
24"	5'-0"	800 feet
30"	6'-0"	800 feet
36"	6'-0"	800 feet

(Ordinance 2004-08-09 (6), ex. A (9.137), adopted 8/9/04; Ordinance adopting Code)

(9) Cleanouts. Standard cleanouts shall be constructed at the ends of all sanitary sewers. A 2'-0" x 2'-0" x 6" reinforced concrete pad shall be placed around all cleanouts.

(10) All pipe, manholes, cleanouts, embedment materials, testing procedures, and other improvements associated with the installation of the sanitary sewerage system improvements shall be furnished and constructed in conformance with the applicable specifications of ASTM, ANSI,

and AWWA, latest editions.

(11) All manholes shall be equipped with a rainstopper installed between the lid and ring. Rainstoppers shall be as manufactured by Southwestern Packing & Seals of Shreveport, Louisiana, or an approved equal.

(12) Septic system. Lots to be served by septic systems shall have a minimum of 1 acre per LUE and conform to the county and Texas Commission on Environmental Quality regulations based on percolation tests. Septic systems serving more than one house, apartment, multifamily or commercial or industrial site shall contain 1 acre for each LUE. As an example, a duplex is a multifamily home with two living units (LUE) would be required to be located upon a minimum of three acres. The city council may consider but is not required to reduce the acreage requirements herein if the nearest wastewater line with capacity is more than 1000' from the property boundary.

(Ordinance 2004-08-09 (6), ex. A (9.137), adopted 8/9/04)

Sec. 10.02.108 Utility services

(a) All services for utilities shall be made available for each lot in such a manner so as to eliminate the necessity for disturbing the street and the alley pavement, curb, gutter, sidewalks, and drainage structures when connections are made.

(b) The subdivider/developer shall provide separate service lines for water and wastewater to each lot or point of metering.

(c) (1) All water service lines from the main to the meter shall be a minimum of one-inch (1") polyethylene tubing in accordance with ASTM D-2239 and shall be installed as part of a single water service group.

(2) The meters shall be located a minimum of two feet (2') behind the curb with cover at an elevation to coincide with the final top of curb grade. The meter shall be centered in the meter vault, which shall be plastic with a cast iron inspection cover.

(3) Water services shall be located ten feet (10') upstream of the center of the lot.

(d) (1) Sewer service lines shall have a minimum diameter of four inches (4"), shall meet the same requirements for sanitary sewers described above, shall be constructed from the main to the lot property line using wyes and necessary bends, and shall have a minimum cover at the property line of four feet (4'), where possible.

(2) All sewer service locations shall be at least ten feet (10') downstream from the center of each lot.

(e) The subdivider/developer shall place a suitable marker at the point where said service lines are stubbed out so that these lines can be easily located for connection by the city. Suitable markers shall be "W" for water and "S" for sewer stamped in top of curb. Letters shall have a minimum height of two inches (2") and a minimum width of two inches (2").

(f) The subdivider/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.

(Ordinance 2004-08-09 (6), ex. A (9.138), adopted 8/9/04)

Sec. 10.02.109 Street lighting

(a) Street lighting shall conform to the latest edition of the Illuminating Engineering Society Handbook. Round tapered standards with bracket arms shall be used, and lighting levels, as recommended, shall be provided for very light traffic in residential areas, medium traffic on collector streets, and heavy traffic on thoroughfares. In no instance shall the spacing between streetlights exceed four hundred (400) feet.

(b) Cost of installation of street lighting shall be borne by the subdivider/developer.

(Ordinance 2004-08-09 (6), ex. A (9.139), adopted 8/9/04)

Sec. 10.02.110 Parks

A fee consistent with the city's current schedule of fees shall be paid to the city by the subdivider/developer to be combined with other funds dedicated for the acquisition of parkland or recreational facilities. At its option, the city council may accept land dedicated for parkland by the subdivider/developer in lieu of park fees if such land conforms with the comprehensive master plan of the city. Minor preliminary plats (10 acres or less) are excluded from park fees. The area of land to be dedicated shall be not less than 8 percent of the total area proposed within the subdivision, inclusive of adjoining street rights-of-way. No more than 50 percent of a parkland dedication may be within the 100-year frequency floodplain. The city reserves the right to refuse property within the 100-year frequency floodplain and determine the appropriateness of the location of the parkland in conjunction with the uses proposed on the property. (Ordinance 2004-08-09 (6), ex. A (9.140), adopted 8/9/04)

