



## AGENDA

### PLANNING AND ZONING MARCH 24, 2016 @ 7:00 P.M.

Notice is hereby given; the Planning and Zoning Commission for the City of Parker will hold a Regular Meeting on Thursday, March 24, 2016 at 7:00 P.M. at Parker City Hall, 5700 E. Parker Road, Parker, Texas, 75002.

#### **CALL TO ORDER – Roll Call and Determination of a Quorum**

#### **PLEDGE OF ALLEGIANCE**

AMERICAN PLEDGE: I pledge allegiance to the flag of the United States of America; and to the republic for which it stands, one nation under God, indivisible with liberty and justice for all.

TEXAS PLEDGE: Honor the Texas flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible.

#### **PUBLIC COMMENTS** The Commission invites any person with business before the Commission to speak. No formal action may be taken on these items at this meeting. Please keep comments to 3 minutes.

#### **INDIVIDUAL CONSIDERATION ITEMS**

1. CONSIDERATION AND/OR ANY APPROPRIATE ACTION MEETING MINUTES FOR JANUARY 6, 2016.
2. CONSIDERATION AND/OR ANY APPROPRIATE ACTION MEETING MINUTES FOR JANUARY 28, 2016.
3. PUBLIC HEARING ON SUBDIVISION REGULATIONS REVISIONS
4. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON CITY OF PARKERS' SUBDIVISION REGULATIONS. *[CITY CODE OF ORDINANCES, CHAPTER 155: SUBDIVISION REGULATIONS WERE DELIVERED TO P&Z COMMISSIONERS TUESDAY, MARCH 15, 2016.]*

#### **ROUTINE ITEMS**

5. FUTURE AGENDA ITEMS
  - A) IMPACT FEES
6. ADJOURN

In addition to any specifically identified Executive Sessions, the Planning and Zoning Commission may convene into Executive Session at any point during the open meeting to discuss any item posted on this Agenda. The Open

Meetings Act provides specific exceptions that require that a meeting be open. Should Commission elect to convene into Executive Session, those exceptions will be specifically identified and announced. Any subsequent action, as a result of this Executive Session, will be taken and recorded in open session.

I certify that this Notice of Meeting was posted on or March 18, 2016 by 5:00 p.m. at the Parker City Hall.

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Date Notice Removed

Patti Scott Grey, City Secretary

The Parker City Hall is Wheelchair accessible. Sign interpretations or other special assistance for disabled attendees must be requested 48 hours in advance by contacting the City Secretary's Office at 972-442-6811.

MINUTES

**PLANNING AND ZONING COMMISSION MEETING**

January 6, 2016

**CALL TO ORDER – Roll Call and Determination of a Quorum**

The Planning and Zoning Commission met on the above date. Chairperson Wright called the meeting to order at 7:00 p.m.

Commissioners Present:

- ✓ Chairperson Wright
- ✓ Commissioner Lozano
- ✓ Commissioner Jeang
- ✓ Commissioner Raney
- ✓ Commissioner Sutaria
- ✓ Alternate Cassavechia
- ✓ Alternate Leamy
- ✓ Alternate Douglas

Staff/Others Present:

- ✓ City Administrator Flanigan
- ✓ City Attorney Shepherd
- ✓ City Secretary Scott Grey

**PLEDGE OF ALLEGIANCE**

The pledges were recited.

**PUBLIC COMMENTS** The Commission invites any person with business before the Commission to speak to the Commission. No formal action may be taken on these items at this meeting. Please keep comments to 3 minutes.

No comments.

**INDIVIDUAL CONSIDERATION ITEMS**

1. CONSIDERATION AND/OR ANY APPROPRIATE ACTION MEETING MINUTES FOR DECEMBER 10, 2015.

MOTION: Commissioner Jeang moved to approve the minutes with the correction that Planning and Zoning (P&Z) Commissioner Alternate JR Douglas was present. Commissioner Raney seconded with Commissioners Wright, Lozano, Jeang, Raney, Sutaria voting for. Motion carried 5-0.

2. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON PARKER STORAGE FACILITY DEVELOPMENT PLAT AND PRELIMINARY ENGINEERING PLANS. (**EXHIBIT – PARKER STORAGE FACILITY PRELIMINARY PLAT AND PRELIMINARY ENGINEERING PLANS**)

Mr. Flanigan reviewed the item, stating Parker Storage came to P&Z on July 23, 2015. P&Z denied the item, due to incomplete engineering items. The item went to City Council on August 18, 2015 and the item was denied again for the same reason. December 8, 2015, the applicant, Rick Meyer, submitted a revised set of plans, thinking he resolved all the previous issues; however, he did not sign the 30-day waiver. City Staff forwarded the information to our engineers. The engineers gave us letters, dated December 16 and 17, 2015. One letter was a flood study and the other letter was a plat review with some outstanding engineering items. The applicant requested a meeting with our engineers and staff. City Staff tried to setup a meeting a week after Christmas. The applicant was unavailable or declined, due to their Christmas vacation plans. At that point, the City had to move forward to stay within our 30-day waiver timeframe. The City received no revised plans to evaluate or review. The applicant was present if P&Z Commissioners had any questions.

Chair Wright clarified by asking if the Commission, basically, had the same documentation before them as last time without any updates. City Administrator Flanigan asked City Attorney Shepherd to respond. Mr. Shepherd stated the previous application was denied. That application expired. The City received a new application on December 8, 2015, which was similar because it was the same project. All issues related to the first application died, when it was denied. The Commission was now dealing with a new development plat. As the City Administrator indicated earlier, you have two engineering consultants, one for the flood study and the other our regular city engineer with a long list of questions and concerns with the new development plat. He commented he felt the applicant was sincere in wanting to get this process completed and there was communication, regarding revisions that needed to be completed and reviewed by the engineers prior this meeting. Those revisions did not occur, so P&Z had an application, dated December 8, with a list of concerns from the engineers, concerns that if P&Z were to recommend approval would violate the City's Subdivision Regulations, in regard to the development plat.

Chair Wright asked if there were any comments from the applicant. Mr. Rick Meyer came forward and stated he was not prepared to comment; although, he understood the first application was denied and he was given a list of certified reasons for denial that were very extensive. Mr. Meyer stated he did the work and resubmitted/reapplied. He received another long list of concerns with the new application, including some of the same items he responded to on the first application. Mr. Meyer said he and his engineer, James DeOtte, P.E., were present and some of the requests did not make any sense to them, because they had already responded to them. Mr. Meyer said he and his engineer were not sure the City reviewed the responses, because they felt everything was addressed. The reason for the meeting request was to clarify some of the issues.

City Attorney Shepherd asked if he could make a suggestion. The P&Z Commission was not going to allow the 30 days to expire and he did not think the P&Z Commission would try to overrule the city engineer. Mr. Shepherd suggested, Option 1: P&Z would vote to deny the item tonight; or Option 2: The applicant could sign the waiver. P&Z would meet again, which was normally the second and fourth Thursday of each month, to vote on the item, a) once you revise the documents to the extent you understand the concerns, and/or b) setup another meeting with the engineers to clarify the concerns. Mr. Meyers said he understood and agreed to sign the waiver. Mr. Shepherd reiterated once the waiver was signed, P&Z would not have to vote on the item tonight, although whatever questions and/or concerns about the engineers' comments needed to be resolved immediately. The applicant would then need to provide updated documentation, addressing all the concerns at least a week in advance of the next P&Z Meeting, so a proper review could be made before the next meeting packets went out. Mr. Meyer then signed the waiver with his attorney present.

MOTION: Commissioner Raney moved to table the Parker Storage Facility Development Plat and Preliminary Engineering Plans. Commissioner Lozano seconded with Commissioners Wright, Lozano, Jeang, Raney, and Sutaria voting for. Motion carried 5-0.

## **ROUTINE ITEMS**

### **3. FUTURE AGENDA ITEMS**

- a) Kings Crossing Phase 2 – Final Plat Filing

City Attorney Shepherd mentioned the P&Z Commission had not had a training session in quite some time. He asked them to decide when a good time would be. After some discussion, P&Z Commission decided January 28, 2016, 6 p.m. would be a good time.

### **4. ADJOURN**

Chairperson Wright adjourned the meeting at 7:31 p.m.

Minutes Approved on 24th day of March, 2016.

\_\_\_\_\_  
Chairperson Wright

Attest:

\_\_\_\_\_  
Commission Secretary Raney

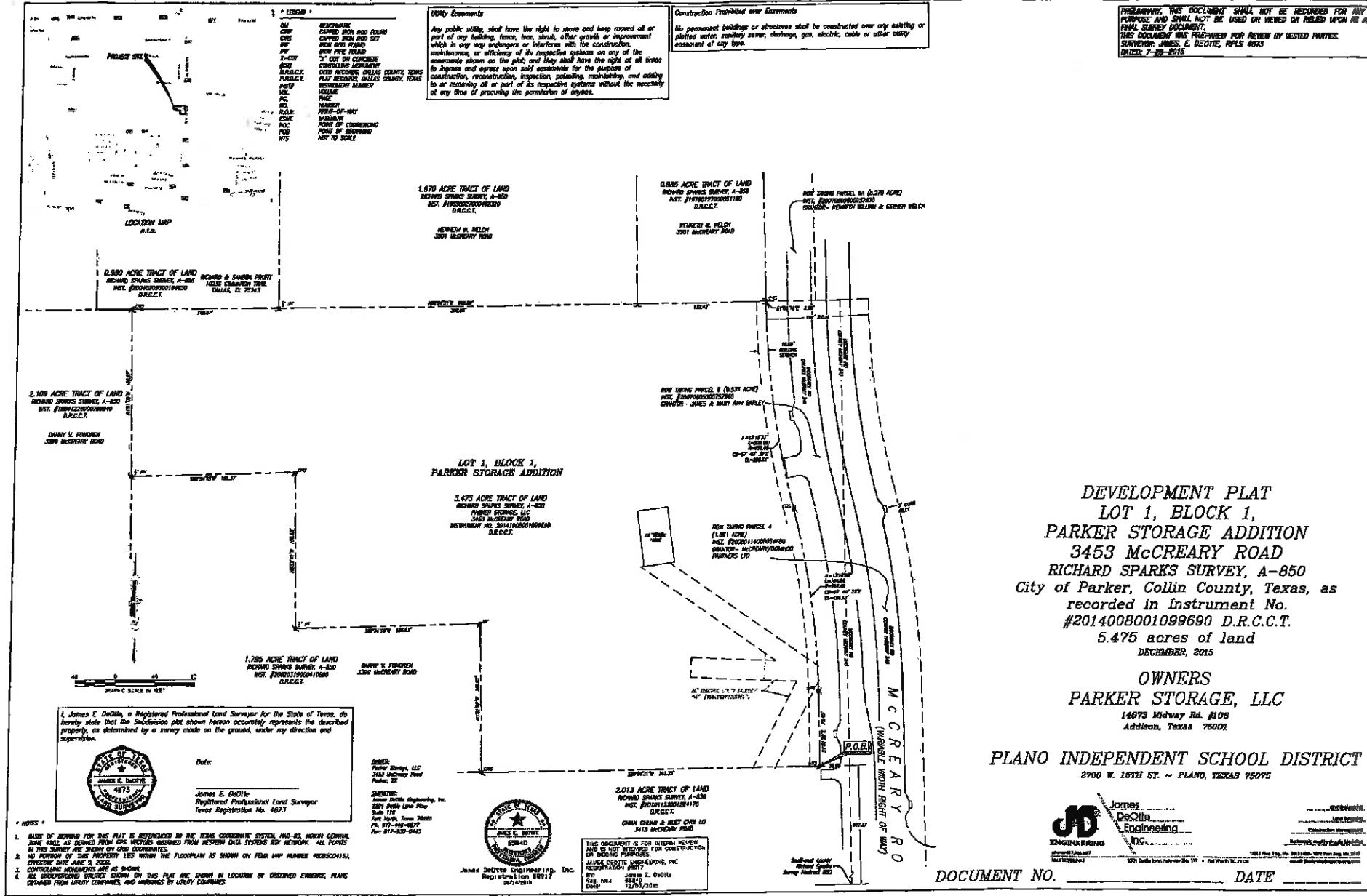
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Prepared by City Secretary Patti Scott Grey

**Exhibit(s):**

**A - Parker Storage Facility Preliminary Plat and  
Preliminary Engineering Plans**

Proposed



PRELIMINARY, THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE AND SHALL NOT BE USED OR REFERRED TO OR RELIED UPON AS A FINAL SURVEY DOCUMENT.  
THIS DOCUMENT WAS PREPARED FOR REVIEW BY NESTED PARTIES.  
SURVEYOR: JAMES E. DEOTIE, RPLS #673  
DATED: 7-29-2015

DEVELOPMENT PLAT  
LOT 1, BLOCK 1,  
PARKER STORAGE ADDITION  
3453 McCREARY ROAD  
RICHARD SPARKS SURVEY, A-850  
City of Parker, Collin County, Texas, as  
recorded in Instrument No.  
#2014008001099690 D.R.C.C.T.  
5.475 acres of land  
DECEMBER 2015

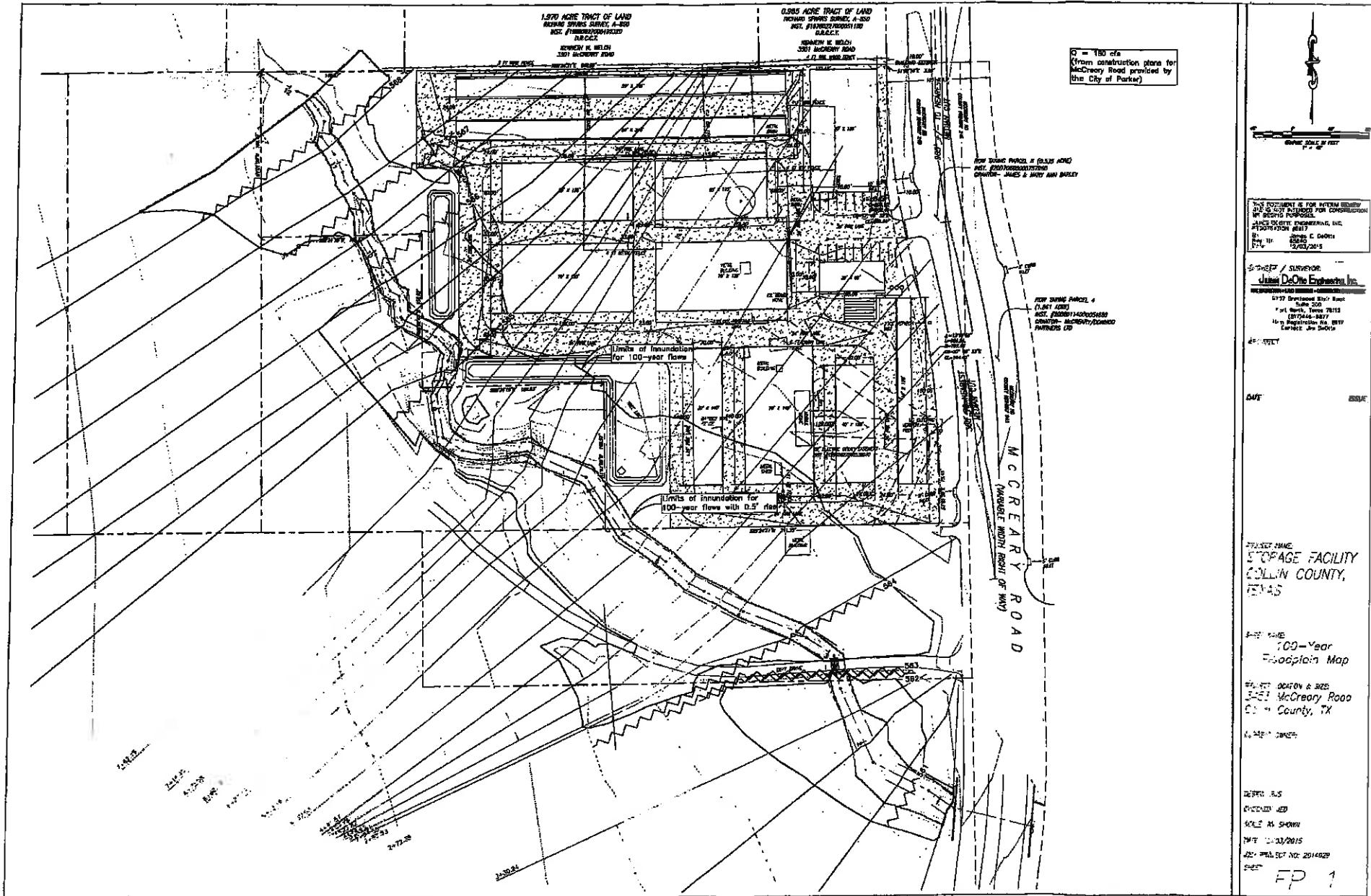
OWNERS  
*PARKER STORAGE, LLC*

**PLANO INDEPENDENT SCHOOL DISTRICT**  
2200 W. 15TH ST. ~ PLANO, TEXAS 75025

DOCUMENT NO. \_\_\_\_\_ DATE \_\_\_\_\_

## Exhibit A





001-3

STORAGE FACILITY  
COLLIN COUNTY  
TEXAS

759 312

# McCREEARY ROAD

(VARIABLE WIDTH RIGHT OF WAY)

