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Sec. 24-1. Scope—Planning commission approval; activity within.

Before any plan, plat or replat of a subdivision or addition of land inside the city shall be recorded with the county clerk of the county wherein the property is situated, it shall first be approved by the planning and zoning commission of the city in conformity with Article 974a, Vernon's Annotated Civil Statutes and the provisions of this chapter. No transfer of land in the nature of a subdivision as defined herein shall be exempt from the provisions of this chapter even though the instrument or document of transfer may describe land so subdivided by metes and bounds. The filing of any plans, plat or replat without complying with the requirements of this chapter, or the transfer of land by the filing of any instrument in the nature of a conveyance without having first complied with the requirements of this chapter, shall be deemed a violation of the provisions of this chapter. There is, however, excepted from the provisions of this chapter any conveyance transferring any land or interest in land to or from the State of Texas or any political subdivision thereof.

Sec. 24-2. Same—Applicability in extraterritorial jurisdiction.

- (a) This chapter, establishing rules and regulations governing plats and the subdivision of land, is hereby extended in its application to include all of the area within the extraterritorial jurisdiction of the city. The provisions of this chapter shall have the same force and effect within said area of extraterritorial jurisdiction as within the corporate limits of the city, except as provided in subsections (b) and (c) of this section.
- (b) No violation of any provision of this chapter outside the corporate limits of the city, but within such city's area of extraterritorial jurisdiction, shall constitute a misdemeanor under this chapter, nor shall any fine provided for in this chapter be applicable to a violation within such area of extraterritorial jurisdiction.
- (c) In the event any provision of this chapter is violated within the area of extraterritorial jurisdiction of the city, and outside its corporate limits, the city may institute any appropriate action or proceedings in the district court to enjoin the violation of this chapter.

(Ord. No. 1099, §§ 1—3, 4-20-64)

Sec. 24-3. Definitions.

As used in this chapter, the terms set out in this section shall have the respective meanings ascribed to them. Definitions not expressly prescribed herein are to be determined in accordance with customary usage in municipal planning and engineering practices.

Commission. The planning and zoning commission of the city.

Streets and alleys: The term "street" means a way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place or however otherwise designated.

- (1) *Major thoroughfares or arterial streets* are principal traffic arteries more or less continuous across the city which are intended to connect remote parts of the city and which are used primarily for fast or heavy volume traffic and shall include but not be limited to each street designated as a major street on the major street plan.
- (2) *Collector streets* are those which carry traffic from minor streets to the major system of arterial streets and highways, including the principal entrance streets of a residential development and streets for circulation within such a development.
- (3) *Minor streets* are those which are used primarily for access to the abutting residential properties and which are intended to serve traffic within a limited residential district.
- (4) *Marginal access streets* are minor streets which are parallel to and adjacent to arterial streets and highways; and which provide access to abutting properties and protection from through traffic.
- (5) *Alleys* are minor ways which are used primarily for vehicular service access to the back or the side of properties otherwise abutting on a street.

Subdivider and/or developer: The terms "subdivider" and "developer" are synonymous and used interchangeably, and shall include any person, partnership, firm, association, corporation, and/or officer, agent employee, servant, and trustee thereof, who does or participates in the doing of any act toward the subdivision of land or who does or participates in the doing of any act of building single family homes, multifamily homes commercial buildings, industrial buildings, and/or other type structures on platted or unplatted property within the intent scope and purview of this chapter. The

singular shall include the plural, and the plural shall include the singular.

Subdivision: Except as hereinafter provided, a subdivision is the division of any lot, tract or parcel of land into two (2) or more parts, lots or sites, for the purpose, whether immediate or future, of sale or division of ownership. This definition also includes the resubdivision of land or lots which are a part of a previously recorded subdivision. Divisions of land for agricultural purposes, and where no building construction is involved, in parcels of five (5) acres or more shall not be included within this definition of a subdivision, unless any such subdivision of five (5) acres or more includes the planning or development of a new street or access easement. Provided, however, the commission may, in its discretion, issue a certificate that this chapter shall not apply to those owners (and the word subdivision shall not include such division of land) desiring to sell one or more portions of a tract of land now lying outside the city limits by a meters and bounds description if the larger tract of land (out of which the portion or portions to be sold) now fronts on a public road which has been dedicated for at least fifty (50) years from the date of ordinance number 870, and the portion or portions of such tract to be sold will continue to front on such dedicated public road, and further provided, any portion of said land so sold must contain at least one (1) acre of land (measured to the center of any abutting roads) and further provided the commission shall, before issuing any such certificate, see that any and all desirable restrictive covenants are placed in an instrument to be filed for record in the office of the county clerk of the appropriate county, such restrictive covenants to remain in full force and effect for at least twenty-five (25) years unless the written consent of the commission is obtained for an earlier release, such written consent of the commission to be in addition to, and not in lieu of, any provisions contained in said instrument relating to the release of such restrictive covenants.

(Ord. No. 870, § 2, 4-9-59; Ord. No. 1135, § 1, 12-21-64; Ord. No. 1205, § 1, 6-23-66; Ord. No. 1220, § 1, 10-17-66; Ord. No. 3972, § 1, 3-15-10)

State law reference— See V.T.C.S. art. 970A.

Sec. 24-4. Approval of plats.

- (a) The governing body of a municipality may delegate to one (1) or more officers or employees of the municipality or of a utility owned or operated by the municipality the ability to approve:
 - (1) Amending plats described by Section 212.016 Local Government Code;
 - (2) Minor plats involving four or fewer lots fronting on an existing street and not requiring the creation of any new street or the extension of municipal facilities; or
 - (3) A replat under Section 212.0145 Local Government Code, that does not require the creation of any new street or the extension of municipal facilities.
- (b) The designated person or persons may, for any reason, elect to present the plat for approval to the municipal authority responsible for approving plats.
- (c) The person or persons shall not disapprove the plat and shall be required to refer any plat which the person or persons refuse to approve to the municipal authority responsible for approving plats within the time period specified in Section 12.009 Local Government Code.