Sec. 10.02.111 Filing fees and charges

- (a) Fees and charges shall be paid to the city manager when any plat is tendered to the planning and zoning commission. Each of the fees and charges shall be paid in advance, and no action of the planning and zoning commission or any other board or agency shall be valid until the fee or fees shall have been paid to the officer designated therein.
- (b) The city shall calculate the following basic fees and charges for plat review.
- (1) Platting fees:
- (A) Review and general discussion of concept plan (pre-application conference): \$250.00.
- (B) Preliminary plat: \$500.00 plus \$25.00 per lot.
- (C) Final plat: \$250.00 plus \$25.00 per lot.
- (2) Fees shall be charged on all preliminary and final plats, regardless of the action taken by the city staff and the planning and zoning commission and whether the plat is approved or denied by the city council and are nonrefundable.
- (3) (A) The subdivider shall be charged a capital improvement recovery (CIP) fee per lot for payment of a proportionate share of capacity in all major facilities that the city has previously constructed and/or will need to add to serve the additional lots. This impact fee will cover such improvements as elevated and ground storage reservoirs, high service pumping station, water supply and treatment facilities, major transmission mains, outfall sewer mains, wastewater pumping stations, and wastewater treatment plants.
- (B) The amount of the CIP fee shall be calculated by the city and shall be based upon current construction costs for the development of the improvements. The developer shall pay for the cost of all construction and material tests required or ordered by the city on his development.
- (4) Before commencing construction, there shall be a fee paid to the city by the subdivider/developer equal to two and one-half percent (2.5%) of the total cost for water, sanitary sewer, paving, and drainage improvements. Said fee shall cover the cost of construction observation and quality control required by the standard specifications and performed by outside laboratories. After determination of the actual cost of said quality control paid to the outside laboratories by the city, the difference, if any, between the two and one-half percent (2.5%) fee and the actual cost shall be refunded to the subdivider/developer. If the actual cost exceeds the two and one-half percent (2.5%) fee, no additional fee shall be paid by the subdivider/developer. (Ordinance 2004-08-09 (6), ex. A (9.141), adopted 8/9/04)

Sec. 10.02.112 Other requirements

- (a) Sight barrier fence. Commercial and industrial areas shall be separated from adjoining properties containing noncommercial or industrial uses by the erection of a sight barrier fence minimum of six feet (6') in height constructed of materials to be determined by the city. This shall not apply between the property and a street. Sight barriers authorized in the city zoning ordinance may be utilized to comply with this requirement. The city council reserves the right to reduce the sight barrier requirements depending on the type of proposed development and the adjoining uses. As vacant land may be developed as residential, sight barriers shall be required as a buffer.

(b) Floodprone property. Any proposed plat containing a buildable lot with more than 50% of a single lot within the 100-year floodplain or of such a size and dimension that the crossing of the floodplain through a buildable lot causes the property to be unbuildable without modification of the floodplain shall be rejected unless adequate infrastructure is also built to modify the floodplain. Such modifications to the floodplain will require appropriate approval.

(Ordinance 2004-08-09 (6), ex. A (9.142), adopted 8/9/04)

Secs. 10.02.113–10.02.160 Reserved

Division 4. Improvements

Sec. 10.02.161 Improvements

(a) Purpose. The provisions of this article, as set forth in this section, are designed and intended to insure that, for all subdivisions of land within the jurisdiction of the city, all improvements as required herein are installed in a timely manner in order that:

(1) The city can provide for the orderly and economical extension of public facilities and services.

(2) All purchasers of property within the subdivision shall have a usable, buildable parcel of land.

(3) All required improvements are constructed in accordance with the city standard details and specifications.

(b) General policy.

(1) Upon approval of a final plat, amended plat or short form plat by the commission, and prior to it being signed by the chairperson of the commission and the mayor of the city, and before said final plat, amended plat or short form plat shall be allowed to be recorded in the plat records of the county, the applicant requesting plat approval shall, within the time period for which the plat has been conditionally approved by the city:

(A) Construct all improvements as required by this article, and provide a surety instrument guaranteeing their maintenance as required herein; or

(B) Provide a surety instrument guaranteeing construction of all improvements required by this article, and as provided for herein.

(2) In all instances, the original copy of the final plat, amended plat or short form plat, without benefit of required signatures of city officials, shall be held in escrow by the city and shall not be released for any purpose until such time as the conditions of this section are complied with.