368' TO NEAREST  
MEDIAN CUT

MECHANICAL  
TESTS 100-1965

NET 34  
NET 24

1

0.985 AREA TRACT OF LAND  
MICHIGAN SPORES SURVEY, A-850  
MSI: #1978022/000051180  
DRCCL

3501 MCGREGOR ROAD  
KEMENTERIAH MELUCH

3501 MCCARTHY ROAD  
MOUNTAIN VIEW, CALIFORNIA

3415 MCGREGOR ROAD  
BURN CHURCH & KELT CHURCH LO

2013 ACRE TRACT OF LAND

795 ACRE TRACT OF LAND  
DANVER & FOUNDRY ROAD  
3355 MERRIMAC ROAD

795 ACRE TRACT OF LAND

1

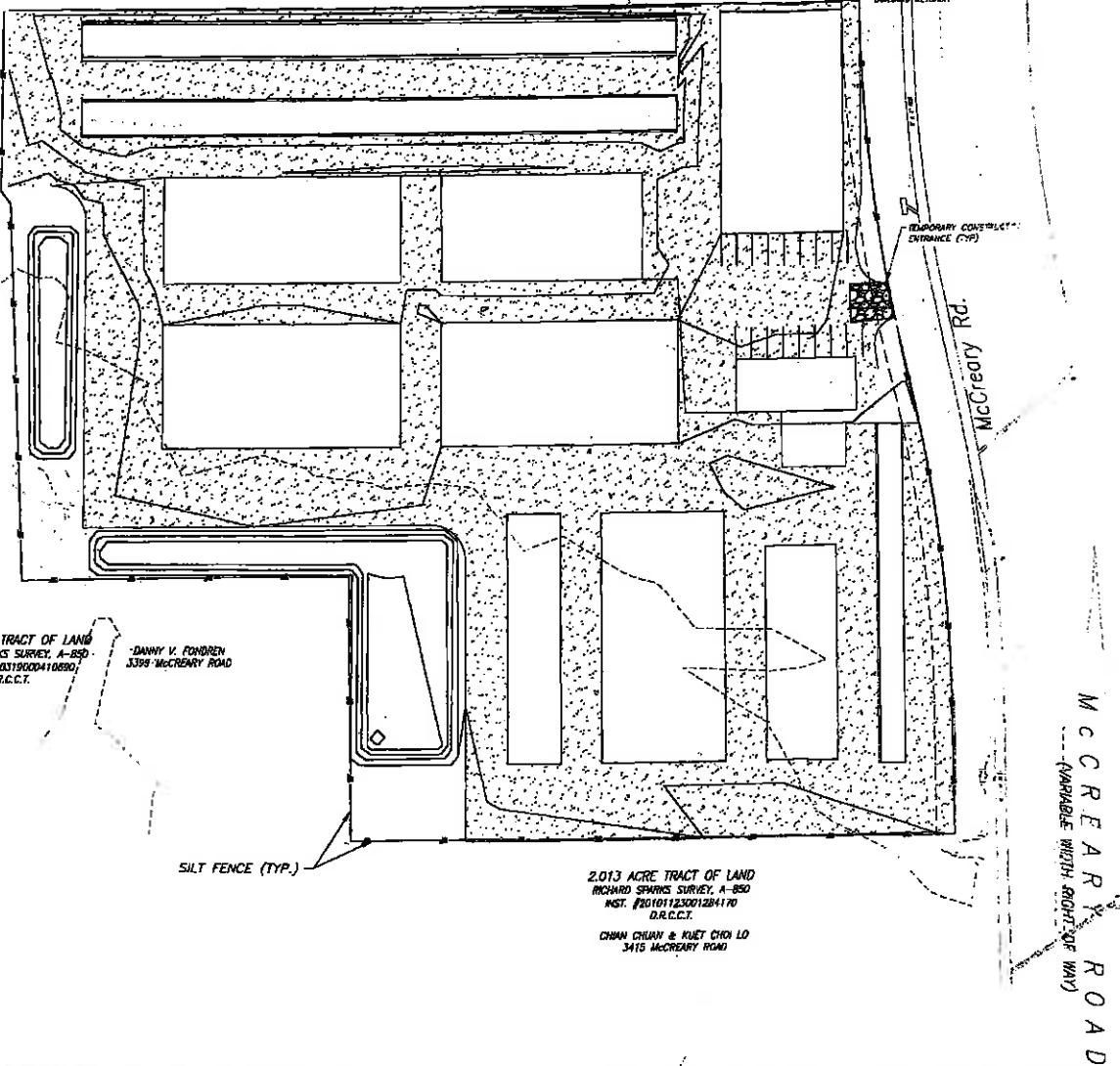
16 RBC

1.970 ACRE TRACT OF LAND  
RICHARD SPARKS SURVEY, A-850  
INST. #1570227000051180  
D.R.C.C.T.  
KENNETH W. WELCH  
3501 MCCREARY ROAD

0.985 ACRE TRACT OF LAND  
RICHARD SPARKS SURVEY, A-850  
INST. #1570227000051180  
D.R.C.C.T.  
KENNETH W. WELCH  
3501 MCCREARY ROAD

1.795 ACRE TRACT OF LAND  
RICHARD SPARKS SURVEY, A-850  
INST. #1570227000410850  
D.R.C.C.T.  
DANNY V. FONSECA  
3399 MCCREARY ROAD

2.013 ACRE TRACT OF LAND  
RICHARD SPARKS SURVEY, A-850  
INST. #1570112300128470  
D.R.C.C.T.  
CHAN CHUAN & KUET CHOI LO  
3415 MCCREARY ROAD



**NOTES**

1. CONTRACTOR TO VERIFY ALL UNDERGROUND UTILITIES PROD TO START OF CONSTRUCTION OR RELOCATE.
2. SEE GENERAL CONTRACTOR FOR DRIVING AND DEMOLITION CONSTRUCTION SPECIFICATIONS.
3. ALL PROPOSED SPOT GRADES ARE TO THE TOP OF PAVEDMENT UNLESS OTHERWISE NOTED.
4. ALL DREDGED MATERIALS WILL BE REROUTED PRIOR TO ANY GRAVEL ACTIVITIES.
5. CROWN WILL BE TYPED BY THE CONTRACTOR TO KEEP THE DREDGED PATH CLEAR OF DIRT AND DEBRIS. ANY DIRT AND DEBRIS THAT INTRIDES ONTO THE DRIVE SHOUL BE CLEANED DAILY.
6. EXISTING GROUND WILL BE STRIPPED OF THE TOP SOIL AND STRIPPED GROUNDS UNTIL FINE GRAVEL IS COMPLETED. STRIPPED TOP SOIL WILL BE SPREAD ON PROPOSED WORKING AREAS BEFORE ESTABLISHING PERMANENT GROUND COVER.
7. ALL FILL SHALL BE COMPACTED TO A DENSITY OF 95% STANDARD PROCTOR DENSITY.
8. SEE NICKOLSON TECHNICAL MANUAL: CONSTRUCTION CONTROL FOR DETAILS ON EROSION CONTROL DEVICES.

THIS DOCUMENT IS FOR ATTACHMENT PURPOSES  
OR IS NOT INTENDED FOR CONSTRUCTION  
OR BUILDING PURPOSES.  
REGISTRATION NO.:  
BY: Jones E. 940216  
DATE: 12/03/2015

ENGINEER / SURVEYOR  
James DoOne Engineering Inc.  
GLENWOOD LAND SURVEYORS & CONSULTANTS  
6787 Glenwood Drive #100  
Fort Worth, Texas 76112  
(817)466-6667  
Email: info@glenwoodtx.com  
Contact: James DoOne

ARCHITECT:

DATE ISSUED:

PROJECT NAME:  
STORAGE FACILITY  
COLLIN COUNTY,  
TEXAS

SHEET NAME:  
EROSION CONTROL  
PLAN

PROJECT LOCATION & REF.  
3453 McCrary Road  
Collin County, TX

CURRENT OWNER:

DESIGNER:  
CHECKED:  
SCALE: AS SHOWN  
DATE: 12/03/2015  
JOB PROJECT NO: 20-4029  
SHEET:

E-100

## MINUTES

### PLANNING AND ZONING COMMISSION MEETING

January 28, 2016

#### **CALL TO ORDER – Roll Call and Determination of a Quorum**

The Planning and Zoning Commission met on the above date. Chairperson Wright called the meeting to order at 6:00 p.m.

##### Commissioners Present:

- ✓ Chairperson Wright
- ✓ Commissioner Lozano
- ✓ Commissioner Jeang
- ✓ Commissioner Raney
- ✓ Commissioner Sutaria
- ✓ Alternate Cassavechia
- ✓ Alternate Leamy
- ✓ Alternate Douglas

##### Staff/Others Present:

- ✓ City Administrator Flanigan
- ✓ City Secretary Scott Grey
- ✓ City Attorney Shepherd

#### **PLEDGE OF ALLEGIANCE**

The pledges were recited.

**PUBLIC COMMENTS** The Commission invites any person with business before the Commission to speak to the Commission. No formal action may be taken on these items at this meeting. Please keep comments to 3 minutes.

No comments.

#### **WORK SESSION ANNUAL PLANNING AND ZONING TRAINING**

1. WORK SESSION ANNUAL PLANNING AND ZONING TRAINING REGARDING ZONING AND SUBDIVISION RULES AND REGULATIONS (SECTIONS 155 AND 156 OF CODE OF ORDINANCES)

Chairperson Wright announced the Planning and Zoning Commission would have a short training session for a general review of zoning ordinances and regulations. He recognized City Attorney Jim Shepherd. Mr. Shepherd reviewed the city's Zoning and Subdivision Rules and Regulations (City of Parker, Code of Ordinances, Chapter 155: Subdivision Regulations and Chapter 156: Zoning), identifying what P&Z did and the basics of zoning as it pertains to planning. He stated P&Z was often the go between for the public and City Council and at times City Council may refer items to P&Z for review first. He briefly reviewed the Comprehensive Plan, variances, vested rights, ethics, and impact fees, asking the Commissioners to ask questions throughout the review.

Chairperson Wright ended the Planning and Zoning Work Session Annual Training and recessed the meeting at 7:06 p.m.

## **INDIVIDUAL CONSIDERATION ITEMS**

Chairperson Wright reconvened the meeting at 7:15 p.m. He said Commissioner Sutaria had to leave and asked P&Z Alternate One Commissioner Cassavechia to take his place. Mr. Cassavechia agreed.

### **2. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON KINGS CROSSING PHASE 2 – FINAL PLAT.**

Chairperson Wright stated P&Z had an updated letter from Developer Stephen Sallman, in response to City Engineer John Birkhoff's letter, dated January 21, 2016. The engineering report did not seem too limiting, the developer agreed with the engineer, and posted a surety bond. He asked City Administrator Flanigan, if there were any other outstanding items, the commission needed to consider. Mr. Flanigan said there was one and it was unusual. Their development agreement stated they could post a 120% surety bond, for the estimated cost of the outstanding work to be completed, which would allow them to file for an early plat. We have seen preliminary costs, so a final cost estimate needed to be approved by our engineer, prior to the City filing the plat.

Commissioner Lozano asked if the City was logging silt removal after each rain event. City Administrator said yes, the city checked at a minimum of every fourteen (14) days under the stormwater management plan. If it needed to be addressed, the developer was notified.

**MOTION:** Commissioner Cassavechia moved to recommend approval of the early final plat for Kings Crossing Phase 2, subject to meeting the requirements of City Engineer John Birkhoff's letter, dated January 21, 2016. Commissioner Jeang seconded with Commissioners Wright, Lozano, Jeang, Raney, and Cassavechia voting for. Motion carried 5-0.

Chairperson Wright moved on to item four (4), because the City Attorney Shepherd was talking to Developer Ron Haynes, regarding item three (3).

### **4. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON FINAL PLAT OF RIGHT OF WAY DEDICATION, OF CURTIS ROAD IN THE AREA BETWEEN THE SOUTHRIDGE AND SOUTHRIDGE EAST SUBDIVISIONS.**

Chairperson Wright noted this item was a little different than the Commission had seen in the past. City Administrator Flanigan agreed this was an unusual project. What was required during the development agreement with the developer was to negotiate with the two property owners north and south of Curtis Road and extend Curtis Road from the existing new pavement from Southridge all the way over to their development. This was accomplished by way of a plat. It had to go through the process, getting P&Z and Council acceptance for the dedication of the plat right of way. The rest of the right of way, anything inside the subdivision, would be on the plat for item three (3).

City Attorney Shepherd said he asked the developer why we did this as a plat and not as a deed. The answer was part of the property was not their property. He also had them change the dedication language from an easement to fee simple, so there would be a true conveyance document in the form of a plat for a fee simple title to this roadway.

**MOTION:** Commissioner Lozano moved to recommend approval of the Final Plat of the right of way dedication, of Curtis Road in the area between the Southridge and Southridge East Subdivisions, 1.662 acres, situated in the Surry E. Donaldson Survey, Abstract No. 278, City of Parker's ETJ, Collin County, Texas. Commissioner Raney seconded with Commissioners Wright, Lozano, Jeang, Raney, and Cassavechia voting for. Motion carried 5-0.

Chairperson Wright said the Commission may need to make a modification to this motion. After some discussion, it was determined the correct "fee simple ownership" language was on the Final Plat; therefore, a motion modification was not necessary.

**3. CONSIDERATION AND/OR ANY APPROPRIATE ACTION ON SOUTHRIDGE EAST-FINAL PLAT.**

Chairperson Wright asked Developer Ron Haynes to update P&Z. Mr. Haynes said there was a walk through on the waterlines tomorrow, Friday, January 29, 2016, and he thought there had already been a walk through on the streets. The issue was drainage. This area had a lot of rain. Mr. Haynes then handed out and read a statement. (See Exhibit B.) Mr. Haynes said they felt this plan was better, because escrowed funds it gave the City more assurance that the developer would see the project through all the way to the end, until the last house was built. It also gave the City greater assurance the developer would comply with Stormwater Pollution Prevention Plan (SWPPP) and Texas Commission of Environmental Quality (TCEQ) requirements.

Commissioner Jeang asked who would be responsible for the fine grading. Developer Haynes said the builder would be responsible.

Developer Haynes said he would like to have a discussion with City Engineer Birkhoff, regarding ponding. Chairperson Wright said that sounded reasonable. Mr. Haynes proposed having his erosion control expert visit with Mr. Birkhoff.

**MOTION:** Commissioner Lozano moved to recommend approval of the Southridge East – Final Plat with the developer and city engineer working out the issue of the silt fences at each build site and include all the proposals from the developer. Commissioner Raney seconded

with Commissioners Wright, Lozano, Jeang, Raney, and Cassavechia voting for. Motion carried 5-0.

## ROUTINE ITEMS

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### 5. FUTURE AGENDA ITEMS

- a) Mini Warehouse – Parker Storage Facility Preliminary Plat and Engineering
- b) Kings Crossing Phase 4

P&Z Alternate Two Commissioner Leamy asked approximately how long it would take for this phase of Kings Crossing be taken into the City. City Administrator Flanigan said the way the development agreement was written for Kings Crossing Phase 4. They would have ten (10) days to file an application for annexation.

### 6. ADJOURN

Chairperson Wright adjourned the meeting at 7:58 p.m.

Minutes Approved on 24th day of March, 2016.