(Ord. No. 2006-3897, § 1, 7-17-06)

Editor's note—

Ord. No. 2006-3897, § 1, adopted July 17, 2006, amended § 24-4 to read as herein set out. Former § 24-4 pertained to a plat presubmission conference and was derived from Ordinance No. 870, § 3(A), adopted April 9, 1959.

Sec. 24-5. Preliminary plat.

- (A) Following the presubmission conference all persons desiring to subdivide a tract of land within the area above described shall first prepare and submit to the commission, not less than four

(4) days prior to any meeting at which such plat is to be considered, the following information which shall be certified by a state registered professional engineer or by a state licensed or registered land surveyor:

(1) Three (3) copies of a preliminary plat showing the general features of the proposed development. This preliminary plat shall be drawn on a scale of two hundred (200) feet to the inch or larger (one hundred (100) feet to the inch preferred) and shall show the following:

- (a) The outline of the tract the plat is proposed to subdivide with principal dimensions.
- (b) The proposed plan of subdivision, showing streets, blocks, lots, alleys, easements, building lines, parks, etc., with principal dimensions. The preliminary plat shall cover all of the tract intended to be developed, at any time, even though it is intended by the developers or developer to file plats and install improvements for parts of said tract by sections or units.
- (c) The location, width and name of existing streets and any blocks, lots, alleys, easements, building lines and water courses or other natural features in the area affected, with principal dimensions, and any other significant information on all sides for a distance of not less than two hundred (200) feet.
- (d) The names of proposed streets. Such names shall conform to the names of existing streets of which they may be or become extensions, or otherwise shall not duplicate or conflict with the recognized name of any other street located in the area subject to these regulations.
- (e) The location of existing sewers, water and gas mains and other public utilities, if any.
- (f) Proposed general plan for storm water drainage sufficiently detailed to indicate the location of drainage ditches or structures and the direction of flow.
- (g) Any zoning district affecting the area being platted or any proposed changes in zoning for which application will be made.
- (h) The name of the proposed subdivision, north point, direction of prevailing breeze, scale and date.
- (i) The name of the owner or owners and the engineer or surveyor.
- (j) Vicinity sketch or key map at a scale of not more than eight hundred (800) feet to the inch which shall show all existing subdivisions, streets and tracts of acreage in the area and the general drainage plan, ultimate designation of water and possible storm sewer connections by arrows.
- (k) Typical cross section of proposed street improvements.
- (l) Contours of not more than five (5) foot interval and profiles of proposed streets and alleys may be required by the commission.

(2) In conjunction with this plat, the applicant shall submit two (2) completed copies of a form furnished by the commission giving statistics on the subdivision and an outline of the proposed street improvements, public utilities, etc.

- (B) On receipt of the preliminary plat and other information the commission shall render a decision thereon within twenty-one (21) days. Such decision may consist of approval, disapproval or conditional approval. Conditional approval shall be considered to be the approval of a plat or replat subject to conformity with prescribed conditions, but shall be deemed to be a disapproval of such plat or replat until such conditions are complied with. All objections made to the preliminary plat, or conditions imposed, shall be furnished to the subdivider in writing.
- (C) When a preliminary plat has been approved, the subdivider may thereafter file a final plat or

plats of sections of the subdivision upon which approval of the preliminary plat has been obtained, and upon the filing of a final plat or plats covering a portion of such subdivision, the remainder of the preliminary plat shall be deemed as considered approved or conditionally approved as in subsection (B) above; provided, however, that such approval or conditional approval of the remainder of the preliminary plat shall be limited to a two (2) year period; provided further, however, that the commission may at its discretion extend such period of validity. When a preliminary plat has been approved and thereafter the subdivider fails to file a plat of the subdivision or a section thereof within a period of six (6) months, the approval of the preliminary plat shall be void except, however, the commission may, in its discretion, extend such period of validity.

(Ord. No. 870, § 3(B), 4-9-59; Ord. No. 898, 10-13-59)

Sec. 24-6. Final plat.

- (A) After the foregoing procedure has been complied with, and a preliminary plat approved by the commission, the subdivider shall prepare and file with the commission the following information:
- (1) The original and three (3) copies of the final plat. This plat shall be drawn to a scale of one inch equals one hundred feet (1" = 100') or larger in ink on linen with all figures and letters legible and the whole proper for filing for record in the office of the county clerk with the following information given:
 - (a) The title or name by which the subdivision is to be identified, north point, the scale of the map, and the name of the state registered professional engineer or state licensed or registered land surveyor responsible.
 - (b) A definite legal description and identification of the tract being subdivided; this description shall be sufficient for the requirements of title examination. The plat shall be a descriptive diagram drawn to scale, and shall show by reference that the subdivision is a particular portion or part of a previously filed plat or recognized grant or partition, which diagram and description shall show as being included in the subdivision, at least all of the smallest unit of the last filed subdivision, plat, or grant, out of which the instant subdivision is divided, or so much thereof as is owned by the subdivider.
 - (c) The boundaries of the subdivided property, the location or designation of all streets, alleys, parks and other areas intended to be dedicated or deeded to the public use, with proper dimensions. The boundaries of the subdivision shall be indicated by a heavy line equivalent to a No. 5 Payzant pen and shall be tied by dimension to the established center line of all existing boundary streets.
 - (d) The location of all adjacent streets and alleys, with their names, and the names of adjoining subdivisions with exact location and designation by number of lots and blocks.
 - (e) All lot, block and street boundary lines, with blocks and lots numbered or lettered consecutively. Building lines and easements shall be shown and shall be defined by dimension. The actual width of all streets shall be shown, measured at right angles or radially, where curved. All principal lines shall have the bearing and any deviations from the norm shall be indicated.
 - (f) Accurate dimensions, both linear and angular, of all items on the plat; the boundary survey on the site shall close within one in ten thousand (1:10,000). Linear dimensions shall be expressed in feet and decimals of a foot; angular dimensions may be shown by bearings. Curved boundaries shall be fully described and all essential information given; circular curves shall be defined by actual length of radius and not by degree of curve. Complete dimensional data

shall be given on fractional lots.