(3) Upon the requirements of this section being satisfied, the final plat, amended plat or short form plat shall be considered fully approved, except as otherwise provided for in this article, and the original copy of the plat shall be signed by the appropriate city officials and city staff shall file said plat in the plat records of the county.

(4) All improvements shall be designed and installed so as to provide for a logical system of utilities, drainage and streets and to create continuity of improvements for the development of adjacent properties. Water, wastewater, transportation and drainage improvements shall be extended to the perimeter of the development, except that the commission is authorized to vary or modify the requirement for extending water, wastewater, transportation and drainage improvements to the perimeter of a subdivision in accordance with the procedural requirements contained in this article.

(c) Completion of improvements. Prior to the signing of the approved final plat, amended plat or short form plat by the chairman of the commission and mayor of the City of Rockdale, the developer shall:

(1) Complete all improvements required by this article in accordance with the approved construction plans and subject to the approval of the city engineer and acceptance by the city,

except as otherwise provided for in this article.

(2) Construct all sidewalks as shown on the approved construction plans and according to the city standard details and specifications. Sidewalks must be constructed and approved for each lot prior to issuance of a certificate of occupancy.

(d) Alternative to completing improvements. The city may waive the requirement that the developer complete all improvements required by this article prior to the signing of the approved plat, contingent upon securing from the developer a guarantee, as provided for by this section, for completion of all required improvements, including the city's cost for collecting the guaranteed funds and administering the completion of improvements, in the event the developer defaults. The commission and council must be notified that this waiver was granted at the time of preliminary plat approval or in the case of amended plats or short form plats upon notice and approval. Such guarantee shall take one (1) of the following forms:

(1) Performance bond. The developer shall post a performance bond with the city, as set forth herein, in an amount equal to one hundred ten percent (110%) of the estimated construction costs for all remaining required improvements, using the standard city form. The performance bond must be good for a minimum of eighteen (18) months.

(2) Escrow account. The developer shall deposit cash, or other instrument readily convertible into cash at face value, either with the city, or in escrow with a bank or savings and loan institution. The use of any instrument other than cash shall be subject to the approval of the city. The amount of the deposit shall equal one hundred ten percent (110%) of the estimated construction costs for all remaining required improvements. In the case of any escrow account, the developer shall file with the city an agreement between the financial institution and the developer guaranteeing the following:

(A) That the funds of said escrow account shall be held in trust until released by the city and may not be used or pledged by the developer as security in any other matter during that period.

(B) That in the case of a failure on the part of the developer to complete said improvements, the financial institution shall immediately make the funds in said account available to the city for use in the completion of those improvements.

Such escrow account agreement shall be prepared using the standard city form.

(3) Letter of credit. The developer shall provide a letter of credit from a bank or other reputable institution or individual which is good for a minimum of eighteen (18) months. This letter shall be submitted to the city and shall certify the following:

(A) That the creditor does guarantee funds equal to one hundred ten percent (110%) of the estimated construction costs for all remaining required improvements.

(B) That, in the case of failure on the part of the developer to complete the specified improvements within the required time period, the creditor shall pay to the city immediately, and without further action, such funds as are necessary to finance the completion of those improvements, up to the limit of credit stated in the letter.

(C) That this letter of credit may not be withdrawn, or reduced in amount, until approved by the city according to provisions of this article.

Such letter of credit shall be prepared using the standard city form. The city reserves the right to reject any performance bond or letter of credit with or without cause.

(4) Cost estimates. A registered professional engineer licensed to practice in the State of Texas shall furnish estimates of the costs of all required improvements to the city engineer who shall review the estimates in order to determine the adequacy of the guarantee instrument for insuring the construction of the required facilities. The city engineer may require adjustments of estimates if the city engineer determines the estimate is too low.

(5) Surety acceptance. The bank, financial institution, insurer, person or entity providing any letter of credit, bond or holding any escrow account, pursuant to this article, shall meet or exceed the minimum requirements established by city ordinance and shall be subject to approval by the

city.

(6) Sufficiency. Such surety shall comply with all statutory requirements and shall be satisfactory to the city attorney as to form, sufficiency, and manner of execution as set forth in this article. All such surety instruments shall be both a payment and performance guarantee.

(7) If the project is located in the extraterritorial jurisdiction of the city, and is subject to the bonding requirements of the county for the construction of roadways, then that amount of money shall be reduced from the amount required to be posted with the city, provided that the instrument is transferable from the county to the city upon annexation.