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\_\_\_\_\_  
Chairperson Wright

Attest:

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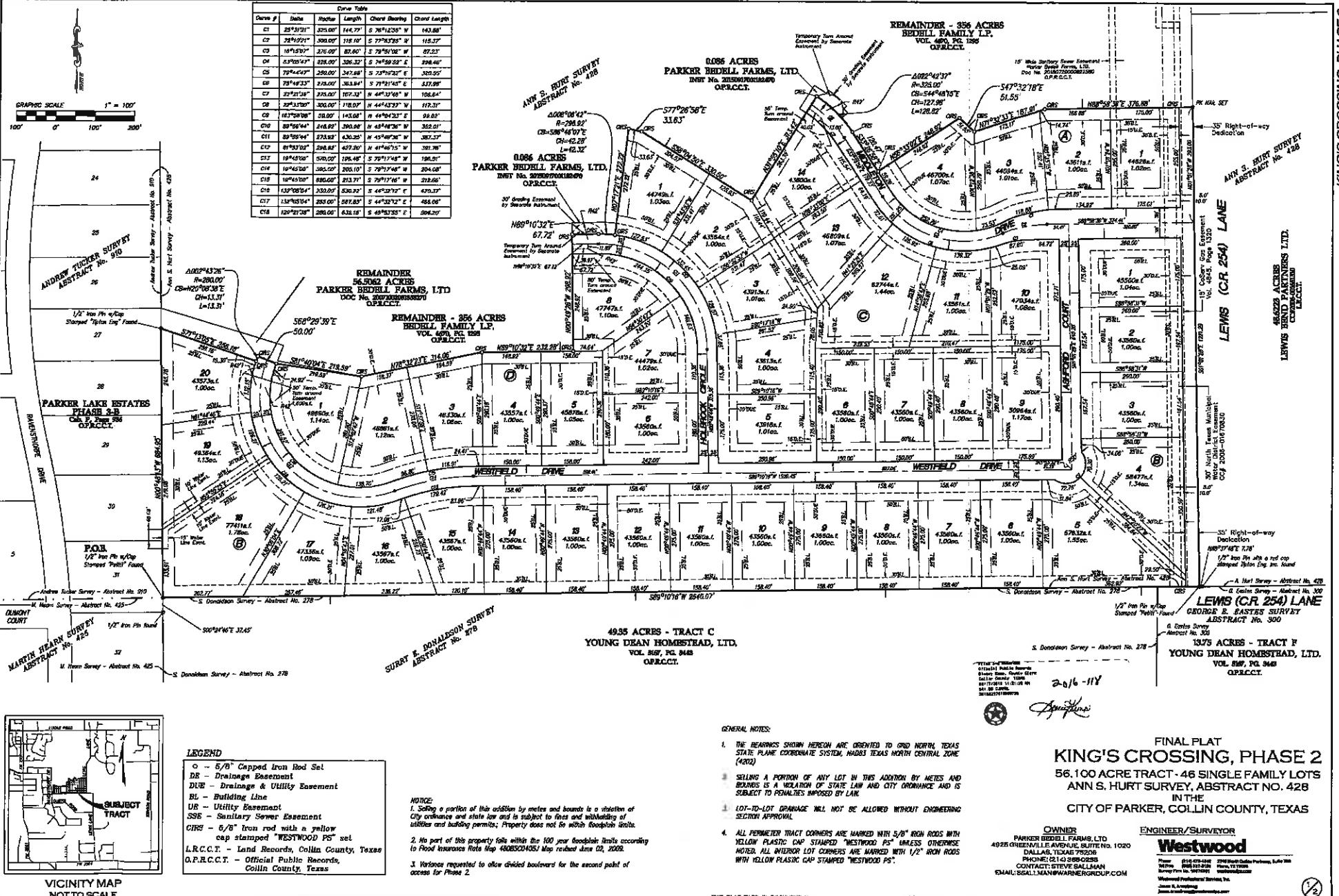
\_\_\_\_\_  
Commission Secretary Raney

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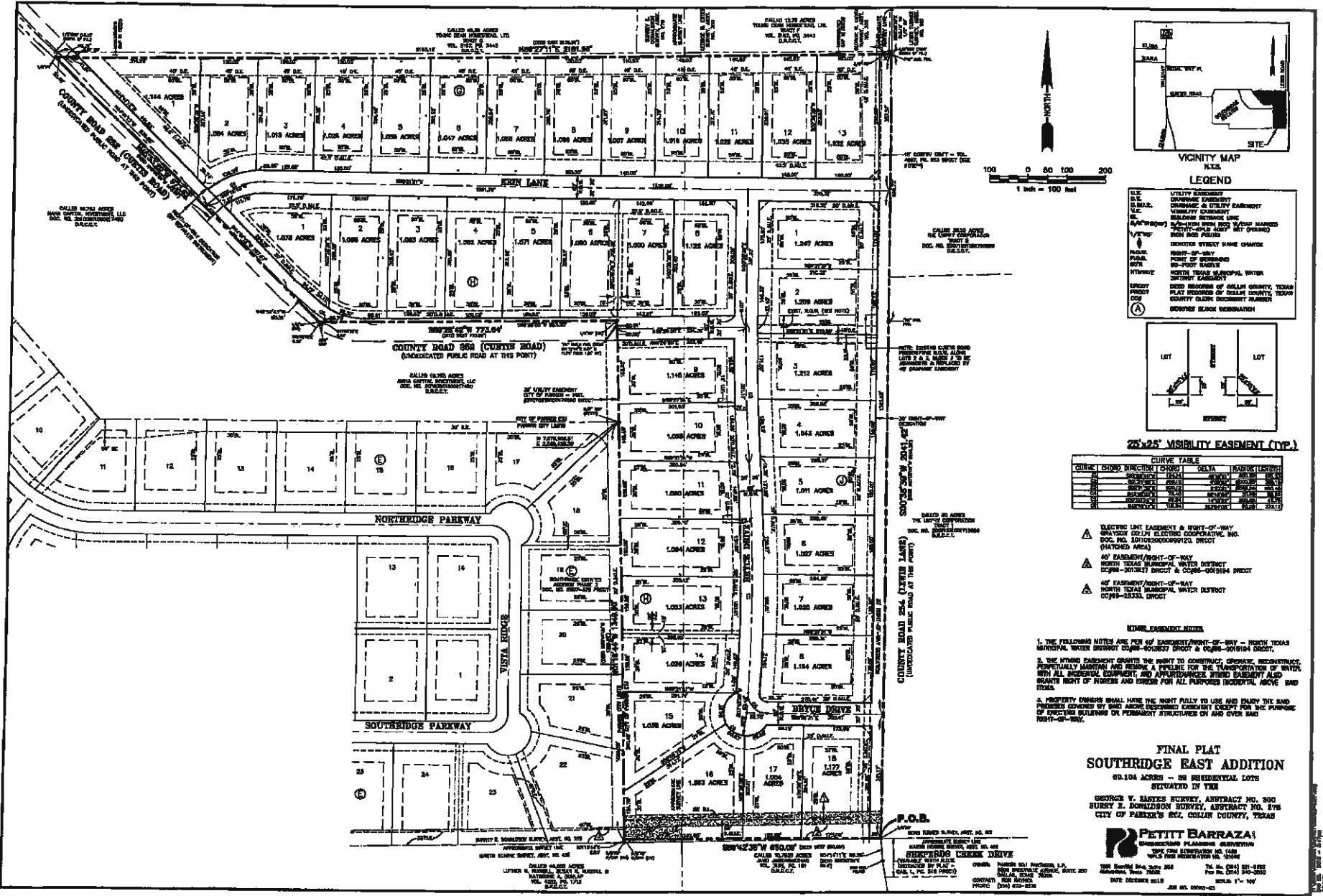
\_\_\_\_\_  
Prepared by City Secretary Patti Scott Grey

**Exhibit(s):**

- A - Kings Crossing Phase 2 – Final Plat**
- B - Southridge East- Final Plat and Developer's Statement**
- C - Final Plat of Right of Way Dedication, of Curtis Road in the Area Between the Southridge and Southridge East Subdivisions**







## Exhibit B

OWNER'S CERTIFICATE  
STATE OF TEXAS :  
COUNTY OF COLLIN :

PETTIT BARAZA, L.P. IS THE OWNER OF THAT CERTAIN TRACT OF LAND SITUATED IN THE BEARNE V. PARTES SURVEY, ABSTRACT NO. 300, AND THE SURVEY E. DONALDSON SURVEY, ABSTRACT NO. 278, IN COLLIN COUNTY, TEXAS, BEING DESCRIBED IN THE DOCUMENT NO. 20140702000045000, OF THE DEED RECORDS OF COLLIN COUNTY, TEXAS (RECORDED), AND BEING ALL OF THAT CERTAIN TRACT OF LAND DESCRIBED IN DEED TO SHIN AND WANG PARTNERSHIP CITY, JOINT VENTURE, RECORDED IN DOCUMENT NO. 87-204448, OF THE DEED RECORDS OF COLLIN COUNTY, TEXAS (RECORDED), SUBJECT PROPERTY BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

INCORPORATING A 1/2 INCH IRON ROD FENCE, 1/2 INCH IRON ROD BEING LOCATED AT THE APPROXIMATE CENTER OF COUNTY ROAD 384 (LAWN LANE), UNMARKED AT THIS POINT, AND ALSO BEING LOCATED AT THE SOUTHEAST CORNER OF SHIN AND WANG PARTNERSHIP CITY, JOINT VENTURE, TRACT, AND CONTAINING THAT CERTAIN TRACT OF LAND DESCRIBED IN DEED TO SHIN AND WANG PARTNERSHIP CITY, JOINT VENTURE, RECORDED IN DOCUMENT NO. 87-204448, OF THE DEED RECORDS OF COLLIN COUNTY, TEXAS (RECORDED).

THENCE SOUTH 061°20' WEST, WITH THE SOUTH LINE OF SAID SHIN AND WANG PARTNERSHIP CITY, JOINT VENTURE TRACT, A DISTANCE OF 100.00 FEET TO A 1/2 INCH IRON ROD WITH CAP MARKED "PETTIT-BARAZA 4887" FOUND FOR CORNER, SAID IRON ROD BEING LOCATED ON THE EAST LINE OF SOUTHRIDGE ESTATES ADDITION PHASE 2, AN ADDITION TO THE CITY OF PARTNERS, TEXAS ACCORDING TO PLAT RECORDED IN DOCUMENT NO. 8207-204, PAGE 98, OF THE PLAT RECORDS OF COLLIN COUNTY, TEXAS (RECORDED).

THENCE NORTH 077°45' WEST, WITH SAID EAST LINE OF SOUTHRIDGE ESTATES ADDITION PHASE 2, PASSING AT A DISTANCE OF 100.00 FEET A 1/2 INCH IRON ROD WITH CAP MARKED "PETTIT-BARAZA 4887" FOUND AT THE NORTH SOUTHERLY CORNER OF SOUTHRIDGE ESTATES ADDITION PHASE 2, CONTINUING WITH THE EAST LINE OF THAT CERTAIN TRACT OF LAND DESCRIBED IN DEED TO HANA CAPITAL INVESTMENT, LLC RECORDED IN DOCUMENT NO. 20140702000045000, OF THE DEED RECORDS OF COLLIN COUNTY, TEXAS (RECORDED), IN ALL, A DISTANCE OF 158.00 FEET TO A 1/2 INCH IRON ROD FOUND FOR CORNER, SAID IRON ROD BEING LOCATED ALONG COUNTY ROAD 382 (COUNTRY ROAD - UNMARKED AT THIS POINT).

THENCE SOUTH 077°45' WEST, WITH A NORTH LINE OF HANA CAPITAL INVESTMENT, LLC TRACT, A SOUTH LINE OF THE AFOREMENTIONED SHIN AND WANG PARTNERSHIP CITY, JOINT VENTURE TRACT, AND GENERALLY ALONG COUNTY ROAD 382 (COUNTRY ROAD), A DISTANCE OF 173.00 FEET TO A 1/2 INCH IRON ROD FOUND FOR CORNER, FROM WHICH A 1/2 INCH CAPPED IRON ROD FOUND BEARING SOUTH 47°21'02" EAST, A DISTANCE OF 80.00 FEET.

THENCE NORTH 045°00' WEST, WITH A NORTHEAST LINE OF HANA CAPITAL INVESTMENT, LLC TRACT, A SOUTHWEST LINE OF SAID SHIN AND WANG PARTNERSHIP CITY, JOINT VENTURE TRACT, AND GENERALLY ALONG COUNTY ROAD 382 (COUNTRY ROAD), A DISTANCE OF 180.00 FEET TO A 1/2 INCH IRON ROD FOUND FOR CORNER.

THENCE NORTH 077°11' EAST, WITH THE NORTH LINE OF THE SHIN AND WANG PARTNERSHIP CITY, JOINT VENTURE TRACT, PASSING AT A DISTANCE OF 46.25 FEET A 1/2 INCH IRON ROD FOUND, AND PASSING AT A DISTANCE OF 286.16 FEET A 1/2 INCH IRON ROD FOUND, CONTINUING IN A NORTHEAST DIRECTION, A DISTANCE OF 218.00 FEET TO A 1/2 INCH IRON ROD FOUND FOR CORNER IN ASPHALT FOR CONCRETE IN THE AFOREMENTIONED COUNTY ROAD 384 (LAWN LANE), FROM WHICH A 1/2 INCH IRON ROD FOUND BEARING NORTH 077°00' EAST, A DISTANCE OF 158.00 FEET.

THENCE SOUTH 045°00' WEST, WITH SOUTHWEST LINE OF HANA CAPITAL INVESTMENT, LLC TRACT, A SOUTHEAST LINE OF SAID SHIN AND WANG PARTNERSHIP CITY, JOINT VENTURE TRACT, AND GENERALLY ALONG COUNTY ROAD 382 (COUNTRY ROAD), CONTINUING IN ALL, A DISTANCE OF 204.42 FEET TO THE POINT OF BEGINNING OF HEREBY DESCRIBED TRACT, CONTAINING A CALCULATED AREA OF 0.6105 ACRES OR.

OWNER'S DECLARATION

KNOW ALL MEN BY THESE PRESENTS:

THAT PARTNERSHIP CITY, JOINT VENTURE, DO HEREBY ADOPT THIS PLAT DESIGNATING THE LAND ABOVE DESCRIBED PROPERTY AS SOUTHRIDGE EAST ADDITION, AN ADDITION TO THE CITY OF PARTNERS, COLLIN COUNTY, TEXAS, DO HEREBY DEED TO THE CITY OF PARTNERS, TEXAS, FOR PUBLIC USE FOR THE PURPOSES ALLEGED IN THIS PLAT, AND HEREBY RESERVE, EXCEPT AS PROVIDED IN THIS PLAT, THE RIGHT TO REMOVE AND RELOCATE THE UTILITY SYSTEMS OF THE CITY OF PARTNERS AND OTHER PUBLIC UTILITIES WHICH IN ANY WAY ENTRANCE OR INTERFERE WITH THE OPERATION, MAINTENANCE OR EFFICIENCY OF THE REQUIREMENT SYSTEMS OF ANY OF THESE EASEMENTS. THAT THE CITY OF PARTNERS AND ANY PUBLIC UTILITY SHALL NOT REMOVE OR DISMANTLE ANY OF THE SYSTEMS OF THE REQUIREMENT SYSTEMS OF THESE EASEMENTS, AND THAT THE CITY OF PARTNERS SHALL NOT REMOVE OR DISMANTLE ANY OF THE SYSTEMS OF THE REQUIREMENT SYSTEMS OF THESE EASEMENTS, WITHOUT THE CONSENT OF THE OWNER OF THE EASEMENT, AND THAT THE CITY OF PARTNERS SHALL NOT REMOVE OR DISMANTLE ANY OF THE SYSTEMS OF THE REQUIREMENT SYSTEMS OF THESE EASEMENTS, WITHOUT THE CONSENT OF THE OWNER OF THE EASEMENT, WITHOUT THE NECESSITY AT ANY TIME OF PROCURING THE PERMIT OF ANYONE WHO PLAT APPROVED, SUBJECT TO ALL FEASIBLE ORDINANCES, RULES, REGULATIONS AND RESOLVINGES OF THE CITY OF PARTNERS, TEXAS.

WITNESS MY HAND THIS \_\_\_\_ DAY OF \_\_\_\_ 2010

FOR: PARTNERSHIP CITY, A TEXAS LIMITED PARTNERSHIP

ME: WEST PEAK DEVELOPMENT PARTNERS, LP, A TEXAS LIMITED PARTNERSHIP, ITS GENERAL PARTNER

ME: INK DEVELOPMENT COMPANY, A TEXAS CORPORATION, ITS GENERAL PARTNER

VIA: \_\_\_\_\_

RONALD H. HAYNES, JR., PRESIDENT

STATE OF TEXAS :  
COUNTY OF DALLAS :

BEFORE ME, THE UNDERSIGNED AUTHORITY, A NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS, ON THIS DAY PERSONALLY APPEARED RONALD H. HAYNES, JR., PRESIDENT OF INK DEVELOPMENT COMPANY, A TEXAS CORPORATION, THE GENERAL PARTNER OF WEST PEAK DEVELOPMENT PARTNERS, LP, A TEXAS LIMITED PARTNERSHIP, THE GENERAL PARTNER OF PARTNERSHIP CITY, A TEXAS LIMITED PARTNERSHIP, OR SVAIR OF SHIN CORPORATION AND UNITED PARTNERSHIP.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS.  
MY COMMISSION EXPIRES: \_\_\_\_\_

SURVEYOR'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS:

THAT I, JAMES D. RICHELS, A REGISTERED PROFESSIONAL LAND SURVEYOR, HEREBY CERTIFY THAT THIS PLAT WAS PREPARED FROM AN ACTUAL SURVEY MADE ON THE GROUND OF THE LAND DESCRIBED HEREON, AND THAT THE SAME WAS CORRECTLY PLACED OR FOUND UNDER MY PERSONAL SUPERVISION IN ACCORDANCE WITH THE CITY OF PARTNERS SURVEYOR REGULATIONS.

\*PRELIMINARY, THIS DOCUMENT SHALL NOT BE RECEIVED FOR ANY PURPOSES AND SHALL NOT BE USED OR REFERRED ON RELIANCE UPON AS A FINAL SURVEY DOCUMENT.

JAMES D. RICHELS  
REGISTERED PROFESSIONAL LAND SURVEYOR NO. 5014

STATE OF TEXAS :  
COUNTY OF COLLIN :

BEFORE ME, THE UNDERSIGNED AUTHORITY, A NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS, ON THIS DAY PERSONALLY APPEARED JAMES D. RICHELS, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE PLAT, AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN THE CAPACITY HEREIN STATED.

SWORN UNDER MY HAND AND SEAL OF OFFICE, THIS \_\_\_\_ DAY OF \_\_\_\_ 2010.