- (g) The location and description of all lot and block corners and permanent survey reference monuments. Such corners and monuments shall be of three-quarter ($\frac{3}{4}$) inch iron pipe or five-eighths ($\frac{5}{8}$) inch iron rod and shall meet the following standards:
- (i) Lot corners shall be twenty-four to thirty (24—30) inches long with the top set flush with the ground.
 - (ii) Block corners shall be twenty-four to thirty (24—30) inches long with the top set flush with the ground and shall include the beginning and end of all curves within each block.
 - (iii) Reference points shall be twenty-four to thirty (24—30) inches long placed one (1) foot below the surface of the finished ground elevation at suitable locations throughout the subdivision. There shall be at least as many reference points as there are blocks in the subdivision but not less than two (2), and the distance between successive monuments along any street or reference line shall not be greater than one thousand (1,000) feet. Reference points shall be other than and in addition to markers set for block or lot corners.
- (h) A certificate of ownership in fee of all land embraced in the subdivision, and of the authenticity of the plat and dedication, signed and acknowledged by all owners of any interest in said land. The acknowledgment shall be in the form required in the conveyance of real estate. Approval and acceptance of all lienholders shall be included.
- (i) A certificate by the responsible surveyor or engineer in charge, duly authenticated, that the plat is true and correct and in accordance with the determination of surveys actually made on the ground. If the surveyor or engineer who prepared the plat did not make the boundary survey, this fact shall be noted in the certificate.
- (j) In addition to other required certificates the following forms shall be entered on the plat following the certificates of owner, engineer, etc., and preceding the certificate of the county clerk:

"(I) STATE OF TEXAS

COUNTY OF SAN PATRICIO,
NUECES AND ARANSAS

This plat of _____ Subdivision (Addition) approved _____ (date) by the City Building Inspector of the City of Aransas Pass, Texas. This the _____ day of _____, 19_____.

City Building Inspector

"(II) STATE OF TEXAS

COUNTY OF SAN PATRICIO,
NUECES AND ARANSAS

This plat of _____ Subdivision (Addition) approved _____ (date) by the City Planning and Zoning Commission of the City of Aransas Pass, Texas. This the _____ day of _____, 19_____; provided however, this approval shall be invalid, and null and void, unless this plat is filed with the County Clerk within six (6) months hereafter.

Chairman Secretary"

- (k) If a subdivision is located in an area not served by a sanitary sewer system and septic tanks are to be used the following form shall be included on the plat:

"STATE OF TEXAS

COUNTY OF SAN PATRICIO,

NUECES AND ARANSAS

Approved by the City Health Officer.

This the _____ day of _____, 19_____.

City Health Officer"

- (l) The final plat submitted to the commission and to be filed for record with the county clerk shall not show construction features such as curblines or public utility lines or other structures not involved in the title covenant.
- (2) A copy of the final restrictive covenants to govern the nature of the use of the property in said subdivision shall be submitted if said subdivision is planned for the use of individual septic tanks in lieu of a sanitary sewer system and/or falls under the large tract division category as defined in section 24-13. Such restrictions shall provide that the ten thousand (10,000) square foot minimum lot areas shall not be reduced unless and until sanitary sewer service is available to each lot; in the case of a large tract division such restrictions shall provide that these lot areas shall not be reduced until a satisfactory replat of such subdivision or portion thereof is approved by the commission. The commission may, in the public interest, require that these be filed simultaneously with the plat.
- (B) Upon the filing of said final plat previously signed by the city building inspector along with other information, the commission shall render a decision thereon within thirty (30) days of receipt thereof. Said decision may consist of approval, disapproval or conditional approval as defined in section 24-5(B). Reasons for disapproval or conditional approval shall be stated by the commission in writing. When a plat is conditionally approved the subdivider may subsequently refile the final plat meeting the objections or imposed conditions and the commission shall within five (5) days thereafter sign said final plat, provided it meets the objections or imposed conditions. If such plat is filed with the commission without the signature of the city building inspector and otherwise meets all requirements it shall be conditionally approved by the commission subject to such signature and the failure of the city building inspector to sign shall not run against the thirty (30) day limit as defined above.
- (C) On approval of the plat, said plat being otherwise fully and properly endorsed, the chairman and the secretary of the commission shall sign in the spaces provided which shall allow said plat to be filed with the county clerk of the county wherein the property is situated.
- (D) Approval of a final plat shall be valid for a period of six (6) months; provided, however, this period may be extended by the commission upon written request by the subdivider.

(Ord. No. 870, § 3(C), 4-9-59; Ord. No. 898, 10-13-59)

Sec. 24-7. Design standards of streets.