(e) Time limit for completing improvements. The period within which required improvements must be completed shall be incorporated in the surety instrument and shall not in any event, without prior approval of the city, exceed one (1) year from date of final, amended or short form plat approval.

(1) The commission may, upon application of the developer and upon proof of hardship, recommend to the council extension of the completion date set forth in such bond or other instrument for a maximum period of one (1) additional year. Such hardship may include delays imposed due to city projects. An application for extension shall be accompanied by an updated estimate of construction costs prepared by a registered professional engineer, licensed to practice in the State of Texas. A surety instrument for guaranteeing completion of remaining required improvements must be filed in an amount equal to one hundred ten percent (110%) of the updated estimate of construction costs as approved by the city engineer and must extend for six (6) months beyond the extension period approved.

(2) The council may at any time during the period of such surety instrument accept a substitution of principal sureties upon recommendation of the commission.

(f) Failure to complete improvements. Approval of all plats shall be deemed to have expired in subdivisions for which no assurances for completion have been posted or the improvements have not been completed within one (1) year of plat approval, unless otherwise approved by the city. In those cases where a surety instrument has been required and improvements have not been completed within the terms of said surety instrument, the city may declare the developer and/or surety to be in default and require that all the improvements be installed.

(g) Inspection and acceptance of improvements. The city engineer shall inspect all required improvements, to insure compliance with city requirements and approved construction plans.

(1) When all required improvements have been satisfactorily completed, the city engineer shall either:

(A) Accept, in writing, the improvements as having been satisfactorily completed; or

(B) Issue a punch list to the developer denoting items remaining to be completed.

(2) The city engineer shall have ten (10) working days to complete this inspection upon notification by the developer.

(3) The city engineer shall issue the report within ten (10) working days of the date of inspection.

(4) The city shall not accept dedications of required improvements nor release or reduce a performance bond or other assurance, until such time as it determines that:

(A) All improvements have been satisfactorily completed.

(B) Five (5) copies of as-built plans or record drawings have been submitted to and approved by the city engineer, along with a statement prepared by a licensed professional engineer that all improvements have been installed and constructed in accordance with the submitted as-built plans.

(C) Copies of all inspection reports, shop drawings and certified test results of construction materials have been submitted to and approved by the city engineer.

(D) Diskette(s) containing computed-generated drawings of all public improvements shown on

the construction plans have been submitted to the city engineer to update city record drawings.

(E) The required maintenance guarantee has been provided.

(F) Any and all other requirements identified in the platting process have been satisfied.

(h) Reduction or release of improvement surety instrument.

(1) A surety instrument may be reduced with the approval of the city engineer, and the treasurer/director of finance, upon actual construction of required improvements by a ratio that the improvement bears to the total public improvements required for the subdivision, as determined by the city engineer.

(2) Before the city shall reduce said surety instrument, the developer shall provide a new surety instrument in an amount equal to one hundred ten percent (110%) of the estimated cost of the remaining required improvements, and such new surety instrument shall comply with this article.

(3) The substitution of a new surety instrument shall in no way change or modify the terms and conditions of the performance surety instrument or the obligation of the developer as specified in the performance surety instrument.

(4) In no event shall a surety instrument be reduced below ten percent (10%) of the principal amount of the original estimated total costs of improvements for which surety was given, prior to completion of all required improvements.

(5) The city shall not release a surety instrument unless and until all the conditions of this article have been met.

(i) Maintenance bond required.

(1) Before the release of any surety instrument guaranteeing the construction of required subdivision improvements or the signing of the final, amended or short form plat where subdivision improvements were made prior to the filing of the plat for recordation, the developer shall furnish the city with a maintenance bond or other surety to assure the quality of materials and workmanship, and maintenance of all required improvements including the city's costs for collecting the guaranteed funds and administering the correction and/or replacement of covered improvements in the event the developer defaults.

(2) The maintenance bond or other surety instrument shall be satisfactory to the city attorney as to form, sufficiency, and manner of execution.

(3) Said bond or other instrument shall be in an amount equal to ten percent (10%) of the cost of improvements verified by the city engineer and shall run for a period of one (1) calendar year measured from the date of release of the performance surety instrument, or signing and recording of the final plat whichever is later.