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS.  
MY COMMISSION EXPIRES: \_\_\_\_\_

CITY APPROVALS	
APPROVED:	DATE:
CHAMBER PLANNING AND ZONING COMMISSION	
APPROVED:	DATE:
RAVIER	
APPROVED:	DATE:
CITY PLANNING	

NOTES:

1. SELLING A PORTION OF THIS ADDITION BY NOTARY AND BOUNDARY IS A VIOLATION OF CITY ORDINANCES AND STATE LAW AND IS SUBJECT TO FINE AND WITHHOLDING OF UTILITIES AND BUILDING PERMIT.
2. THE BEARNE SURVEY AND RECENT HONOR ARE REFERENCED TO THE MONUMENTED EAST LINE OF SOUTHRIDGE ESTATES ADDITION PHASE 2, RECORDED IN DOCUMENT NO. 8207-204, PLAT RECORD OF COLLIN COUNTY, TEXAS (RECORDED).
3. SUBJECT PROPERTY LIES WITHIN ZONE C (UNSHADDED AREA), DEFINED AS "ZONE DETERMINED TO BE OUTSIDE THE GROW ANNUAL CHARGE PLUGPLATE", ACCORDING TO FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) 2003 FLOOD INSURANCE RATE MAP FOR COLLIN COUNTY, TEXAS AND TRANSPARENCY AREAS - SHAD NUMBER REFERENCED, REPORT DATE JUNE 2, 2003.
4. 1/2 INCH RODS WILL BE SET IN ANY UNMARKED PERIMETER BOUNDARY CORNERS AND BLOCK CORNERS, ALL OTHER'S WILL BE 1/2 INCH IRON RODS WITH CAPS MARKED "PETTIT-BARAZA" SET OR FOUND UNLESS NOTED OTHERWISE.
5. THE LOCATION OF THE COUNTRY EASEMENT REFERENCED IN VOLUME 4887, PAGE 985 (DOCUMENT NO. 20140702000045000), DROPOUT SHOWN PLOTTED HEREIN IS APPROXIMATE DUE TO CHAOS MARKED SHOWN IN EASEMENT.

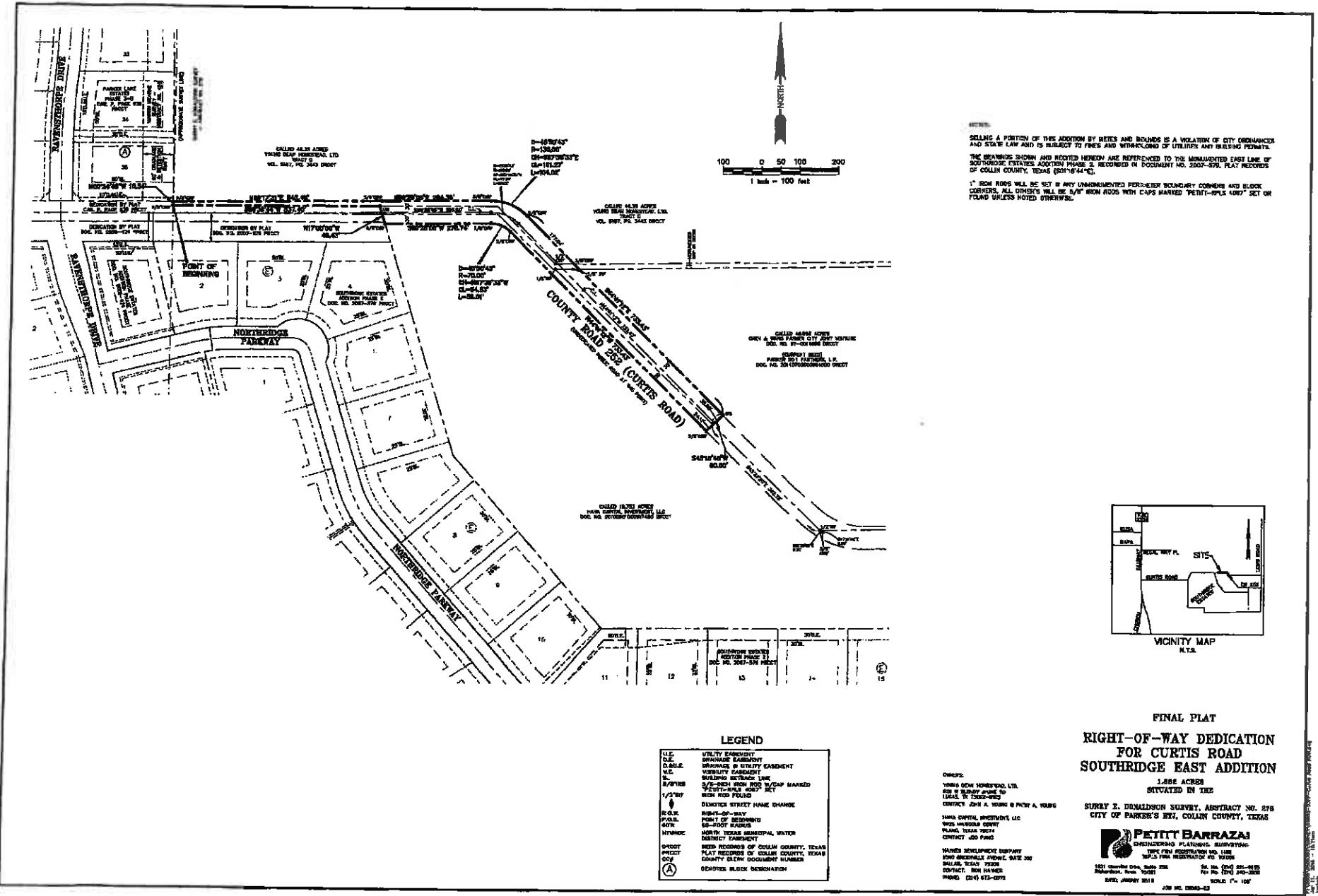
FINAL PLAT  
SOUTHRIDGE EAST ADDITION  
60.164 ACRES - 36 RESIDENTIAL LOTS  
LOCATED IN THE  
GEORGE V. KELLEY SURVEY, ABSTRACT NO. 300  
CITY OF PARTNERS, INC., COLLIN COUNTY, TEXAS

**PETTIT BARAZA**  
LANDSCAPE PLANNING SURVEYING  
1000 N. MCKEEBEE DR., SUITE 200  
DALLAS, TEXAS 75208  
(214) 670-8919

RECEIVED: PARTNERSHIP CITY, A TEXAS LIMITED PARTNERSHIP  
LAST RECEIVED: MAR 2010  
1600 RIVERFRONT DR.  
SUITE 200  
DALLAS, TEXAS 75208  
(214) 670-8919  
RECEIVED: MAR 2010  
1600 RIVERFRONT DR.  
SUITE 200  
DALLAS, TEXAS 75208  
(214) 670-8919  
RECEIVED: MAR 2010  
1600 RIVERFRONT DR.  
SUITE 200  
DALLAS, TEXAS 75208  
(214) 670-8919

SHEET 2 OF 2

Exhibit B



## Exhibit C



## CHAPTER 155: SUBDIVISION REGULATIONS

### Section

#### General Provisions

[155.001](#) Title

[155.002](#) Policy

[155.003](#) Purposes

[155.004](#) Authority

[155.005](#) Jurisdiction

[155.006](#) Extraterritorial jurisdiction

[155.007](#) Applications pending

[155.008](#) Minimum requirements; abrogation and greater restrictions

[155.009](#) Amendment

[155.010](#) Definitions

#### Platting Procedures

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[155.026](#) Land study

[155.027](#) Preliminary plat approval

[155.028](#) Preliminary plat amendments

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[155.031](#) As-built plat plan; record drawings

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#### Improvements; Procedures, Standards, and Requirements

[155.045](#) Completion, acceptance, and maintenance

155.046 Construction procedures

155.047 Inspection

155.048 Issuance of building permits and certificates of occupancy

155.049 General requirements

155.050 Lot design and improvements

155.051 Glare

155.052 Streets and thoroughfares

155.053 Pedestrian access easements; trails

155.054 Drainage

155.055 Sewage facilities

155.056 Water facilities

155.057 Public and private utilities

155.058 Parks and trails

155.059 Public use; land reservation

155.060 Homeowners associations; common amenities

155.061 Design standards and specifications

155.062 Additional requirements

Replatting; Plat Amendment; Vacation

155.075 Replatting of land

155.076 Amending plat

155.077 Vacation of plat

Administration and Enforcement

155.090 Variances

155.091 Participation policies; development costs

155.092 Violations

155.093 Injunctive relief; remedies not exclusive

155.999 Penalty

Appendix: Attachments

## GENERAL PROVISIONS

 § 155.001 TITLE.

These regulations shall be officially known, cited, and referred to as the “subdivision regulations” of the city (hereinafter “this chapter”).

(Ord. 487, passed 7-18-2000)

 § 155.002 POLICY.

(A) The subdivision or platting of land and the subsequent development of the land is subject to the control of the city pursuant to the Comprehensive Plan for the orderly, planned, efficient, and economical development of the city.

(B) Land to be subdivided or platted shall be of a character that can be used safely for building purposes without undue danger to health or peril from fire, flood, or other menace, and land shall not be developed until adequate public facilities and improvements exist and proper provision has been made for drainage, water, wastewater processing, and streets.

(C) Proposed public improvements shall conform to and be properly related to the proposals shown in the Comprehensive Plan and the capital improvements program of the city. This chapter shall supplement and facilitate the enforcement of the provisions and standards contained in building and housing codes, zoning ordinances, the Comprehensive Plan, and the capital improvements program of the city.

(D) Land that has been platted prior to the effective date of the adoption of this chapter shall, whenever possible, be brought within the scope of this chapter to further the purposes identified in § 155.003.

(Ord. 487, passed 7-18-2000)

 § 155.003 PURPOSES.

This chapter is adopted for the following purposes:

- (A) To protect and provide for the public health, safety, and general welfare of the public, and to protect against the ill effects of urbanization;
- (B) To guide the future growth and development of the city in accordance with the Comprehensive Plan;
- (C) To ensure safety from fire, flood, and other danger, and to prevent overcrowding of the land and undue concentration of population;
- (D) To guide public and private development in order to promote adequate transportation, water **distribution**, wastewater **collection disposal**, drainage **conveyance**, and other public requirements and facilities;
- (E) To provide for the circulation of traffic and pedestrians as required for the beneficial use of land and buildings and to reduce congestion throughout the city;
- (F) To establish reasonable standards of design and procedures for platting and replatting to further the orderly layout and use of land, and to ensure proper legal descriptions and monumenting of platted land;
- (G) To ensure that adequate public facilities and services are available and will have sufficient capacity to serve the proposed subdivision or addition and that the community will be required to bear no more than its fair share of the cost of providing the facilities and services;
- (H) To prevent the pollution of streams and ponds; to ensure the adequacy of drainage facilities; to safeguard the water table; and to encourage the wise use and management of natural resources, and enhance the stability and beauty of the community and the value of the land; and
- (I) To provide for open spaces through the efficient design and layout of the land.

(Ord. 487, passed 7-18-2000)

 § 155.004 AUTHORITY.

- (A) This chapter is formulated under the powers granted by Tex. Loc. Gov't Code, Chapter 212, subch. A and B. The term "plat" as used in subch. A and this [Chapter 155](#) shall also include within its definition the term "development plat" specified in subch. B, except where noted.
- (B) In addition to its other responsibilities, the Planning and Zoning Commission of the city (hereinafter "Commission") is vested with the authority to review, and to recommend the approval, recommend the conditional approval, or disapprove applications for the platting or subdivision of land, including **preliminary** plats, final plats, amended plats, replats, and vacations of plats. The Commission may recommend variances from this chapter pursuant to the provisions of [§ 155.090](#).
- (C) The City Administrator is vested with the authority to approve minor plats. The City Administrator may, for any reason, elect to present a minor plat to the Planning and Zoning

Commission for approval. The City Administrator may not disapprove a minor plat and shall refer any minor plat refused for approval to the Planning and Zoning Commission or the Council.

(Ord. 487, passed 7-18-2000)

 § 155.005 JURISDICTION.

(A) This chapter applies to all subdivisions of land, located within the corporate limits of the city and within the city's extraterritorial jurisdiction, as provided by law, and to all additions of land within the corporate limits of the city, except as expressly stated herein.

(B) The following types of subdivision do not require approval by the city; however, the city shall not extend utilities, provide access to public roads, or issue building permits for the development of any property which has not received final plat approval, except as otherwise provided by this chapter:

(1) The division of land into 2 or more parts where all parts are larger than 5 acres and where no new building or improvement is proposed and no required public improvement is to be dedicated;

(2) The creation of a remainder of a tract caused by the platting of a portion of the tract, provided the remainder is larger than 10 acres;

(3) The division of a tract or parcel for purposes of creating a dedication plat;

(4) The creation of a leasehold for a space within a commercial building site which does not abut a public street, or the division of property into such leaseholds, provided that the property is a part of an approved subdivision or addition and regulated in accordance with the platting requirements of the city, and the plat has been amended as may be required to add easements or otherwise serve the leasehold. For purposes of this section, a leasehold abuts a public street if it is immediately adjacent to a public street or if it is so close to a public street that no usable property lies between the leasehold and the public street; and

(5) The creation of a leasehold for agricultural use of the subject property, provided that the use does not involve the construction of a building(s) to be used as a residence or for any purpose not directly related to agricultural use of the land or crops or livestock raised thereon.

(C) A written request may be directed to the Commission for information concerning whether a plat is required under this chapter, in accordance with Tex. Loc. Gov't Code, § 212.0115, as amended.

(D) The exclusion of these activities from this chapter does not waive any jurisdiction the city now exercises or may exercise over these matters.

(E) Except as provided above, no land may be subdivided or platted through the use of any legal description other than with reference to a plat approved by the Council in accordance with this chapter.

(F) Except as provided herein and for lots of record established prior to the effective date of the adoption of this chapter, no land shall be sold, leased, or transferred until the property owner has obtained approval of a final plat from the Council as required by this chapter.

(G) The city shall withhold all public improvements and utilities, including the maintenance of streets and the provision of wastewater disposal facilities (if any) and water service, from all tracts, lots, or additions, the platting of which has not been officially approved by the City Council and for which a certificate of compliance has not been issued pursuant to § 155.030(G).

(H) Except as provided in Section 4.4, no building permit or certificate of occupancy shall be issued for any parcel or tract of land inside the city limits until that property has received final plat approval and is in substantial conformity with the provisions of this chapter, and no private improvements shall take place or be commenced except in conformity with this chapter.

(Ord. 487, passed 7-18-2000) Penalty, see § 155.999

 § 155.006 EXTRATERRITORIAL JURISDICTION.

(A) The subdivision regulations of the city, as they now exist or may hereafter be amended (including Ord. 333, and the ordinance adopting or amending this chapter), are hereby extended to all of the area lying within the extraterritorial jurisdiction of the city, and the rules and regulations within this chapter governing plats and subdivision of land shall be applicable to the area within that extraterritorial jurisdiction from and after the effective date of the adoption of this chapter regulating subdivisions.

(B) No person shall subdivide or plat any tract of land within the extraterritorial jurisdiction of the city, except in conformity with the provisions of the subdivision regulations contained herein.

(Ord. 487, passed 7-18-2000) Penalty, see § 155.999

 § 155.007 APPLICATIONS PENDING.

All completed applications for plat approval, including final plat, pending on the effective date of this chapter and which have not lapsed shall be reviewed under regulations in effect immediately preceding the date of adoption of this chapter.

(Ord. 487, passed 7-18-2000)

 § 155.008 MINIMUM REQUIREMENTS; ABROGATION AND GREATER RESTRICTIONS.

(A) *Interpretation.* In their interpretation and application, the provisions of this chapter shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. This chapter shall be construed broadly to promote the purposes for which it is adopted.

(B) *Conflict with other laws.* This chapter is not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law except as provided in this chapter. Where any provision of this chapter imposes restrictions different from those imposed by any other provision of this chapter, or other provision of law, the provision which is more restrictive or imposes higher standards shall control.

(Ord. 487, passed 7-18-2000)

 § 155.009 AMENDMENT.

For the purpose of protecting the public health, safety, and general welfare, the Council may from time to time propose amendments to this chapter which shall then be approved or disapproved by the Council at a public meeting.

(Ord. 487, passed 7-18-2000)

 § 155.010 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ABUT.** To be separated by common property lines, lot lines, or an alley; adjacent, adjoining, contiguous, or touching.

**ACCESS WAY.** An area on private property used by vehicular traffic for access to and from streets.

**ADDITION.** One lot, tract, or parcel of land lying within the corporate boundaries of the city which is intended for the purpose of development.

**ALL-WEATHER ACCESS (CONSTRUCTION).** An access way paved with a paving material which is cohesive and holds its form when subjected to vehicular traffic and the normal variation of weather conditions experienced in the city.

**AMENDED PLAT.** A revised plat correcting errors or making minor changes to the original recorded final plat.

**AMENITY.** An improvement to be dedicated to the public or the common ownership of the lot owners of the subdivision and providing an aesthetic, recreational, or other benefit, other than those prescribed by this chapter.

**BASE FLOOD.** The flood having a 1% chance of being equaled or exceeded in any given year. The **BASE FLOOD** shall be determined by using a fully developed watershed and the city's criteria for a 100-year storm.

**BLOCK.** A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways, or boundary lines of municipalities.

**BOND.** Any form of a surety bond in an amount and form satisfactory to the city.

**BUFFERYARD.** A unit of land and any structures such as walls or berms that may be required between different land uses to eliminate or minimize conflicts between them. (Example: an area of trees or landscaping between larger residential lots in 1 city, and smaller residential lots or commercial development in another city.) Specific **BUFFERYARD** requirements are defined in Chapter 156, the comprehensive zoning ordinance.