- (1) The arrangement, character, extent, width, grade and location of all streets shall conform to the general plan for the city and shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.
- (2) Where such is not shown in the general plan for the city, the arrangement of streets in a

subdivision shall either:

- (a) Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or
 - (b) Conform to a plan for the neighborhood approved or adopted by the commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing street impracticable.
- (3) Minor streets shall be so laid out that their use by through traffic will be discouraged.
 - (4) Where a subdivision abuts or contains an existing or proposed arterial street, the commission may require marginal access streets, reverse frontage with screen planting contained in a nonaccess reservation along the rear property line, deep lots with rear service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
 - (5) Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the commission may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land, as for park purposes in residential districts, or for commercial or industrial purposes in appropriate districts. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.
 - (6) Reserve strips controlling access to streets shall be prohibited except where their control is definitely placed in the city under conditions approved by the commission.
 - (7) Street jogs with center line offsets of less than one hundred and twenty-five (125) feet shall be avoided.
 - (8) A tangent at least one hundred (100) feet long shall be introduced between reverse curves on arterial and collector streets.
 - (9) Streets shall be laid out so as to intersect as nearly as possible at right angles.
 - (10) Property lines at street intersections shall be rounded with a radius of ten (10) feet or of a greater radius where the commission may deem it necessary.
 - (11) Street right-of-way widths shall be as shown in the general plan for the city and where not shown therein shall be not less than as follows:

Street Type	Right-of-way Width
Major thoroughfares	80 feet
Collector	60 feet
Minor, for apartments	60 feet
Minor, for other residences	50 feet
Marginal access	38 feet

- (12) Half streets shall be prohibited, except where essential to the reasonable development of the

subdivision in conformity with the other requirements of these regulations and where the commission finds it will be practicable to require the dedication of the other half when the adjoining property is subdivided. Wherever a half street has already been provided adjacent to a tract to be subdivided, the other remaining half of the street shall be platted within such subdivision, in accordance with section 24-17.

- (13) Dead-end streets, designed to be so permanently, shall not be longer than five hundred (500) feet and shall be provided at the closed end with a turn-around having an outside roadway diameter of at least eighty (80) feet, and a street property line diameter of at least one hundred (100) feet.
- (14) Street grades shall be established with due regard being had for topography, contemplated land use, and the existing city drainage plan and facilities in the area surrounding the land to be subdivided, provided that the minimum street grade shall be two-tenths of one per cent (0.2%). No land shall be rejected for subdivision purposes for failure to provide for greater street grade than that contained in this chapter.
- (15) The flood design section for roadway shall be taken from back of walk to back of walk, provided that in no case shall the height of curbs for subdivision be more than six (6) inches. The run-off factor used in design of storm sewers shall be a minimum of one and three-tenths (1.3) cubic feet per second per acre for a minimum time of concentration of ten (10) minutes.

(Ord. No. 870, § 4(A), 4-9-59)

Sec. 24-8. Design standards of alleys.

- (1) Alleys shall be provided in commercial and industrial districts, except that the commission 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) The minimum width of an alley shall be twenty (20) feet.
- (3) Alley intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be cut off sufficiently to permit safe vehicular movement.
- (4) Dead-end alleys shall be avoided where possible, but if unavoidable, shall be provided with adequate turn-around facilities at the dead-end, as determined by the commission.

(Ord. No. 870, § 4(B), 4-9-59)

Sec. 24-9. Design standards of easements.

- (1) Easements across lots or centered on rear or side lot lines shall be provided for utilities where necessary and shall be at least ten (10) feet wide.
- (2) Where a subdivision is traversed by a watercourse, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such watercourse, and such further width or construction, or both, as will be adequate for the purpose. Parallel streets or parkways may be required in connection therewith.

(Ord. No. 870, § 4(C), 4-9-59)

Sec. 24-10. Design standards of blocks.

- (1) The lengths, widths and shapes of blocks shall be determined with due regard to:
 - (a) Provision of adequate building sites suitable to the special needs of the type of use contemplated.
 - (b)

Zoning requirements as to lot sizes and dimensions.

- (c) Needs for convenient access, circulation, control and safety of street traffic.
 - (d) Limitation and opportunities of topography.
- (2) Block lengths shall not exceed sixteen hundred (1,600) feet.

(Ord. No. 870, § 4(D), 4-9-59)

Sec. 24-11. Design standards of lots.

- (1) The lot size, width, depth, shape and orientation, and the minimum building set back lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated.
- (2) Lot dimensions shall be as follows:
 - (a) Residential lots where served by public sewer shall be not less than fifty (50) feet wide at the building line nor less than seven thousand (7,000) square feet in area.
 - (b) Residential lots where not served by public sewer shall be not less than fifty (50) feet wide at the building line nor have an area less than that prescribed for health and sanitation purposes under section 24-15(6)(b). Such lots shall be laid out keeping in mind the possibility of resubdivision at such time as sanitary sewer service might become available.
 - (c) Depth and width of properties reserved or laid out for church, club or other semipublic use or for business or industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.
- (3) Corner lots for residential use shall have extra width to permit appropriate building setback from and orientation to both streets. When such lots side upon a major thoroughfare or collector street, no driveway or garage entrance shall enter on said thoroughfare or collector street; a note to this effect shall be properly entered on the plat to be recorded.
- (4) The subdivision of the land shall be such as to provide, by means of a public street, each lot with satisfactory access to an existing public street.
- (5) Double frontage, and reverse frontage lots, should be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least ten (10) feet, across which there shall be no right of access, shall be provided along the line of lots abutting such a traffic artery or other disadvantageous use.
- (6) Side lot lines shall be substantially at right angles or radial to street lines.

(Ord. No. 870, § 4(E), 4-9-59)

Sec. 24-12. Design standards of parks and playgrounds.