(4) In an instance where a maintenance bond or other surety instrument has been posted and a defect or failure of any required improvement occurs within the period of coverage, the city may declare said bond or surety instrument to be in default and require that the improvements be repaired or replaced.

(5) Whenever a defect or failure of any required improvement occurs within the period of coverage, the city shall require that a new maintenance bond or surety instrument be posted for a period of one (1) full calendar year sufficient to cover the corrected defect or failure.

(j) Plans for improvements. Plans for the improvements required by this article shall be prepared, reviewed and approved in accordance with the provisions set forth in this article.

(k) Acceptance of improvements.

(1) During the course of installation and construction of the required improvements, the city engineer or his/her designated representative shall make periodic inspections of the work to insure that all improvements comply with city requirements.

(2) Upon completion of all required improvements, the developer may seek acceptance of all public improvements by the city by following the procedures set forth in the applicable sections of

this article.

(l) Maintenance of improvements. Where a subdivision contains drainage, transportation, water or wastewater improvements, parks and grounds held in common, or other physical facilities necessary or desirable for the welfare of the area, or that are of common use or benefit which will not be, or cannot be, satisfactorily maintained by an existing public agency, provision shall be made which is acceptable to the city council for the proper and continuous operation, maintenance, and supervision of such facilities. Drainage facilities may be required to be maintained by a property owners' association or the property owners. A copy of the agreements providing for the proper and continuous operation, maintenance and supervision of such facilities shall be presented to and approved by the council, and approved as to form by the city attorney, at the time of final platting and shall be filed of record with the plat thereof.

(Ordinance 2004-08-09 (6), ex. A (9.151), adopted 8/9/04)

Secs. 10.02.162–10.02.200 Reserved

Division 5. Administration

Sec. 10.02.201 Generally

For all development of land within the scope of this article, a plan of the development shall be prepared and submitted to the city for approval or disapproval, as provided for in this article.

(1) City responsibilities. The city shall administer the provisions of this article and in furtherance of such authority, the city shall:

(A) Maintain permanent and current records with respect to this article, including amendments thereto.

(B) Receive and file all preliminary plats, construction plans, and final plats together with applications therefor.

(C) Forward copies of the preliminary plat, construction plans, and final plat to the county, when the development is located within the city's extraterritorial jurisdiction.

(D) Review all preliminary plats, construction plans, amended plats, short form plats and final plats to determine whether such plats comply with this article, the master plan, applicable laws, and the zoning ordinance, where applicable.

(E) Forward plans and plats to the commission as required by this article, together with its recommendations thereon.

(F) If required, forward plans and plats to the council, together with the recommendations of the commission and city staff.

(G) Make such other determinations and decisions as may be required of the city by this article, the commission or the council.

(2) Interpretation of provisions. In the interpretation and application of the provisions of this article, the following regulations shall govern:

(A) In the city's interpretation and application, the provisions of this article shall be regarded as minimum requirements for the protection of the public health, safety, comfort, convenience, prosperity and welfare. This article shall be regarded as remedial and shall be liberally construed to further its underlying purposes.

(B) Whenever both a provision of this article and any other provision of this article, or any provision in any other law, ordinance, resolution, rule or regulation of any kind contains any restrictions covering any of the same subject matter, whichever restrictions are more restrictive or impose higher standards or requirements shall govern.

(C) Where there arises a question concerning the meaning or intent of a provision of this article, the city is hereby implored to render a written decision setting forth the exact manner in which said

provision shall be interpreted and administered. In the event exception is taken by any interested party to such a decision the matter shall be appealed to the commission, and, as appropriate, to the city council, whose decision shall be final.

(D) Any written decision shall be attached to and made a part of this article, until rescinded by amendment of this article as provided for herein.

(E) The terms, provisions and conditions of this article shall be interpreted and applied in a manner consistent with chapter 212, Tex. Loc. Gov't. Code, and, particularly as to property within the extraterritorial jurisdiction of the city.