**BUILDER.** The person or party responsible for the construction of buildings and other structures or permanent improvements on a platted lot or building site, as defined by the Building Official. The **BUILDER** shall also be defined as the **DEVELOPER**, if responsible for platting or replatting of property or development of property, as herein defined.

**BUILDING SETBACK LINE.** A line designated on an approved subdivision plat which is parallel or approximately parallel to a property line to define a zone between the building line and the property line in which buildings and structures may not be erected.

**CAPITAL IMPROVEMENTS PROGRAM.** The official proposed schedule of all future public projects listed together with cost estimates and the anticipated means of financing each project, as adopted by City Council.

**CITY.** The City of Parker, Texas.

**CITY ADMINISTRATOR.** The City Administrator or his or her designee.

**CITY ENGINEER.** The official appointed professional engineer with responsibility to review and release plans for construction projects, or his or her designee.

**COMMISSION.** The Planning and Zoning Commission for the city.

**COMPREHENSIVE PLAN.** A plan for development of the city prepared and adopted by the Council, and including any part of that plan separately adopted, and any amendment to that plan, or parts thereof.

**CONSTRUCTION PLAN.** The maps or drawings accompanying a plat and showing the specific location and design of public improvements to be installed in the subdivision or addition in accordance with the requirements of the Commission, **requirements of the Texas Engineering Practice Act, and construction plans shall be designed by a professional engineer licensed in the State of Texas** as a condition of the approval of the plat.

**CONTIGUOUS.** Lots are contiguous when at least 1 boundary line of 1 lot touches a boundary line or lines of another lot.

**COUNCIL.** The City Council of this city.

**COUNTY.** Collin County, Texas.

**CURVILINEAR STREET.** A street comprising curved and straight portions in accordance with the requirements of this chapter.

**DEDICATION PLAT.** A plat prepared for the purpose of dedicating land or easements for rights-of-way to the city.

**DEVELOPER.** The owner of the property being platted or replatted or the person designated by the owner as being responsible for the development of the property. The terms **SUBDIVIDER** and **DEVELOPER** are synonymous and used interchangeably, and shall include any person, partnership, firm, association, corporation, or any officer, agent, employee, servant, and trustee thereof who does or participates in the doing of any act toward the subdivision of land within the intent, scope, and purview of this chapter. The **DEVELOPER** shall also be defined as the **BUILDER** if he or she is responsible for the construction of buildings or other structures or permanent improvements.

**DEVELOPMENT.** Any human-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, paving, drainage, or utilities, but not agricultural activities.

**DEVELOPMENT EXACTION.** Any dedication of land or easements for, construction of, or contribution toward construction of a public improvement required as a condition of plat approval by the city under this chapter.

**DRAINAGE WAY.** All areas with an elevation lower than a ground elevation, defined as being the highest elevation of the following:

- (1) Two feet above the base flood for fully developed upstream conditions, calculated in accordance with criteria set forth by the city;
- (2) Two feet above the elevation required for peak discharge for the 100-year design flood, Alternate C, of the Flood Insurance Study, U.S. Department of Housing and Urban Development, Federal Insurance Agency; or
- (3) The top of the high bank.

**DRIVEWAY.** A private, all-weather surfaced drive connecting the residence, or building, with a public or private street.

**DWELLING UNIT.** A single unit providing complete, independent living facilities for a family, and including a residential kitchen, bathroom, and provisions for living, sleeping, and sanitation.

**EASEMENT.** An interest in the real property of another which is the dominant estate and is a right to use that real property for the purposes specified therein.

**ESCROW.** A deposit of cash with the city in accordance with city policies.

**EQUAL CONVEYANCE REDUCTION.** Proposed floodplain alterations reducing stream conveyance should allow a corresponding conveyance reduction on the opposite stream bank. The right of equal conveyance reduction applies to all owners and uses and may be relinquished by written agreement.

**FINAL PLAT.** The map of a subdivision or addition to be recorded after approval by the City Council and any accompanying material and additional requirements as described in this chapter.

**FLOODPLAIN.** Any land area susceptible to being inundated by water from the base flood.

**FLOODWAY.** A drainage area designated on a plat to accommodate the design flood for existing creeks and ~~open drainage ways~~ the channel of a watercourse and the adjacent land area that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

**FLOODPLAIN MANAGEMENT REGULATIONS.** Zoning Ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance, and erosion control ordinance) storm water design criteria and other applications of police power. The term describes such state and local regulations, in any combination thereof, which provides standards for the purpose of flood damage prevention and reduction.

**LAND STUDY.** A drawing preparatory to the preliminary plat, to enable the property owner to save time and expense by communicating the general plans for development of a subdivision with the Commission and the City Council.

**LEASEHOLD.** Property held by lease.

**LOT.** A tract, plot, or portion of a subdivision, addition, or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership, or possession, or for building development.

**LOT OF RECORD.** A lot created prior to September 25, 1990.

**MAJOR PLAT.** All plats not classified as minor plats, including but not limited to subdivisions of more than 4 lots, or any plat requiring creation of any new street or extension of the city's facilities.

**MAYOR.** The Mayor of this city, or his or her designee.

**MINOR PLAT.** A subdivision resulting in 4 or fewer lots and not requiring the creation of any new street or the extension of municipal facilities.

**MUNICIPAL FACILITY.** An improvement owned and maintained by the city.

**OFF-SITE IMPROVEMENT.** Any public improvement located outside the physical boundaries of the subdivision or addition to be platted.

**PERIMETER STREET.** Any existing or planned street which abuts the subdivision or addition to be platted.

**PLAT.** The plan or map for a subdivision or addition.

**PLATTING.** The act of preparing for approval and processing, pursuant to this chapter, the plan or map for a subdivision or addition.

**~~PRELIMINARY PLAT~~.** The plat and accompanying construction drawings for a subdivision or addition as described in this chapter. The **~~PRELIMINARY PLAT~~** is approved by the City Council prior to construction of public improvements, but not filed with the county.

**PRIVATE STREET.** A private vehicular access way shared by and serving 2 or more lots, which is not dedicated to the public and is not publicly maintained. **PRIVATE STREETS** may be established only under the terms of this chapter; see § 155.052.

**PROPERTY OWNER.** Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land comprising the subdivision or addition, or any representative or agent thereto, who has express written authority to act on behalf of that owner.

**PUBLIC IMPROVEMENT.** Any drainage way, roadway, parkway, sidewalk, utility, pedestrian way, off-street parking area, lot improvement, open space, or other facility for which the city or other governmental entity will ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which local government responsibility is established.

**PUBLIC WAY.** An officially approved, privately maintained drive, constructed to city street standards, open to unrestricted and irrevocable public access, serving 2 or more lots with a minimum of 100 feet of frontage as their primary means of access.

**REMAINDER.** The residual land left after platting of a portion of a tract. Platting of a residual may in some instances be required under the provisions of this chapter.

**REPLATTING.** Any change ~~in a map~~ of an approved or recorded plat, except as permitted as an amended plat, that affects any street layout on the map or area reserved or dedicated thereon for public use or any lot line, or that affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions or additions. **REPLATTING** includes the combination of lots into a single lot for purposes of development.

**RESERVE STRIP.** Land that has been withheld or kept back from sale or disposition.

**RESUBDIVISION.** The replatting of a subdivision plat.

**RIGHT-OF-WAY.** A parcel of land dedicated to the city, occupied or intended to be occupied by a street. Where appropriate, **RIGHT-OF-WAY** may include other facilities and utilities, such as sidewalks, railroad crossings, electrical, communication, oil, gas, water, or sanitary or storm sewer facilities, or for any other special use. **RIGHT-OF-WAY** shall also include parkways and medians outside of pavement. The usage of the term **RIGHT-OF-WAY** for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining the right-of-way and not included within the dimensions or areas of those lots or parcels.

**SECURITY.** The letter of credit or cash escrow provided by the applicant to secure its promises in an agreement.

**STORM SEWER.** ~~An artificial conduit for carrying off rain water to convey storm water runoff.~~

**STREET, ARTERIAL.** A street meeting the requirements for an arterial thoroughfare, and intended as the primary urban traffic-carrying system between major traffic centers.

**STREET, COLLECTOR.** A street meeting the minimum requirements for a collector thoroughfare, and intended to move traffic from local access streets to arterial streets.

**STREET, EASEMENT.** An authorization by the property owner in perpetuity for the public use of a portion of his or her property for the placement thereon of a street, trail, or the like, whereby the property owner retains title to the property upon which the easement is established. Public use of this easement shall also be extended to the construction and placement of trails; street signs, signals, and markings; utilities, both above- and below-ground; and other facilities as are customarily located within typical street rights-of-way.

**STREET, SUBSTANDARD.** An existing street or highway that does not meet the minimum specifications in the thoroughfare standards ordinance and city construction standards and specifications, or if a state highway or FM highway does not meet the minimum standard specifications of the State Department of Highways and Public Transportation and is not constructed to the ultimate extent for the type of roadway it is designated for in the major thoroughfare plan. A **STANDARD STREET** is a street or highway that meets or exceeds those standard specifications and the major thoroughfare plan.

**SUBDIVIDER.** See **DEVELOPER**.

**SUBDIVISION.** The division of any tract or parcel of land into 2 or more lots for the purpose, whether immediate or future, of offer for sale or lease or for the purpose of development.

**SUBDIVISION** includes the division or development of residentially and nonresidentially zoned land, whether by deed, metes and bounds description, devise, intestacy, lease, map, plat, or other recorded instrument. **SUBDIVISION** also includes resubdivision. **SUBDIVISION** also refers to the land to be so divided, as the context may indicate. Certain types of subdivisions do not require approval by the city under the terms of § 155.005(B) of this code.

**TEMPORARY IMPROVEMENT.** Improvements built and maintained by an owner during construction of the development of the subdivision or addition and prior to release of the performance bond, or improvements required for the short-term use of the property.

**WATER SURFACE ELEVATION.** The height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other accepted datum where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

(Ord. 487, passed 7-18-2000)

## PLATTING PROCEDURES

### § 155.025 GENERAL PROCEDURES; ESTABLISHMENT.

#### (A) *Classification of subdivisions and additions.*

(1) Before any land is platted, the developer shall apply for and secure approval of the proposed subdivision plat or addition plat in accordance with the following procedures, unless otherwise provided by this chapter. Subdivisions are classified as major or minor depending on the number of lots proposed and the extent of public improvements required.

(a) Minor subdivisions shall create no more than 4 lots and do not require the creation of a new street or the extension of municipal facilities. Minor subdivisions may be approved for residential and nonresidential properties. Minor plat approval requires the submission of a final plat as described under § [155.030](#). The City Administrator may approve minor plats or refer them to the Planning and Zoning Commission and Council for their action.

(b) Major subdivisions involve the creation of new streets, the extension of municipal facilities, or the creation of more than 4 lots. Major subdivisions may be approved for residential and nonresidential properties. The procedure for approving a major subdivision plat typically involves 4 steps: land study (voluntary), [preliminary](#) plat, final plat, and submission of as-built plans.

(2) Except as otherwise permitted, the Council's approval of a [preliminary](#) plat is required prior to the construction of public improvements to the property. The developer may undertake efforts to improve the land, and begin construction of public improvements after receiving approval of a [preliminary](#) plat. Upon completion of detailed surveys and all necessary engineering to fully and accurately define the subdivision, the developer shall submit a final plat for approval. Lots may be sold and building permits obtained only after approval of the final plat by the Council, and filing of the signed final plat. Upon completion of the required public improvements, the owner shall submit a set of as-built plans to the city. Certificates of occupancy for any permanent structures shall not be granted until the as-built plans have been approved and accepted by the city.

(B) *Submission date for items requiring Commission, Council, or staff approval.* Preliminary plats and final plats will be acted on within 30 days by the Planning and Zoning Commission and 30 days thereafter by Council, unless the time requirements are waived by the developer. Minor plats may be processed in a shorter period, since they only require staff approval. All other approvals require the action of the Planning and Zoning Commission and Council. The official submission date is the date of submission of all documents and payment of all fees as required by this chapter.

(C) *Statutory compliance procedure.*

(1) Applications for plat approval shall be evaluated for compliance with this chapter and requirements contained in the city's standard specifications manual and design manuals, which are incorporated herein by reference, and with any other criteria, policies, rules, and plans which are referenced elsewhere in this chapter, or established by ordinance.

(2) The City Administrator shall place the application on a scheduled meeting of the Commission prior to the expiration of 30 days following the official date, subject to any waiver executed or agreed to by the applicant. The Commission shall recommend approval, conditional approval, or deny the application. In the absence of a waiver, if the Commission fails to approve or disapprove (disapproval includes the identification of requirements to be satisfied prior to approval) an application within 30 days of the official submission date, or thereafter in the event of a waiver of time, the application shall be deemed approved by the Commission as a recommendation.

(3) The recommendation of the Commission shall be forwarded to the City Council, who shall schedule a meeting for the consideration of the application, and the recommendation of the Commission. The meeting shall be held within 30 days of the recommendation of the Commission. The Council shall approve or disapprove the application, or identify requirements which must be satisfied prior to approval of the application. In the absence of a waiver, if the Council fails to approve or disapprove (disapproval includes the identification of requirements to be satisfied prior to approval) an application within 30 days of the recommendation of the Commission, the application shall be deemed approved, subject to the applicant's waiver. However, the identification of requirements by the Council, which remain to be satisfied prior to plat approval, shall constitute disapproval of the application for purposes of statutory compliance only. Unless the Council unconditionally disapproves the plat application within that period, the city shall continue to process the application for compliance with this chapter. The Council may table a **preliminary** plat, or final plat, or may request the applicant to withdraw. These items must be withdrawn by the applicant if the applicant is not ready to proceed. The applicant may resubmit the project with no additional fees if it is rescheduled within 30 days of the date of withdrawal. Tabling the application does not extend the time periods required for action.

(D) *Fees, application forms, and procedures.* The City Council shall establish a schedule of fees as required to recoup costs related to the administration of this chapter. The City Administrator may establish procedures, forms, and standards with regard to the content, format, and number of

copies of information constituting an application for a **preliminary** plat, replat, vacation of plat, final plat, or as-built plat plans.

(E) *Extraterritorial jurisdiction.* Land in the city's extraterritorial jurisdiction is subject to platting, as provided by law. The approval of a **preliminary** plat or final plat for land within the extraterritorial jurisdiction does not constitute approval of land use. Properties incorporated subsequent to platting are subject to the city's zoning authority.

(Ord. 487, passed 7-18-2000) Penalty, see § 155.999

 § 155.026 LAND STUDY.

(A) *Purpose.* The purpose of the land study is to review and discuss a general plan for the development of property, including the layout of streets, lots, open space, and sites for public facilities and utilities, in accordance with the city's Comprehensive Plan, master thoroughfare plan, and drainage requirements.

(1) Review of the land study is performed by the city as an accommodation to the developer, and to the city, in an effort to identify clear issues for further evaluation by the developer.

(2) No development rights are granted by the city through consideration of the land study. The developer proceeds at his or her own risk and expense in his or her applications for zoning, or preparation of preliminary and final plat materials.

(B) *Applicability.* A land study is a voluntary submission by the developer, and is not a requirement or prerequisite for processing **preliminary plat** or final plats with the city. A land study may be submitted by the developer at the developer's option to determine the feasibility of the parameters of the subdivision. Land studies shall be submitted for review to the Commission prior to being submitted to the Council.

(C) *Submission procedure.*

(1) A developer who wishes to submit a land study for review by the Commission or the City Council shall submit a request in writing to the City Administrator with the following information:

(a) The name and address of the land owner;

(b) The name and address of the developer;

(c) The proposed name of the subdivision;

(d) Proposed land uses; and

(e) A request that a review of a land study be placed on the agenda for the Commission.

(2) The following information is ~~recommended~~ to be included in the land study for the benefit of adequate review by the Commission and the City Council:

(a) A location map;

(b) A map of the proposed subdivision, including the following:

1. Scale recommended to be 1 inch = 100 feet;
2. The subdivision boundary lines;
3. A general depiction of adjacent properties and tracts;
4. Existing structures and uses within the subdivision;
5. The location of houses, barns, walls, wells, and tanks;
6. The extent of wooded areas and tree lines;
7. A generally accurate depiction of existing streets;
8. A general depiction of proposed streets;
9. ~~Bufferyards;~~
10. ~~100-year floodplain areas;~~
11. Storm water retention and detention basins;
12. ~~Drainage ways;~~
13. ~~Screening walls or other forms of screening;~~
14. ~~Open areas; and~~
15. Trails.

(c) Acreage breakdown, including:

1. The gross acreage of the subdivision;
2. The number of proposed lots;
3. The net lot size of the smallest lot;
4. The net lot size of the largest lot;
5. A lot size and count breakdown;

6. Acreage within the 100-year floodplain;
7. Acreage designated as streets; and
8. Acreage designated for public improvements.

(d) All contiguous holdings of the property owner, with an indication of the portion which is proposed to be developed or offered, sold, or leased.