Due consideration shall be given to the dedication of a suitable site for parks and playgrounds. The actual provision of such area shall be governed by the following standards and regulations:

- (a) On a subdivision of less than ten (10) acres no park requirement shall be made.
- (b) On a subdivision of ten (10) acres or more but less than twenty (20) acres no park requirement shall be made unless at the time of the filing of the preliminary plat the city has developed, or coincidentally with the development of said subdivision will develop, a park within a distance of one-half (½) mile of the closest lot line of the most distant lot in the tract proposed to be subdivided, in which event the subdivider shall be required to deposit in the city's park development fund money equivalent to the raw land value of

five (5) per cent of the area within the subdivision for the development of the closest park to the subdivision. For the purposes of this section "coincidentally" shall mean "at the same time."

- (c) On a subdivision of twenty (20) acres or more the subdivider shall be required to dedicate five (5) per cent of the total area of the subdivision for park purposes at a location to be designated by the commission and under the following provisions and conditions:
- (1) The area of the park to be dedicated shall be measured and calculated to the center line of any street within the subdivision bounding said park.
 - (2) When a subdivision is to be developed in stages or by units so that the actual platting of the park area to be dedicated in connection with said subdivision will be deferred until the second or a later unit, the subdivider shall complete and deliver to the commission with the final plat of the first unit of said subdivision an agreement form furnished by the commission which shall provide for the future dedication of such park.
 - (3) The city shall bear its portion of the cost of curb and gutter and paving on any streets within the subdivision bounding the park being dedicated and shall also pay the costs of any utility extensions required to serve the park.
 - (4) The city shall improve the dedicated park area coincidentally with the development of the subdivision. For the purpose of this section "coincidentally" means that the city shall improve said park when the subdivider has completed all permanent improvements required of him by this chapter adjacent to the dedicated park area or upon acceptance of the subdivision by the city, whichever time is later. By the term "improve" as used in this portion of the chapter is meant such filling and grading as may be necessary for the practical use of said park together with the installation of an irrigation system, sodding and planting of basic trees and shrubs.
 - (5) In the event the city should not be able to provide the development as outlined above it shall have the option of causing the subdivider to improve the dedicated park area, as the word improve is defined in this portion of the chapter, under a contract between the city and the subdivider providing for repayment by the city to the subdivider for the cost of such improvements within the following eighteen (18) months from the date of completion thereof and at an interest rate on the unpaid balance of eight (8) per cent per annum; provided that such development shall be done by or under the supervision of the city manager and according to city plans.
 - (6) Should the city fail or for any reason refuse to develop the park, or to avail itself of the option of causing the subdivider to develop said park, or to reimburse the developer the contracted development of said park, then said park area shall revert to the subdivider, his heirs, successors and assigns.
- (d) The foregoing subsections (a), (b) and (c) shall not apply in the case of a replat of a plat, subdivision or addition that has previously met park requirements, or the redivision of existing single lots.

(Ord. No. 870, § 4(F), 4-9-59)

Sec. 24-13. Design standards of large tract division.

Where a parcel is divided into larger tracts than standard building lots, such parcels shall be so divided as to allow for the opening of major thoroughfares and the ultimate extension of adjacent

minor streets. The commission may vary the other requirements of this chapter in such manner as the general welfare of such area may require to permit such large tracts. Where such division is on the basis of lots two and one-half (2.5) acres or larger, curbs, gutters and sidewalks are not required, provided a sixty (60) foot street right-of-way is provided. Deed restrictions shall be filed as provided in section 24-6(2).

(Ord. No. 870, § 4(G), 4-9-59)

Sec. 24-14. Submitting plans and specifications for required improvements; approval; installation required.

- (1) When a preliminary plat of a subdivision has been approved by the commission the developer may submit to the city building inspector, or his duly authorized agent, plans and specifications for all improvements pertinent to said subdivision. The city building inspector shall within thirty (30) days of receipt of said plans and specifications approve same if they conform to the requirements of this chapter, or disapprove same giving his reasons therefor in writing to the subdivider. Thereafter when the subdivider has met the objections, if any, the city building inspector shall sign the plans and specifications and forthwith deliver same to the subdivider, his agent or his engineer. Any plans and specifications submitted in connection with a preliminary plat which may have been conditionally approved as provided in section 24-5(B), are subject to the final determination of the conditions of such approval.
- (2) Before beginning any construction of the improvements outlined in this section on proposed roadways or public utilities pertaining to any subdivision coming under the provisions of this chapter, three (3) complete sets of plans and specifications of such construction, in the form of plats, sketches, or other satisfactory written descriptions shall be filed with the city building inspector. These shall show such features as roadways, cross sections and longitudinal slope for drainage, full description of proposed pavement or street improvement, its grade and slope, dimensions and specifications concerning public utilities to be installed showing proposed position on the ground, specifications of materials and construction, and profile maps of all sanitary and storm sewers showing both ground surface and flow line, and any other pertinent information of similar nature.
- (3) Improvements shall be installed within all of the area of any subdivision or portion thereof given final approval and filed or to be filed for record.
- (4) All improvements shall be designed and constructed in conformity with the provisions of this chapter and no construction shall be commenced until this chapter is so complied with.

(Ord. No. 870, § 5(A), 4-9-59; Ord. No. 898, 10-13-59)

Sec. 24-15. Minimum standards for improvements.

The following minimum standards for improvements shall be agreed to and complied with in each subdivision or addition before final approval of a plat by the commission:

- (1) *Roadway pavement.*
 - (a) All road pavement for streets and alleys shall be constructed with either a hot mix asphaltic concrete or a Portland cement concrete.
 1. *Hot mix asphaltic concrete surfaced roads.*
 - a. All roads with hot mix asphaltic concrete surface shall be constructed with a base consisting of Portland cement and sand. The base may contain a percentage of shell and/or caliche. In base with shell and/or caliche the amount of shell shall be a maximum of

sixty (60) per cent, fifty (50) per cent when mixed with caliche. The amount of caliche shall be a maximum of thirty (30) per cent, or a maximum of twenty (20) per cent when mixed with shell.