(Ordinance 2004-08-09 (6), ex. A (9.161), adopted 8/9/04)

Sec. 10.02.202 Variances

A variance to the provisions of this article shall be considered an exception to the regulations, rather than a right. Whenever a tract to be developed is of such unusual size or shape or is surrounded by development of such unusual conditions that the strict application of the requirements contained in this article would result in substantial hardship or inequity, the commission may vary or modify, except as otherwise indicated, such requirement of design as provided for herein, but not of procedure or improvements, so that the developer may improve his/her property in a reasonable manner, but so that, at the same time, the public welfare and interests of the city are protected and the general intent and spirit of this article, the master plan and zoning ordinance are preserved in accordance with the following provisions:

(1) Jurisdiction. When a written request for a variance from the design requirements of this article is filed:

(A) The commission may approve such written request for variances to the design standards and such variance(s), if granted, shall also be considered to be a modification of the zoning regulations, but not the zoning districts, applicable to the specified property within such development within the city limits; or

(B) Would constitute a major departure from the applicable provisions of this article for such features as: lot size, setback lines, etc., such variance request shall be considered by the council in accordance with its powers and procedures as set forth in the zoning ordinance, and their decision shall be final; and

(C) After giving notice of such requested variances, the commission may consider each such variance request during the course and process of considering the application for subdivision plat approval given or granted.

(2) Notification. The notification procedures for variance requests shall be the same as the notification procedures described for a preliminary plan.

(3) Approval. In granting approval of a request for variance, the commission and council shall conclude that the variance is not contrary to the public interest and, due to special conditions, and so that the variance observes the spirit of this article and concludes that substantial justice is done. Variance must be noted on the final plat. Variances shall not modify zoning requirements unless also granted a zoning variance or as an approved development agreement. The commission and council shall meet these requirements by making findings that:

(A) The public convenience and welfare will be substantially served;

(B) The appropriate use of surrounding property will not be substantially or permanently impaired or diminished;

(C) The hardship from which relief is sought is not solely of an economic nature; and

(D) In granting the variance the spirit of this article is observed and substantial justice is done.

(Ordinance 2004-08-09 (6), ex. A (9.162), adopted 8/9/04)

Sec. 10.02.203 Conditions for issuing a building permit

No building permit shall be issued for any new structure or change, improvement or alteration of

any existing structure, on any lot or tract of land and no municipal utility service will be furnished to such lot or tract which does not comply with the provisions of this article and all applicable elements of the master plan, except as herein exempted or upon the written application and approval of a variance. Building plans shall not include portions of building within the 100-year floodplain. (Ordinance 2004-08-09 (6), ex. A (9.163), adopted 8/9/04)

Sec. 10.02.204 Fees

To defray the costs of administering this article, the applicant seeking plat approvals shall pay to the city, at the time of submittal, the prescribed fees as set forth in the current administrative fee schedule approved by the council, and on file in the office of the city, together with all engineering and other professional fees and expenses incurred by the city for and with respect to such application and plat. (Ordinance 2004-08-09 (6), ex. A (9.164), adopted 8/9/04)

Sec. 10.02.205 Amendments

The council may, from time to time, adopt, amend and make public rules and regulations for the administration of this article. This article may be enlarged or amended by the council after public hearing, due notice of which shall be given as required by law. (Ordinance 2004-08-09 (6), ex. A (9.165), adopted 8/9/04)

Sec. 10.02.206 Violations

Except as otherwise provided for in this article, it shall be unlawful for any person, firm or corporation to develop, improve or sell any lot, parcel, tract or block of land within the city's territorial jurisdiction for other than agricultural purposes, regardless of the size or shape of said lot, parcel, tract or block, unless such lot, parcel, tract or block of land conforms with this article. (Ordinance 2004-08-09 (6), ex. A (9.166), adopted 8/9/04)

Sec. 10.02.207 Enforcement

(a) Penalty. Any person who shall violate any of the provisions of this article, or shall fail to comply therewith, or with any of the requirements thereof, within the city limits shall be deemed guilty of an offense and shall be liable for a fine not to exceed the sum of two thousand dollars (\$2000.00). Each day the violation exists shall constitute a separate offense. Such penalty shall be in addition to all the other remedies provided herein.

(b) Administrative action. The city engineer and/or the city manager shall enforce this article by appropriate administrative action, including but not limited to the rejection of plans, maps, plats and specifications not found to be in compliance with this article and good engineering practices, and the issuance of stop work orders.

(c) Court proceedings. Upon the request of the city council, the city attorney or other authorized attorney shall file an action in the district courts to enjoin the violation or threatened violation of this article, or to obtain declaratory judgment, and to seek and recover court costs and attorney fees, and/or to recover damages in an amount sufficient for the city to undertake any construction or other activity necessary to bring about compliance with a requirement regarding the property and established pursuant to this article.

(Ordinance 2004-08-09 (6), ex. A (9.167), adopted 8/9/04)