(D) *Review procedure.* Review and discussion of a land study shall be placed on the agenda for the Commission after the developer has submitted the written request and all applicable drawings. The review and discussion of the proposed development shall be a Commission meeting or work session, and it shall be open to the public. No rights are vested to the landowner/developer regarding the land study or by the comments or suggestions of the Commission or the Council. The landowner/developer proceeds at his or her own risk.

(Ord. 487, passed 7-18-2000)

#### § 155.027 PRELIMINARY DEVELOPING A PLAT APPROVAL

(A) *Purpose.* The purpose of the **preliminary** plat is to allow the Planning and Zoning Commission, the City Engineer, and the City Council to evaluate the proposed subdivision for conformity with the applicable requirements of the city's Comprehensive Plan, **Chapter 156** of this code, **good engineering practice, city standards, city design standards**, and this chapter. Additionally, the Commission, Council, and staff will review the **preliminary** plat to evaluate construction plans for public improvements, to provide adequate security for construction of the same, and to authorize the City Engineer to release the property for grading and construction of public improvements.

(B) *Applicability.* A **preliminary** plat is required for all major subdivisions prior to the construction of public improvements.

(C) *Application procedure and requirements.* On forms approved by the city, the applicant shall file for approval of a **preliminary** plat. The plat shall be prepared by or under the supervision of a **registered professional** public surveyor and registered **with the State of Texas and Professional Engineer licensed in the State of Texas** (if applicable) in this state and shall bear his or her seal, signature, and date on each sheet. All documents, maps, drawings, tables, and other materials shall be submitted in both printed form and electronic form. The specific electronic format (**file type**) of submitted materials shall be dictated by the city as 1 or more of commonly accepted electronic formats for the materials (**PDF, TIFF**). The payment of all applicable fees shall be required at the time of submission. **The fee covers the review of the plat and construction plans for two submittals. All subsequent reviews will be paid for by the developer. Payment shall be paid to the City prior to the review.**

(1) *General application requirement.* Copies of the proposed preliminary plat shall be at a scale of 1 inch = 100 feet or larger and in a form substantially as follows:

- (a) The boundary lines with accurate distances and bearings and the exact location and width of all existing or recorded streets intersecting the boundary of the tract. Exact total gross acreage to the nearest hundredth shall be shown. Documentation shall be provided showing that boundary line error does not exceed 1:10,000 for unadjusted boundary and 1:50,000 for plat boundary;
- (b) True bearings and distances to the nearest established street lines and official monuments, which shall be accurately described on the plat. Municipal, ETJ, school district, and other jurisdictional boundaries shall be accurately tied to subdivision boundaries by distance and bearing;
- (c) Accurate ties to the abstract and survey corners as required by prudent surveying practices;
- (d) The exact layout, including:
  1. Street names, which must be submitted to the City Administrator for approval in accordance with the city's guidelines for the naming of streets. Names of corporations may not be used as street names;
  2. The length of all arcs, radii, internal angles, points of curvature, length, and bearings of the tangents;
  3. All easements for rights-of-way, utilities, drainage, emergency access, line-of- sight, **landscaping, screening wall** and any limitations of the easements;
  4. All lot numbers and lines with accurate dimensions in feet and hundredths of feet and bearings and angles to street lines, and net lot areas in acres;
  5. The location of the center line of creeks or drainage ways **should shall** be tied with accurate dimensions in feet and hundredths of feet with bearings and angles. No unplatting remainder will be allowed between property boundaries and center lines of creeks. The location of the 100-year event floodplain shall be shown **along with FEMA Firm map references;** and
  6. The locations of permanent structures within the subdivision, including houses, barns, walls, tanks, wells, and the significant features.
- (e) The accurate location, material, and size of all monuments approved by the City Engineer. Horizontal and vertical control data shall be established for a minimum of 2 corners of the subdivision or addition. One-inch iron rods **with surveyors cap** shall be set at all boundary corners, block corners, angle points, points of corners, and points of tangents. One-half-inch iron rods shall be set at all

other lot corners. All these iron rods ~~with surveyors cap~~ shall have plastic red caps, identifying the surveyor. ~~and the significance of the point (such as PC, PT, block corner);~~

- (f) The accurate outline of all property which is offered for dedication for public use with the purpose indicated thereon, and of all property that may be reserved by deed covenant for the common use of the homeowners in the subdivision or addition;
- (g) Building setback lines;
- (h) Special restrictions, including, but not limited to, drainage and floodway, fire lanes, and screening;
- (i) The proposed name of the subdivision or addition;
- (j) The name and address of the property owner;
- (k) North arrow, scale, and date of origination, and latest revision date;
- (l) Certification by a ~~registered public~~ Professional Land Surveyor ~~registered in the State of Texas~~ to the effect that the plat represents a survey made by him or her and that all the monuments shown thereon actually exist, and that their location, size, and material description are correctly shown, and that the survey correctly shows the location of all rights-of-way, easements, and other matters of record affecting the property being platted;
- (m) Boundary survey closure and area calculations;
- (n) Additional documents necessary for dedication or conveyance of easements or rights-of-way, as required by the city. The city may, in some instances, require the conveyance of fee simple title for certain rights-of-way;
- (o) Entry easements to allow city personnel to enter the property being platted for the purpose of examining the construction of the public improvements;
- (p) The layout, names, and width of proposed streets, and easements;
- (q) The location of proposed screening walls and other forms of screening shall be clearly indicated;
- (r) Existing contours of the tract in intervals of 2 feet or less, referred to sea level datum, and final contours after construction (~~lot grading included~~) referred to in intervals of 1 foot or less, referred to sea level datum;

- (s) Existing sewers ~~lines~~, water ~~lines~~ ~~mains~~, ~~utility lines~~, culverts, or other underground structures within the tract and immediately adjacent thereto, with pipe sizes and locations included;
- (t) Proposed ~~water, sanitary~~ sewer (if applicable), ~~water lines~~, and storm drainage ~~lines facilities~~ with pipe sizes and locations ~~including and showing~~ culverts, bridges, and other appurtenances or structures;
- (u) Storm water retention or detention basins as required;
- (v) Erosion ~~control for the overall development meeting TCEQ and the city SWPPP requirements, mitigation of lots or roads next to creeks and drainage ways according to the drainage and erosion guidelines of the city and the E.P.A.~~; and
- (w) General tree survey information showing tree lines and individual trees of 6-inch caliper or greater as measured 4 feet above the ground.

(2) *Standards for approval.* No ~~preliminary~~ plat shall be recommended for approval by the Planning and Zoning Commission or approved by the Council unless the above and following standards have been met:

- (a) The construction plans have been reviewed and recommended for ~~approval acceptance~~ by the City Engineer;
- (b) Provision for installation and dedication of public improvements has been made ~~onsite and offsite~~;
- (c) The plat conforms to applicable zoning and subdivision regulations; and
- (d) The plat meets all other requirements of this chapter.

(3) *Approval procedure.* After review of the ~~preliminary~~ plat, the report and recommendation of the City Engineer on the construction plans, and any exhibits submitted at a public meeting, the applicant shall be advised of any required changes or additions. The Commission shall recommend the ~~preliminary~~ plat for approval by the City Council or disapprove the ~~preliminary~~ plat. One copy of the proposed ~~preliminary~~ plat shall be returned to the owner with the date of such actions noted thereon. If the Commission disapproves the proposed ~~preliminary~~ plat, the applicant may execute an appeal in the manner prescribed in § 155.032.

(4) *Effect of approval.* Approval of a ~~preliminary~~ plat by the Council constitutes authorization for the City Engineer to release construction plans subject to his or her final approval and for the City Engineer to authorize the developer to commence grading of the site and construction of those public improvements as are required by the city.

Approval of a ~~preliminary~~ plat also authorizes the property owner, upon fulfillment of all requirements and conditions of approval, to submit for approval an application for final

plat approval. Upon release of the construction plans, the City Engineer may, upon request of the applicant, issue a certificate indicating the construction plans have been released and construction of the improvement is thereafter authorized. Additional certificates may be issued by the City Engineer authorizing the construction of private utilities on a phased schedule. The certificate shall read as follows:

“The **Preliminary** Plat for (insert name of the subdivision or addition) as approved by the Council on (insert date of approval) is authorized for use with engineering plans for the construction of public improvements as approved by the City Engineer. A final plat will be considered for approval by the Council upon the completion of all public improvements.”

(5) *Lapse of preliminary plat approval.* The approval of a **preliminary** plat shall be effective for a period of 2 years from the date that the **preliminary** plat is approved by the Council, at the end of which time the applicant must have submitted and received approval for a final plat. If a final plat is not submitted and approved within 2 years, the **preliminary** plat approval shall be null and void, and the applicant shall be required to submit a new plat subject to the then existing zoning and subdivision regulations. See § 155.029 concerning extensions and reinstatement of approval.

(D) *Phasing of development.* The Commission may permit a **preliminary** plat for a major subdivision to be divided into 2 or more phases, as indicated on the **preliminary** plat, provided each phase satisfies the requirements of this chapter. In considering phasing of a **preliminary** plat, the Commission may approve certain conditions as it deems necessary to ensure the orderly development of the platted land. Those conditions may include but are not limited to temporary streets, temporary cul-de-sacs, and off-site utility extensions.

(E) *Construction plan procedure and requirements.*

(1) *General application requirements.* Construction plans shall be prepared by or under the supervision of a Professional Engineer or Architect registered (if building is involved) **licensed in the State of Texas in this state** as required by state law governing those professions. Plans submitted for review by the city shall be dated and bear the responsible engineer's or architect's name, professional license number, and the designation of “engineer,” “professional engineer,” “P.E.,” or “architect” and an appropriate stamp or statement near the engineer's or architect's identification, stating that the documents are for preliminary review and are not intended for construction. Final plans acceptable to the city shall bear the seal and signature of the engineer or architect and the date signed on all sheets of the plans **and a statement that plans are for construction.** Public works construction in streets, alleys, or easements which will be maintained by the city shall be designed by a Professional Engineer **licensed in the State of Texas.** **registered in this state.**

(2) *Review procedure.* Copies of the construction plans and the required number of copies of the plat shall be submitted to the City Engineer to be reviewed for recommendation. The plans shall contain all necessary information for construction of the project. All

materials specified shall conform to the standard specifications and standard details of the city. Each sheet of the plans shall contain a title block including space for the notation of revisions. This space is to be completed with each revision to the plan sheet and shall clearly note the nature of the revision and the date the revision was made. The City Administrator will release the plans for construction, after the plans are recommended for approval by the City Engineer, and approval of the final plat by the Council and payment of all fees. Upon this release, each contractor shall maintain 1 set of plans stamped with the city approval on the project site at all times during construction. (Also see §§ [155.046](#) and [155.047](#).)

(3) *Failure to commence construction.* If construction has not commenced within 1 year after approval of the plans, resubmittal of plans may be required by the city for meeting current standards and engineering requirements.

(4) *Definition.* For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

**CONSTRUCTION.** Installation of city maintained public improvements.

(Ord. 487, passed 7-18-2000) Penalty, see § 155.999

 § 155.028 **PRELIMINARY PLAT AMENDMENTS.**

(A) *General considerations.* At any time following the approval of a **preliminary** plat, and before the lapse of that approval, a developer may request an amendment. Changing of the approved number of lots shall be considered a major amendment. The rerouting or adjustment of street alignments, street lengths, and paving details, **drainage details**, and the adjustment of lot lines, shall be considered minor amendments.

(B) *Minor amendments.* The City Administrator, after recommendation of the City Engineer, may approve or disapprove a minor amendment. Disapproval may be appealed to the Commission under the terms of § [155.032](#).

(C) *Major amendments.* The Council shall approve, conditionally approve, or disapprove any proposed major amendment at a public meeting in accordance with the same requirements for the approval of a **preliminary** plat and may make any modifications in the terms and conditions of final plat approval reasonably related to the proposed amendment.

(D) *Retaining previous approval.* If the applicant is unwilling to accept the proposed amendment under the terms and conditions required by the city, the applicant may withdraw the proposed major amendment or appeal the action to the City Council in accordance with § [155.032](#).

(Ord. 487, passed 7-18-2000)

 § 155.029 **EXTENSION OR REINSTATEMENT OF PRELIMINARY PLAT APPROVAL.**

(A) Sixty days prior to or following the lapse of approval for a preliminary plat, as provided in this chapter, the developer may petition the Council to extend or reinstate the approval. This petition shall be considered at a public meeting of the Council.

(B) In determining whether to grant such a request, the Council shall take into account the reasons for the lapse, the ability of developer to comply with any conditions attached to the original approval, and the extent to which newly adopted subdivision regulations shall apply to the plat or study. The Council may extend or reinstate the plat, or deny the request, in which instance the developer must submit a new application for approval.

(C) The Council may extend or reinstate the approval subject to additional conditions based upon newly enacted regulations or as are necessary to ensure compliance with the original conditions of approval. The Council may also specify a shorter time for lapse of the extended or reinstated plat or study than is applicable to original approvals.

(Ord. 487, passed 7-18-2000)

#### § 155.030 FINAL PLAT APPROVAL.

(A) *Purpose.* The purpose of a final plat is to record the subdivision of property including the accurate description of blocks, rights-of-way, easements, building lines, and street names. Lots of the subdivision may not be sold, transferred, or otherwise conveyed to any other party, nor shall building permits for permanent structures be issued prior to the city's approval and filing of the final plat documents.

(B) *Applicability.* A final plat shall be required for subdivisions of property and the recording of single lots in accordance with § 155.005.

(C) *Application procedure and requirements.* A final plat for minor subdivisions may be approved by the City Administrator. A final plat for a major subdivision shall require recommendation for approval by the Planning and Zoning Commission, *if there are any changes to the approved plat* and approval by the City Council. Final plats shall comply with the preliminary plat where applicable. The application shall be accompanied by the following materials in both printed form and electronic form. All documents, maps, drawings, tables, and other materials shall be submitted in both printed form and electronic form. The specific electronic format (file type) of submitted materials shall be dictated by the city as 1 or more of commonly accepted electronic formats for the materials *(PDF, TIFF,)*.

(1) Copies of the proposed final plat bearing all information specified in § 155.027(C), and the following language: "Notice: Selling a portion of this addition by metes and bounds is a violation of city ordinance and state law and is subject to fines and withholding of utilities and building permits;"

(2) Formal irrevocable offers of dedication to the public of all streets, local government uses, utilities, parks, and easements, in a form approved by the City Attorney. The plat shall be marked with a notation indicating the formal offers of dedication;

- (3) A recording fee in an amount as set by the County Clerk;
- (4) As-built construction plans, where applicable;
- (5) Accurate ties to the abstract and survey corners as required by state surveying law and the amount of acreage in each abstract shown; and
- (6) Certification by a ~~registered public~~ Professional Land Surveyor ~~licensed in the State of Texas~~ to the effect that the plat represents a survey made by him or her and that all the monuments shown thereon actually exist, and that their location, size, and material description are correctly shown, and that the survey correctly shows the location of all visible easements and rights-of-way, and all rights-of-way, easements, and other matters of record affecting the property being platted.

(D) *Standards for approval.* No final plat shall be approved by the City Administrator, the Commission, or the Council unless the following standards have been met:

- (1) The plat substantially conforms to the preliminary plat and shall be entirely consistent with the construction and public improvements as completed and accepted by the city;
- (2) Required public improvements ~~and erosion control established~~ have been constructed and are ready to be accepted;
- (3) The plat conforms to applicable zoning and other regulations;
- (4) Provision has been made for adequate public facilities under the terms of this chapter;
- (5) The homeowners association agreement and deed restrictions as applicable have been reviewed and approved by the City Attorney; and
- (6) The plat meets all other requirements of this chapter.

(E) *Approval procedure.* After review of the final plat by the City Engineer, the City Administrator shall place the final plat for consideration on the agenda. ~~of a public meeting of the Commission.~~ Minor plats may be approved by the ~~Mayor~~ City Administrator or referred to the Commission in accordance with § 155.004(B). ~~The Commission shall recommend the final plat for approval by the Council or disapprove the final plat.~~ One copy of the final plat shall be returned to the applicant with the date of the action noted on the final plat.

(F) *Appeals.* If the Commission disapproves the final plat, the applicant may appeal to the Council in the manner prescribed in § 155.032.

(G) *Certificate of compliance.* Upon approval of a final plat required by this chapter, the City Administrator shall issue to the person applying for approval a certificate stating that the final plat has been approved by the City Council. For purposes of this section, final approval shall not occur until all conditions of approval have been met.

(H) *Signing and recording of final plat.*

- (1) The Mayor and the City ~~Administrator~~ Engineer shall endorse approval on the final plat after approved by the Council, and all the conditions pertaining to the final plat have been satisfied.
- (2) When installation of public improvements is required prior to recordation of the final plat, the chairperson of the Commission, the Mayor, and City ~~Administrator~~ Engineer shall endorse approval on the final plat after all conditions of approval have been satisfied and all public improvements satisfactorily completed. There shall be written evidence that the required public improvements have been installed in a manner satisfactory to the city as shown by a certificate signed by the City Engineer stating that the necessary ~~dedication of public lands~~ and installation of public improvements have been accomplished. (See § [155.047](#).)
- (3) It shall be the responsibility of the ~~developer~~ City to file the final plat with the County Clerk. Simultaneously with the filing of the final plat, the ~~developer~~ City shall record those other agreements of dedication and legal documents as shall be required to be recorded by the City Attorney. The final plat, bearing all required signatures, shall be recorded after final approval and within 10 working days of its receipt. A minimum of 3 copies of the recorded final plat, and additional copies (or other media formats) as required by the City Administrator, with street addresses assigned, will be forwarded to ~~the city by~~ the developer.