- b. The amount of cement to be applied in the base shall be determined by compressive strength tests with a maximum amount of nine (9) per cent. For street types designated as alley way, marginal access, minor for apartments, minor for other residences, and/or collector streets the minimum compressive strength shall be five hundred (500) pounds per square inch. For street types designated as major thoroughfares and commercial streets the minimum compressive strength shall be seven hundred fifty (750) pounds per square inch.
 - c. The minimum compacted thickness of the base shall be eight (8) inches for street types designated alley way, marginal access, minor for apartments, minor for other residences, and/or collector streets. The minimum compacted thickness of the base shall be twelve (12) inches for street types designated as major thoroughfares and commercial streets. The base shall be constructed in eight-inch maximum layers, each layer shall be compacted to a minimum of ninety-five (95) per cent of the standard proctor maximum density as determined at the optimum moisture content.
 - d. Base course shall be constructed to one (1) foot beyond the back of curb and shall be tested for compaction by a commercial laboratory.
 - e. The base shall be surfaced with a hot mix asphaltic concrete pavement as specified by the current Texas Department of Transportation Standard Specifications for Construction of Highways, Streets and Bridges for all street types as designated herein. The minimum compacted thickness shall be one and one-half (1½) inches for street types designated marginal access, minor for apartments, minor for other residences, and/or collector streets. The minimum compacted thickness shall be two and one-half (2½) inches for street types as major thoroughfares and commercial streets. Alleys may be surfaced with a two (2) course surface treatment using precoated aggregate.
2. *Portland cement concrete surfaced roads.*
- a. All Portland cement concrete roads shall be constructed on a compacted eight-inch subgrade, as a minimum. The subgrade materials shall extend at least one (1) foot beyond the back of curb and shall be compacted to a minimum density of ninety-five (95) per cent of the standard proctor maximum density as determined at the optimum moisture content. Subgrade shall be tested for compaction by a commercial laboratory.
 - b. All Portland cement surfaced roads shall be constructed with a minimum thickness of six (6) inches for street types designated as marginal access, minor for apartments, minor for other residences, and/or collector streets. The thickness shall be eight (8) inches for street types designated as major thoroughfares and commercial streets.
 - c. The pavement shall be constructed using Portland cement concrete

with a minimum compressive strength of three thousand (3,000) pounds per square inch when tested at twenty-eight (28) days, and shall be properly reinforced to service the anticipated loadings.

- d. A plan prepared by a Texas registered professional engineer shall be submitted to the city for approval detailing the size and placement of reinforcing steel and for the type and location of joints to be incorporated into the concrete pavement to control cracking.
- (b) Widths of paving for the various types of streets including standard two (2) foot curb and gutter shall not be less than the following:

Street Type	Pavement Width (feet)
Major thoroughfares	60
Collector	40
Minor, for apartments	40
Minor, for other residences	28
Marginal access	28

- (c) Pavement widths for business or industrial developments shall be established on the basis of the extent and character of the proposed development.
- (2) *Curb and gutter.* Combined curb and gutters may be constructed on each side of each street within the boundaries of each subdivision within the city limits.
 - a. For residential development the curb and gutters shall be four (4) inch rolled curb of concrete and shall have a minimum section ten (10) inches in depth at the back of the curb, six (6) inches in depth at the flow line of the gutter and seven (7) inches in depth in the outer edge of the gutter and to be twenty-four (24) inches in width and may be varied in section to fit particular conditions involved, and it shall not be prohibited to use a roll-type curb and gutter conforming to the minimum section set out above on residential streets designed for elimination of "cut out" driveways for individuals lots.
 - b. Along the side of any street abutting business, park or school property it shall be mandatory on the business, park or school side of the street that the curb and gutter be of L-type, with a minimum height of six (6) inches and that driveways be designed as a "lay-down" curb and gutter or a straight driveway section and that the driveway width in the curb shall not be greater than is approved by the city building inspector.
 - c. In the event curb and gutter is not constructed, the subdivider shall be required to provide a shoulder on each side of the paved portion of the street, said shoulder to be constructed under the same specifications as the base requirements for pavement and typical street sections and to the width determined necessary by the city engineers. Drainage shall be provided by constructing ditches of depth and width determined by the city engineers to be sufficient to conform with the run-off factor required in section 24-7(15). Each driveway shall have a minimum of sixteen (16) feet of fifteen (15) inch concrete storm sewer pipe. Each street intersection shall have concrete storm sewer culvert in sufficient size to conform with the run-off factor required in

section 24-7(15).