(I) *Effect of approval.* Approval of a final plat shall certify compliance with the regulations of the city pertaining to the subdivision of land. An approved and signed final plat shall be filed with the county as a record of the subdivision of land and may be used to reference lots and interests in property thereon defined for the purpose of conveyance and development as allowed by this chapter.

(Ord. 487, passed 7-18-2000) Penalty, see § 155.999

 § 155.031 AS-BUILT PLAT PLAN; RECORD DRAWINGS.

(A) *Purpose.* The purpose of an as-built plat plan is to record the subdivision of property, including the accurate description of utilities, drainage ways, streets, blocks, rights-of-way, easements, building lines, and street names. Certificates of occupancy shall not be granted by the city until the as-built plat plans have been submitted and approved.

(B) *Applicability.* A ~~Two~~ sets of as-built plat plans ~~are~~ shall be required for subdivisions of property and the recording of single lots in accordance with § [155.005](#).

(C) *Timing.* As-built plat plans shall be required to be submitted to ~~the city~~ within ~~30~~ 60 days after all public improvements and utilities have been installed, inspected by appropriate authorities, and approved. Extensions of time for compliance with this requirement may be granted by the City Administrator upon good cause shown.

(D) *Submission procedure and requirements.* The developer shall submit to the city a complete set of certified drawings of the paving, drainage, water, and sanitary sewer improvements, showing all changes made in the plans during construction and containing on each sheet a record-drawing stamp bearing the signature of the developer's engineer and the date. In addition, 3 reproducible **paper** drawings on 22 x 34 inch sheets, along with one 11 x 17 inch paper of the utility plan sheets, containing the record-drawing information, shall be submitted to the city. In addition, all plans shall be required to be supplied to the city in electronic form as specified by the city (PDF, TIFF,).

- (1) No final acceptance of the subdivision will be made by the city nor shall certificates of occupancy for structures within the subdivision be granted until this requirement has been met to the satisfaction of the city. It shall be the responsibility of the developer to furnish copies of the record-drawing plans to the appropriate state agencies.
- (2) In the event the as-built **construction** plans are not in substantial conformance with the approved **construction plans** ~~final plat~~, the city may terminate all permits and approvals of the project until the as-built plans are reconciled by ~~the Municipal Engineer the Planning and Zoning Commission with the final plat~~.

(E) *Standards for acceptance.* No as-built plat plans shall be accepted by the City Administrator, the Commission, or the Council unless the following standards have been met:

- (1) The plat substantially conforms to the final plat and shall be entirely consistent with the construction and public improvements as completed and accepted by the city; and
- (2) All required public improvements have been constructed and are ready to be accepted.

(F) *Effect of acceptance.* Acceptance of the as-built plat plans shall certify compliance with the regulations of the city pertaining to the subdivision of land. Certificates of occupancy for permanent structures within the subdivision can then be granted subject to all other applicable construction, building, and code regulations, county, state, and federal law.

(Ord. 487, passed 7-18-2000) Penalty, see § 155.999

#### § 155.032 APPEALS TO COUNCIL.

(A) The applicant may appeal any negative decision of the Commission with regard to a **preliminary** plat, or replat, by filing a notice of appeal in the office of the City Administrator, no later than 10 days after the date on which the Commission notifies the applicant of its decision. The notice of appeal shall set forth in clear and concise fashion the basis for the appeal. The Council shall consider the appeal at a public meeting no later than 45 days after the date on which the notice of appeal is filed. The Council may affirm, modify, or reverse the decision of the Commission and may, where appropriate, remand the land study, **preliminary** plat, or replat request to the Commission for further proceedings consistent with the Council's decision.

(B) Appeals of any negative decision of the City Administrator may be made to the Planning and Zoning Commission and City Council in a manner similar to that outlined above.

(Ord. 487, passed 7-18-2000)

## IMPROVEMENTS; PROCEDURES, STANDARDS, AND REQUIREMENTS

### § 155.045 COMPLETION, ACCEPTANCE, AND MAINTENANCE.

(A) *Completion of improvements.*

(1) Except as provided below, before the final plat is signed by the Mayor, all applicants shall be required to complete, in accordance with the city's decision and to the satisfaction of the City Engineer, all the street, utility, **erosion control, vegetation established**, and other public improvements, as well as lot improvements on the individual residential lots of the subdivision or addition as required in this chapter, specified in the final plat, and as approved by the Commission, and to dedicate those public improvements to the city.

(2) For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

**LOT IMPROVEMENTS.** Include grading and installation of improvements required for proper drainage and control of soil erosion.

(B) *Temporary improvements.* The developer shall build and pay for all costs of temporary improvements required by the Council and shall maintain those temporary improvements for the period specified by the Council.

(C) *Acceptance of dedication offers.* Acceptance of formal offers of dedication of streets, public areas, easements, and parks shall require both the recommendation of the City Engineer and separate and specific action by the Council. A plat ~~of any type, whether preliminary or final plat~~ shall not be deemed to constitute or imply the acceptance by the city of any street, easement, or park shown on that plat. The Council may require the plat to be endorsed with appropriate notes to this effect. The dedication of a drainage easement to the city does not indicate or signify that the city accepts any duty to maintain the easement, absent a specific notation on the plat that the city will maintain the easement. Without this specific notation, the property owner will maintain the easement. (See § 155.054.)

(D) *Maintenance and guarantee of public improvements.* The developer shall maintain all required public improvements for a period of 2 years following the acceptance by the city and shall provide a warranty that all public improvements will be free from defect for a period of 2 years following the acceptance by the city. **The maintenance bond shall be 100% of construction cost.**

(Ord. 487, passed 7-18-2000) Penalty, see § 155.999

¶ § 155.046 CONSTRUCTION PROCEDURES.

(A) *Permit required.* A permit is required from the city prior to beginning any work in the city which affects erosion control, vegetation or tree removal, floodplain, grading, street construction, removal of existing structures, utility installation, and the like.

(B) *Preconstruction conference.* The City Engineer may require that all contractors participating in the construction meet for a preconstruction conference to discuss the project.

(C) *Conditions prior to authorization.* Prior to authorizing release of a ~~construction~~ grading permit, the City Engineer shall be satisfied that the following conditions have been met:

- (1) The ~~preliminary~~ plat shall be approved by the Council;
- (2) Initial erosion control measures and facilities shall be in place, as required by the ~~subdivision regulations, SWPPP, City Administrator, and the~~ City Engineer. All necessary off-site easements or dedications required for city maintained facilities shall be conveyed solely to the city, with proper signatures affixed;
- (3) All contractors participating in the construction shall be presented with a set of approved plans bearing the ~~city~~ stamp ~~of~~ stating "Release for Construction" ~~of the City Engineer~~. These plans shall remain on the job site at all times;
- (4) A complete list of the contractors, their representatives on the site, and telephone numbers where a responsible party may be reached at all times must be submitted to the City Engineer and the City Administrator; and
- (5) All applicable fees shall be paid to the city.

(Ord. 487, passed 7-18-2000) Penalty, see § 155.999

¶ § 155.047 INSPECTION.

(A) *General procedure.* Construction inspection shall be supervised by the ~~City Staff and~~ City Engineer. Construction shall be in accordance with the ~~city's~~ approved plans, and the standards and specifications of the city. Any change in design required during construction should be made by the engineer whose seal and signature are shown on the plans ~~and approved by the city~~. ~~Another engineer may make revisions to the original engineering plans if so authorized by the owner of the plans and if those revisions are noted on the plans or documents.~~ All revisions shall be approved by the City Engineer. If the City Engineer finds upon inspection that any of the required public improvements have not been constructed in accordance with the city's construction standards and specifications, the property owner shall be responsible for completing or correcting the public improvements.

(B) *Certificate of satisfactory completion.*

(1) Prior to the city accepting dedication of required public improvements, the applicant's engineer or surveyor shall certify to the City ~~Administrator Engineer~~, through submission of a detailed as-built construction drawing of the property, indicating location, dimensions, materials, and other information required by the Commission or City ~~Administrator Engineer~~, that all required public improvements have been completed. The as-built construction drawing shall include a complete set of drawings of the paving, drainage, water, sanitary sewer, or other public improvements, **both onsite and offsite**, showing that the layout of the line and grade of all public improvements is in accordance with construction plans for the plat, and all changes made in the plans during construction, and containing on each sheet an as-built stamp bearing the signature of the engineer and the date. Digital plans shall be provided in a form required by the City Engineer (**PDF, TIFF**). In addition, **3 reproducible paper drawings 22 x 34 inch and one 11 x 17 paper 2 copies** of the utility plan sheets containing the as- built information shall be submitted.

(2) The engineer or surveyor shall also furnish a copy of the final plat and engineering plans, ~~if prepared on a CADD system~~, in a format that is compatible with the city's CADD or GIS system (**PDF, TIFF**). When these requirements have been met, the City Engineer, on behalf of the city, shall thereafter accept the public improvements for dedication in accordance with the established procedure.

(3) Acceptance of the development shall mean that the developer has transferred all rights to all the public improvements to the city for use and maintenance. The City Engineer may, at his or her decision, accept dedication of a portion of the required public improvements, if the remaining public improvements are not required for health and safety reasons and the owner has posted security in accordance with § 155.027 of this chapter in the amount of 100% of the estimated cost **as determined by the City Engineer** of those remaining improvements for a length of time to be determined by the City Engineer. If the remaining public improvements are greater than \$10,000 and are not completed within the determined length of time, the city will impose a penalty of 10% of the secured amount. The obligation to complete the improvements remains with the developer, and all future building permits or certificates of occupancy will be withheld until the improvements are complete. If the remaining public improvements are less than \$10,000, the developer shall pay the actual dollar amount. The length of time may be extended due to inclement weather or unforeseen delays by mutual agreement between the developer and the city.

(4) Upon acceptance of the required public improvements, the City Engineer shall submit a certificate to the developer stating that all required public improvements have been satisfactorily completed.

(Ord. 487, passed 7-18-2000) Penalty, see § 155.999

 § 155.048 ISSUANCE OF BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY.

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(A) No building permit shall be issued for a lot or building site unless the lot or site has been officially recorded by a final plat approved by the city and all public improvements as required for final plat approval have been completed, except as permitted below. No building permit shall be issued for a lot or building site unless all utility services (including city services and outside services such as cable, telephone, gas, power, and the like) have been installed and **made operational completed**, and further, all drainage work for the lot has been satisfactorily completed in accordance with the final plat requirements **erosion control measures in place and vegetation established**.

(B) Building permits may be issued for nonresidential development, provided that a final plat is approved by the city and construction plans have been released by the **City Engineer**. Building construction shall not be allowed to surpass the construction of fire protection improvements.

(C) The City **Administrator Engineer** may authorize residential building permits for a portion of a subdivision, provided that a final plat has been approved and all public improvements have been completed for that portion of the development, including but not limited to those required for fire and emergency protection, **along with erosion control**. Notwithstanding, no lot may be sold or title conveyed until a final plat approved by the city has been recorded.

(D) No certificate of occupancy shall be issued for the use of a property unless all subdivision improvements have been completed and both a final plat and the as-built plat plans have been approved and accepted by the city, and the final plat has been recorded. Notwithstanding the above, the City Administrator or City Engineer may authorize the occupancy of a structure, provided that an agreement providing cash escrow, a letter of credit, or other sufficient surety is approved by the city for the completion of all remaining public improvements. The certificate of occupancy may be revoked if the final plat approval and filing process is not completed.

(Ord. 487, passed 7-18-2000) Penalty, see § 155.999

#### § 155.049 GENERAL REQUIREMENTS.

(A) *Plats straddling municipal boundaries.* Whenever access to the subdivision or addition is required across land in another municipality, the Council may request assurance from that municipality's attorney that access is legally established, and from its engineer that the access road is adequately improved, or that a bond has been duly executed and is sufficient in amount to ensure the construction of the access road. In general, lot lines should be drawn so as not to cross municipal, county, or school district boundary lines.

(B) *Adequate public facilities policy.* The land proposed for subdivision shall be adequately served by essential public facilities and services. These services include street access, water, and drainage. No plat or replat may be approved unless it conforms to this policy and its standards. This policy may be further defined and supplemented by other ordinances adopted by the city.

(1) *Street access.* All platted lots shall have safe and reliable street access for daily use and emergency purposes.

(a) All platted lots shall have direct access to an improved public street, private street, or an approved public way, and connected by improved public streets to an improved public thoroughfare.

(b) All subdivisions shall have 2 means of access or approach. Where development phasing or constraints of the land prevent the provision of a second, separate means of access, the city may accept a temporary street connection, or a median divided street or entry to satisfy this requirement. In some situations, provisions for street extensions on adjacent property at a future date may be acceptable.

(2) *Water*. All platted lots shall be connected to a public water system which is capable of providing water for health, **fire protection**, and emergency purposes.

(a) All lots shall be provided service connections from a looped water main providing water flow from 2 directions or sources. **An exception to this is approved cul-de-sacs less than 600 feet.**

(b) Water service shall be sufficient to meet the fire flow requirements of the proposed development, except where a suitable alternative means of fire protection is approved by the City Fire Chief.

(c) The city may accept development phasing, development restrictions, or the construction of improvements to maintain adequate fire protection.

(3) *Wastewater*. On-site systems shall be designed and constructed according to **TNRCC** **The Texas Commission on Environmental Quality (TCEQ)** Construction Standards for On-Site Wastewater Facilities, **and** the requirements of the county, and special provisions of the city, if any. The **final** construction plans shall contain data and typical design criteria of the system for on-site disposal of wastewater. Public wastewater removal, for those lots not meeting county standards allowing on-site systems, shall conform to **TNRCC TCEQ** and county standards, and special provisions of the city, if any. The city adopts **TNRCC TCEQ** and county regulations regarding wastewater as a part of this chapter. The more restrictive of the 2 regulations shall apply.

(4) *Drainage*. Increased storm water run-off attributable to new development shall not exceed the capacity of the downstream drainage system or adversely affect adjoining property. Where the projected run-off would exceed capacity, the city may accept the phasing of development, the use of control methods such as retention or detention, or the construction by the developer of off-site drainage improvements as means of mitigation. **A development that increases the base flood elevation by more than 1 inch for a 100 year event, or increases the rate of flow to a degree deemed unacceptable by the City Engineer, or which causes diversion of the natural flow of the drainage, may be denied plat approval, permit approval, or certificates of occupancy as applicable.** An enclosed storm sewer system, designed to properly accommodate the run-off from a storm event of

100-year frequency, shall be provided in all areas where density is greater than or equal to 2 units per gross acre.

(C) *Subdivision or addition name.* The proposed name of the subdivision or addition shall not duplicate, or too closely approximate phonetically, the name of any other subdivision or addition in the area covered by this chapter and shall, where possible, correspond to named subdivisions or additions in the immediate vicinity. The Council shall have final authority to approve the name of the subdivision or addition.

(D) *Corner and reference markers.*

(1) All lot corners shall be located and marked with 1/2-inch reinforcing bar, 18 inches in length, and shall be placed flush with the ground or counter sunk, if necessary, in order to avoid being disturbed.

(2) Iron rods, 1 inch in diameter and 18 inches long, shall be placed on all boundary corners, block corners, angle points, and points of tangents in public rights-of-way. Monuments in accordance with city Construction Details shall be located as required by the City Engineer and shall be located along all drainage and floodway boundaries.

(3) All iron rods set shall have plastic caps identifying the surveyor and significance of the point (such as PC, PT, block corner, and the like). All corners shall be flagged at the time of final inspection of the development.

(E) *House numbering.* The owners of all buildings within the city shall display the building address so as to be visible from the street.

(1) All building numbers shall be at least 4 inches in height of a contrasting color and ~~attached to the mail box, visible from both directions. from the surface to which they are attached.~~

~~(2) If the building is located more than 50 feet from the street, a number shall be posted so as to be visible from the street.~~

(Ord. 487, passed 7-18-2000) Penalty, see § 155.999

## § 155.050 LOT DESIGN AND IMPROVEMENTS.

(A) *Lot arrangement.* The lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all lots in compliance with [Chapter 151](#) and [156](#) of this code, and other applicable ordinances, laws, and regulations. Driveway access shall be provided to residential structures and detached garages on the lots from an approved street or public way.

(B) *Lot dimensions.* Lot dimensions shall comply with the minimum standards of [Chapter 156](#). In general, side lot lines shall be at right angles to street lines (or radial to curving street lines) unless a variation from this rule will give a better street or lot plan. Depth and width of properties

reserved or laid out for business, ~~commercial, or industrial~~ purposes shall be adequate to provide for the off-street parking, landscaping, and loading facilities required for the type of use and development contemplated, as established in [Chapter 156](#), and provided those uses are allowed by ordinance.

(C) *Double frontage residential lots.* Double frontage lots shall be avoided except where necessary to separate residential development from traffic arterials or to overcome specific disadvantages of topography and orientation.

(D) *Blocks.* The lengths, widths, and shapes of blocks shall be such as are appropriate for the locality and the type of development contemplated.