- (3) *Sidewalk.* Optional concrete sidewalks, having a width of not less than four (4) feet and thickness of not less than four (4) inches may be constructed on each side of each street within the subdivision. Said sidewalks shall be one (1) foot from the property line within the street right-of-way and shall extend along all street frontage including the side of corner lots and block ends; provided, however, that where it is impractical for the subdivider to provide such sidewalks on the side lot lines abutting major thoroughfares or drainage ditches then in those instances sidewalks shall not be required.
- (4) *Street marker.* Two (2) street markers shall be erected at all street intersections in such subdivisions, the street markers to conform to street markers currently in use in the city.
- (5) *Water lines.*
 - a. Where an approved public water supply is reasonably accessible or procurable, each lot within the subdivided area shall be provided with access to such water supply. The layout shall be designed to form a loop system. No main shall be smaller than six (6) inches and the minimum size for service lines shall be four (4) inches, except that two-inch stubs may be extended to serve a maximum of three (3) lots.
 - b. In areas where a public water supply is not available, the subdivider shall construct wells in such a manner that an adequate supply of potable water shall be available to every lot in the subdivision. Such water supply system shall be constructed under the supervision of the city health officer and shall comply with all regulations of the state board of health in regard to such systems.
- (6) *Sanitary sewers.*
 - a. All subdivisions coming under the provisions of this chapter and reasonably accessible to a public sanitary sewer shall provide each lot within said subdivision with access to such sanitary sewer. The design of such sanitary sewer layouts shall be coordinated with the city's sanitary sewers. The minimum size for mains shall be eight (8) inches.
 - b. When any subdivision is planned that is not reasonably accessible to a public sanitary sewer it shall provide either for the use of septic tanks or an individual sewage treatment plant as follows:
 - (i) *Septic tanks:* In all subdivisions planned for septic tank use the minimum lot area shall be ten thousand (10,000) square feet per single-family dwelling. Septic tanks shall be installed on each lot concurrent with any development thereon and the design of such system and the method of installation shall conform in all respects to the requirements of the city health officer. The city health officer shall have the authority to vary the lot area requirement where satisfactory evidence is presented indicating that soil conditions are such as to warrant a modification.
 - (ii) *Individual sewage treatment plant:* In all subdivisions planned to be serviced by an individual sewage treatment plant lots may be of standard area and sewers shall be installed to serve each lot. The plant providing such sewage disposal facilities shall be constructed in accordance with the regulations and requirements of the state board of health and with the approval and under the supervision of the city health officer and the city building inspector.
- (7) In order to properly protect the health, safety and general welfare of the citizens of the city, all taps, meter services and meter sets on existing public utility waterlines of the city must be made and installed under the supervision and direction of the superintendent of

utilities.

- (8) Where it shall be determined by the superintendent of utilities that larger or deeper mains or lines are required in order to provide for the future extension of the sewer or water utility system beyond the limits of the subdivision in question, the city shall assume the responsibility for any additional cost involved. In the event city funds are not currently available to pay for such larger or deeper mains or lines as may be required, arrangements shall be made for the developer to install these improvements and be reimbursed by the city.
- (9) Whenever a final plat of a subdivision within the city limits is approved, for which no city-owned water or sewer facility is available at a boundary of such subdivision, the city shall provide such extension, or contract for the extension thereof, upon written request therefor by the subdivider, as follows:
 - a. The city shall secure any necessary easement right-of-way therefor.
 - b. The subdivider shall install, or have installed, or contract with the city for the installation thereof by city forces, such facility or facilities from the most practicable existing source satisfactory to the city to the boundary of such subdivision in accordance with standard city requirements for comparable lines and extensions, and in conformity with the master plan for the expansion of such utility, and subject to the approval of the specifications, supervisions and costs thereof by the city manager.
 - c. The city shall reimburse the subdivider for such extension installation upon the completion and connection of fifty (50) per cent of the residences or structures provided for in such final plat; provided, however, that such reimbursement per facility shall never exceed the cost for ten (10) linear feet of extension for each lot in said final plat.

(Ord. No. 870, § 5(B), 4-9-59; Ord. No. 898, 10-13-59; Ord. No. 3604, § 1, 5-6-96)

Sec. 24-16. Filing final plans of utilities and improvements.

Upon the completion of construction of any such utility or improvement, one (1) set of reproducible tracings of complete final plans, dated, signed and certified by the engineer in charge shall be filed with the city manager, showing all features as actually installed, including materials, size, location, depth or elevation, numbers, ends of lines, connections, wyes, valves, storm sewer drains, inlets and any other pertinent items. The utility department of the city shall make no connections to such utilities until the foregoing has been complied with.

(Ord. No. 870, § 5(C), 4-9-59)

Sec. 24-17. Exceptions—Off-site improvements.

Where any street forms any part of the boundary of a subdivision and some part of the width of said street has been dedicated or committed to dedication and improved or committed to improvement then the subdivider shall be required to dedicate and/or improve the balance of the width of any such street, but otherwise no improvements shall be required as a prerequisite to the approval of the plat for any existing dedicated street forming a boundary of a subdivision.

(Ord. No. 870, § 6(A), 4-9-59)

Sec. 24-18. Same—Gas utilities.

The installation and dedication of gas distribution mains within the subdivision shall not be

required.

(Ord. No. 870, § 6(B), 4-9-59)

Sec. 24-19. Same—Platted lots.

- (1) When any lot and a portion of a lot, or portions of lots, aggregating a larger tract in width and/or size than the average lot in the block in which same is situated are conveyed, as a single unit for a single use purpose, from a previously legally platted subdivision, no replat thereof shall be required.
- (2) This exception shall not apply to any extension across an easement or public way, nor permit changing the facing of the original lots.
- (3) This exception is not to be construed as a waiver of any requirement of the zoning ordinance, as amended, or other applicable ordinance, or recorded restriction, and for such interpretations said integrated tract shall thereafter be considered as a single lot.

(Ord. No. 870, § 6(C), 4-9-59)

Sec. 24-20. Same—Issuance of city permits for unplatted property in developed areas.

The city council shall have the power and may declare and grant an exception to the formal platting provisions of this chapter when an owner of property, qualifying under the provisions of this section, complies with all of the requirements hereinafter set forth, and shall authorize the city building inspector to issue any permits requested by such owner of any parcel of property within the city limits, who desires to plat the same as a single lot, in keeping with the requirements for the respective property use classifications as set forth in the city's zoning ordinance, for any construction or improvement on said property sought by such owner, when it appears that a manifest and unnecessary hardship would arise from a literal enforcement of this chapter and when the planning of the orderly development, growth and expansion of the city will be accomplished as well by the requirements of this section, as would compliance with the other provisions of this chapter in securing final approval of a plat, provided the owner making the request for said permits, can establish that said property sought to be improved was a separately owned piece of property prior to the effective date June 8, 1951, of Texas Revised Civil Statutes, Article 6626, amended, which regulates the recording of property plats and that such property has not been divided into any portion or portions or conveyed to any person in separate ownerships since the effective date of said Article 6626, and provided further that said property sought to be improved must abut on a dedicated public street sufficiently improved to show actual use by the public and must be in an area where easements for all public utilities have been dedicated or will, by the platting of said property by the terms of this provision, be dedicated to the public for the future installation of all utilities that will serve said property.

The permits requested, under the conditions set forth above, shall be issued by the city building inspector provided such owner presents to the city building inspector a plat of the property to be improved and tenders a fee in the amount of six dollars (\$6.00) or the actual cost, whichever is greater, for the recording of said plat, and authorizes such recording, at the time of requesting such permits.

Said plat shall be prepared by a registered engineer or registered surveyor of said owner's choice, or at the city's option, the property owner shall have the election of presenting the recorded deed of said property to the city building inspector from which deed the city will cause to be prepared the required plat for such owner. The plat in either instance shall be drawn on a standard twelve (12)

inch by eighteen (18) inch sheet and shall show the dimensions and bearings of the property boundaries, its location with respect to all abutting streets, alleys, easements and other public dedications, easements dedicated by the plat, the property's relative position to the nearest dedicated public street intersection, recognized corner or platted subdivision, a proper title referencing the property to some recognized grant, partition, unrecorded subdivision or census tract, bear a north point and date and shall be drawn to a scale of one (1) inch equals twenty (20) feet. Such plat shall likewise contain a certificate of authenticity and be signed by the person who prepared it. A certificate of ownership in fee and dedication of any easement or easements which appear on the face of said plat shall also be placed on the plat and shall be signed and acknowledged by the owner of such property. A certificate of approval by and signature of the chairman of the commission shall also be placed upon said plat. In the event the city elects to prepare the plat, the owner shall sign a request for such assistance, authorize the recording of such plat, and tender a fee of twenty-one dollars (\$21.00), or the actual cost, whichever is greater, to the city building inspector to defray the costs incurred by the city in preparing and filing said plat with the county clerk of the county wherein the property is situated.

On receipt of a plat or deed and on the payment of the prescribed fee, as provided above, the city building inspector shall immediately issue the requested permits to said property owner. The plat presented by the owner, or the plat as subsequently prepared by the city from the deed presented by said owner, shall not be finally endorsed by the chairman of the commission nor shall the city building inspector authorize or issue a certificate of occupancy for use of the improvements made by virtue of the issuance of said permits until said owner has signed and acknowledged the herein described certificate of ownership and dedication and has authorized the city building inspector to file said plat of record with the county clerk of the county wherein the property is situated.

(Ord. No. 870, § 6(D), 4-9-59)

Sec. 24-21. Variances—Hardship.

Where the commission finds that extraordinary hardships may result from strict compliance with these regulations, it may vary the regulations so that substantial justice may be done and the public interest secured; provided that such variation will not have the effect of nullifying the intent and purpose of the zoning ordinance or these regulations. Such variances and modifications as may be granted under this section shall be by at least a three-fourths ($\frac{3}{4}$) majority of the commission present.

(Ord. No. 870, § 7(A), 4-9-59)

Sec. 24-22. Same—Conditions.

In granting variances and modifications, the commission may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so varied or modified.

(Ord. No. 870, § 7(B), 4-9-59)

Sec. 24-23. Disapproval restricted.

No plat shall be disapproved nor the processing thereof delayed for noncompliance with any requirement or condition not set forth in this chapter, or otherwise required by law.

(Ord. No. 870, § 8, 4-9-59)

Sec. 24-24. Appeals.

Any subdivider contesting any disapproval and/or the interpretation and/or application of any rule, standard, regulation, determination, requirement or necessity set forth in this chapter directly or by delegation of authority shall have the right, after filing a written request with the secretary of the commission, to have a hearing thereon before the commission within twenty-one (21) days after the date of filing of such request. Any subdivider not satisfied with the ruling of the commission shall have the right to appeal such rulings or decisions to the city council giving written notice to the city secretary within fifteen (15) days after the final hearing before the commission.

(Ord. No. 870, § 12, 4-9-59)

Sec. 24-25. Penalties.

Violation of any provision of this chapter by any subdivider shall constitute a misdemeanor, except as provided in section 24-2, and upon conviction of such violation in the municipal court a fine as provided in section 1-5 shall be imposed, and each day that such violation continues shall be a separate offense. In case a corporation is the violator of any provision of this chapter, each officer, agent or employer in any wise responsible for such violation thereof shall be individually and severally liable for the penalties herein prescribed; provided however, the penal provision and application of this chapter shall not apply to a duly qualified county clerk or deputy county clerk acting in their official capacity, or in any wise be construed to conflict with Article 974A, § 7, Revised Civil Statutes of the State of Texas.

(Ord. No. 870, § 10, 4-9-59)

Sec. 24-26. Penal conviction no bar to other legal action.

No conviction or convictions under the penal provisions of this chapter, or Article 974A, § 7, Revised Civil Statutes of Texas, shall ever be considered as any bar to any injunctive or other legal remedy, relief, right or power existing in the city to enforce the application and provisions of the chapter by virtue of the constitution and laws of the state and the charter of the city.

(Ord. No. 870, § 11, 4-9-59)

Secs. 24-27—24-50. Reserved.