(E) *Soil preservation and final grading.* Top soil shall not be removed from residential lots or used as spoil, but shall be redistributed so as to provide at least 6 inches of cover on the lots and parkways. **Top Soil may need to be imported to obtain six inches of depth on each lot.** Permanent erosion control measures, such as grassed parkways, shall be ~~provided~~ established throughout the development prior to final acceptance of the improvements. All areas disturbed during the construction process shall be re-vegetated and re-graded as necessary.

(F) *Lot grading and drainage.* Drainage for lots shall be designed in accordance with the City Engineer's requirements. Lots shall be laid out so as to provide positive drainage away from all buildings, and individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed so as to avoid concentration of storm drainage water from each lot to adjacent lots. The land shall be platted with appropriate regard for all topographical and drainage features and shall minimize the use of retaining walls. A grading plan shall be provided with contours at an interval of ~~1~~ 0.5 foot or less. **Grading plans shall show existing and design contours.**

(G) *Debris and waste.* No cut trees, timber, debris, large rocks or stones, junk, rubbish, or other waste materials of any kind shall be buried in any land, or left or deposited on any lot or street **for longer than 60 calendar days or** at the time of final acceptance by the City Engineer, and removal of those items and materials shall be required prior to that acceptance. No items and materials as herein described shall be left or deposited in any area of the subdivision or addition at the time of acceptance of dedication of public improvements. However, soil for redistribution may be stockpiled **with appropriate erosion control measures** on a property with approval of the City Engineer.

(Ord. 487, passed 7-18-2000) [Penalty, see § 155.999](#)

 **§ 155.051 GLARE.**

(A) No use in any district, or the extraterritorial jurisdiction, shall be operated so as to produce intense glare or direct illumination across the boundary property line from a visible source of illumination of such intensity as to create a nuisance or detract from the use or enjoyment of the

adjacent property. All outside lights shall be designed with a light source and reflector so selected that acting together the light beam is controlled and not directed across any bounding property line. With the exception of street lights owned and operated by the city, the maximum allowable intensity of light measured at the property line shall not exceed 1 foot candle.

(B) A light pole, and height of the light fixture, shall not exceed 20 feet above grade, without a special use permit.

(Ord. 455, passed 4-13-1999) Penalty, see § 155.999

 § 155.052 STREETS AND THOROUGHFARES.

(A) *Screening.* Screening walls are not permitted, except as specifically approved by the Council.

(B) *Adequacy of streets and thoroughfares.* All streets shall be designed and platted in general conformance with the thoroughfare plan, and other standards as applicable. Access to all lots shall be via approved streets as defined in this chapter.

(C) *Design standards.*

(1) *General.* In order to provide for streets of suitable location, width, and construction to accommodate prospective traffic and afford satisfactory access to police, firefighting, sanitation, and street maintenance equipment, and to coordinate streets so as to compose a convenient system and avoid undue hardships to adjoining properties, an adequate street and thoroughfare system shall be designed in accordance with the standards set forth in this chapter. In the event of a conflict between this chapter or other regulations and those contained in such documents, the more specific or restrictive provisions shall be applied **as determined by the City Engineer.** Paving and other improvements are subject to the participation policies of the city. **All pavement structures shall be designed by the engineer of record based on a geotechnical investigation of the site and actual projected traffic volumes.**

(2) *Street paving and improvements.* After underground utilities have been installed, the developer shall construct roadways as prescribed in this chapter. Adequate provision shall be made for **water lines, sewer lines, other utilities**, culverts, drains, and bridges. All street pavement, drainage improvements and structures, and turnarounds shall conform to all construction standards and specifications contained or referenced in this chapter.

(3) *Concrete street requirements.* Streets shall conform to the corresponding attachments in the Appendix to this chapter.

(4) *Substandard streets.* Existing substandard streets or roads, as defined in § [155.010](#) of this code that are located within or adjacent to the proposed development shall be upgraded, by the developer at his or her expense, to city standards. Off-site roads that are proposed by the developer to be improved to less than city standards shall be by written request of the developer and must be acted on as a variance to this chapter.

*(5) Construction requirements.*

*(a) Residential and collector street construction.* The developer shall, at his or her own cost and expense, construct all residential and collector streets within the subdivision in accordance with city standards (see Ch. 155 Appendix). No proposed pavement section of lesser thickness or using alternate materials to those shown on the Ch. 155 Appendix attachments shall be permitted unless the design is fully documented by the developer's engineer to substantiate that the alternate design will provide equivalent capacity and durability and the alternate design is approved by the City Council with the advice and consent of the City Engineer.

*(b) Major thoroughfare construction.*

1. On roadways, adjacent to the proposed subdivision, that are designated to be major thoroughfares, the subdivider shall be required to construct, at his or her own cost and expense, 1/2 of the proposed ultimate street section together with proper drainage facilities.
2. Where major thoroughfares traverse a subdivision, the subdivider shall be required, at his or her own cost and expense, to construct a 2-lane wide section on each side of the roadway. Construction shall be in accordance with city standard construction details (see Appendix Attachments 5 and 6).
3. No proposed pavement section of lesser thickness or using alternate materials to those shown on the Appendix attachments shall be permitted unless the design is fully documented by the engineer to substantiate that the alternate design will provide equivalent capacity and durability and the alternate design is approved by the City Council with the advice and consent of the City Engineer. **Alternate designs will require a geotechnical investigation and pavement design to establish equivalent pavement sections to those shown in Appendix.**

*(6) Paving type and width requirements.*

*(a) Residential and collector streets.*

1. Widths of residential and collector streets shall be as described in city standards (see Appendix Attachments 1 through 6).
- ~~2. In consideration of the reduced requirement for on street parking in low density residential areas and in conformance with existing construction in the city, streets serving developments where the lots have an average net area of 2 acres or greater shall be classified as estate collector and estate residential, as applicable. All cul-de-sac roads shall be a minimum of 26 feet wide.~~

(b) *Roadway and street sections.* As a minimum, roadways and streets shall have the right-of-way, cross-section, and construction indicated in the Appendix, Attachments 1 through 6, which are as follows:

1. Attachment 1, (24 feet), Estate Residential (concrete);
2. Attachment 2, Suburban Residential (concrete);
3. Attachment 3, (24 feet), Estate Collector (concrete);
4. Attachment 4, Suburban Collector (concrete);
5. Attachment 5, M4U-S (Suburban Undivided 4-Lane Thoroughfare); and
6. Attachment 6, M4D-S (Suburban Divided 4-Lane Thoroughfare).

(c) *Street returns.*

1. The minimum radius for all street returns shall be ~~20~~ 30 feet.
2. The minimum radius returns for driveways on residential or collector streets shall be ~~10~~ 20 feet.
3. The minimum radius returns for driveways on thoroughfares shall be ~~20~~ 30 feet.

(7) *Longitudinal pavement grades.* The maximum longitudinal grades are as follows (unless approved by the City Engineer).

Type of Street	Maximum Grade
Collector	8%
Major thoroughfare	6%
Residential	10%

(8) *Median openings.* Median openings, median pavers, and left turn lanes, including channelizing buttons, constructed to serve dedicated streets or private drives, shall be installed and paved to city standards (see Appendix) by the developer. Existing trees in the median, if affected by median improvements, must be relocated or replaced. If the trees cannot be relocated or replaced in the median, then the developer shall pay a reasonable fee to the city to replace ~~and establish~~ the tree or equivalent caliber of trees in public right-of-way or on public land.

(9) *Acceleration and deceleration lanes.* Acceleration or deceleration lanes shall be installed by the developers when required by the City Engineer, and constructed to the same standards as the adjoining street in accordance with the City Engineer's requirements.

(10) *Future connections.* Street extensions may be required to link subdivisions as the neighborhood develops. Temporary **paved** cul-de-sacs shall be installed by the developer when required by phasing.

(11) *Intersections.* Street intersections shall be constructed in accordance with **Plane Parker** City Standards, as modified by the City Engineer for application within the city's jurisdiction. **Intersections shall be contoured by the engineer of record with a minimum of 0.5 foot contour interval and cross sections across the intersection in both directions.**

(12) *Traffic buttons.* If recommended by the City Engineer and required by the Commission, the developer shall install traffic buttons which are necessary for the safe transition **or** channelization **or separation** of traffic.

(13) *Reserve strips.* The creation of reserve strips shall not be permitted in such a manner as to deny access from adjacent property to any street, unless a variance, in writing, is requested.

(14) *Grading and improvement plan.* Streets shall be graded and improved in conformance with the city standards (see Appendix), and the design and specifications shall be approved as to design and specifications by the City Engineer. The construction plans are required to be submitted prior to **preliminary** plat approval, **and shall include cross sections at a minimum of every 100 feet.**

(15) *Topography and arrangement.*

(a) Streets shall be related appropriately to the topography. Residential streets shall be curvilinear as defined below. All streets shall be arranged so as to obtain building sites, when possible, at or above the grades of the streets. Grades of streets shall conform as closely as possible to the original topography. A combination of steep grades and curves shall be avoided. **Design speed shall be included in the plan set for the roadway horizontal and vertical design.**

(b) For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

**CURVILINEAR STREETS.** Generally, streets which have at least 75% of the center line length along curves having radii of no more than 500 feet and subtending arcs of at least 45 degrees. This definition is subject to site physical consideration and site configuration.

(c) All streets shall be properly integrated with the existing and proposed system of streets and dedicated rights-of-way as established on the city's thoroughfare plan. However, collector streets not shown on the plan may be required to meet traffic requirements of proposed development. Residential streets shall be designed to discourage use by through traffic, to permit efficient drainage and utility systems, and to require the minimum number of streets necessary to provide convenient and safe access to property.

(d) Proposed streets shall be extended to the boundary lines of the tract to be platted, unless prevented by topography or other physical conditions, or unless in the opinion of the Commission that extension is not necessary or desirable for the coordination of the layout of the subdivision or addition with the existing layout or the most advantageous future development of adjacent tracts.

(16) *Continuation of streets and cul-de-sacs.*

(a) The arrangement of streets shall provide for the continuation of principal streets between adjacent properties.

(b) If the adjacent property is undeveloped and the street must temporarily be a dead-end street, the street shall be constructed to the property line in accordance with city standards (see Appendix).

(c) Cul-de-sac turnarounds having a minimum radius ~~of 40 feet shall be provided to allow city emergency vehicles~~ at the end of all permanent dead-end streets.

(17) *Cul-de-sac length.* No cul-de-sac unless otherwise authorized shall exceed 600 feet in length, which is to be measured from the center line of the street with which it intersects to the center point of the cul-de-sac. Lengths longer than 600 feet shall require specific approval by the Council. In reviewing an over-length submittal, the Commission shall consider the following:

(a) Alternative designs which would reduce cul-de-sac length;

(b) Means of mitigation, including but not limited to increased street width, mid-block turnarounds, limitation on the number of lots to be created and served, temporary points of access, and additional fire protection measures; and

(c) ~~Cul-de-sac turnarounds shall be increased to a minimum of 60 feet in radius for any cul-de-sac length that exceeds 600 feet.~~

(18) *Street names and signs.*

(a) Street names must be submitted to the Planning and Zoning Commission for approval in accordance with the city's guidelines for the naming of streets. Names of corporations may not be used as street names. The Planning and Zoning Commission will maintain an index of street names which will contain these

guidelines. Street names and subdivision names are fixed at the time of approval of the final plat. A fee, in accordance with this code, will be charged to change street names and subdivision names after approval of the final plat, and approved by the appropriate post office.

(b) The developer shall ~~purchase and install all street signs to city approved standards. provide payment for street name signs for the development. The price of each street name installation shall include cost of the sign assembly, pole, and installation. Payment by the developer will be due prior to approval of the engineering plans by the City Engineer.~~

(c) Street name signs shall be installed in accordance with the city's guidelines before issuance of a building permit for any structure on the streets approved.

(19) *Street lights.*

(a) Street lighting shall conform to ordinances and standards of the city. The cost of street lighting, including installation, shall be borne by the developer.

(b) Street lights shall use full cut-off fixtures to confine light to the area requiring illumination. The developer shall submit a street lighting plan ~~that includes conduit with construction plans with his or her final plat~~ for approval by the city. The developer shall install conduit for street lights and traffic signals in divided thoroughfares as directed by the City Engineer, ~~conduit shall be schedule 80 with a minimum diameter of 6 inches with hand holes at all change of directions and at termination points.~~

(D) *Street dedications and reservations.*

(1) *Dedication of right-of-way.* The developer shall provide all right-of-way required for existing or future streets, including perimeter streets, as shown in the thoroughfare plan or other valid development plans approved by the Planning and Zoning Commission or City Council. Additional right- of-way may be necessary to meet drainage, utility placement, visibility, emergency egress and ingress, or other requirements as required by the City Engineer. In the case of perimeter streets, at least 1/2 of the total required right-of-way for those streets shall be provided. However, in some instances more than 1/2 shall be required depending on the actual or proposed alignment of the street. Standard right-of- way widths are specifically set forth in accordance with city standards (see Appendix).

(2) *Perimeter streets.* Where an existing half-street is adjacent to a new subdivision or addition, the remaining 1/2 of the street shall be dedicated and improved by the developer of the addition.

(3) *Slope easements.* The dedication of easements, in addition to dedicated rights-of-way, shall be required whenever, due to topography, additional width is necessary to provide

adequate earth slopes. These slopes shall not be in excess of ~~3~~ ~~4~~ feet horizontal to 1 foot vertical, ~~based on soil conditions unless accepted by City Engineer~~.

(E) *Street construction.* The developer shall construct all streets or thoroughfares in accordance with city standards (see [Appendix](#)) in rights-of-way as required by the thoroughfare plan, subject to participation policies stated in § [155.091](#) of this code. Streets which dead-end at power lines or similar rights-of-way and are intended for future extension shall be constructed in the full right-of-way as required by the thoroughfare plan, for 1/2 the distance across the right-of-way for each side.

(F) *Improvement, widening, and realignment of existing and proposed streets.* Where a subdivision or addition borders a substandard street or when the thoroughfare plan indicates plans for realignment, widening, or constructing a street that would require use of some of the land in the subdivision or addition, the applicant shall improve and dedicate those areas for widening or realignment of those streets, as follows.

(1) When a proposed subdivision or addition abuts or will abut both sides of a substandard street or a proposed street in the major thoroughfare plan, the developer shall improve the substandard street or proposed street so that it will be a standard street. The minimum street cross-sections are as shown in the [Appendix](#), Attachments 1 through 6.

(2) If the proposed subdivision or addition is located along only 1 side of a substandard street or a proposed street in the major thoroughfare plan, the owner shall be required to improve his or her side of the substandard street or proposed street, so that it will be a standard street. The minimum street paving width shall be as shown in division (C)(6) of this section. The developer may, however, petition the city to construct the improvements herein required, subject, upon approval, to the city's escrow policies stated in § [155.091](#) of this code.

(3) When any nonresidential street is to be extended through a property to intersect with another nonresidential street, the full design width shall be constructed for a minimum distance of 350 feet from the point of intersection. From that point the pavement width may be decreased, with provision of an appropriate transition in paving width. If property abutting only 1 side of the proposed thoroughfare is to be developed, then 1/2 of the lanes shall be constructed, including left turn lane and transition.

(G) *Access from residential subdivisions or additions.* Residential lots shall have a minimum street frontage at least 4 times the minimum side yard setback (cul-de-sac lots not included). Where subdivisions are platted so that lots face onto thoroughfares, direct driveway access to the thoroughfare is not permitted unless the lot has a front yard setback of at least 75 feet and a lot width of at least 150 feet.

(H) *Private streets.* Subdivisions may be developed with private streets instead of public streets if the development complies with the requirements of this section and the subdivision has received a specific use permit for a private street development.

(1) *Design and construction standards.* Private streets shall conform to the same standards regulating the design and construction of public streets.

(2) *Streets excluded.* Streets shown on the thoroughfare plan shall not be used, maintained, or constructed as private streets. Also, the Planning and Zoning Commission may deny the creation of any other private street if in the Commission's judgment the private street would negatively affect traffic circulation on public streets or impair access to property either on-site or off-site to the subdivision, impair access to or from public facilities including schools, parks, and libraries, or delay the response time of emergency vehicles.

(3) *Homeowners associations required.* Subdivisions developed with private streets shall have a homeowners association which includes all property served by private streets. The association shall own and be responsible for the maintenance of private streets and appurtenances. The association documents must establish a reserve fund for the maintenance of streets and other improvements. The association documents shall be reviewed and approved by the City Attorney to ensure that they conform to this and other applicable city ordinances. The documents shall be filed of record prior to the approval of the final plat. Lot deeds must convey membership in the association and provide for the payment of dues and assessments required by the association. The association may not be dissolved without the prior written consent of the city. No portion of the association documents pertaining to the maintenance of the private streets and assessments may be amended without the written consent of the city.

(4) *Private street lot.*

(a) Private streets shall be constructed within a separate lot owned by the homeowners association. The street shall be in accordance with city standards (see Appendix Attachments 1 through 6), and the lot shall conform to all applicable city requirements.

(b) An easement covering the street lot shall be granted to the city providing unrestricted use of the property for utilities and the maintenance of same. This right shall extend to all utility providers, including teleable companies, operating within the city. The easement shall also provide the city with the right of access for any purpose related to the exercise of a governmental service or function, including but not limited to fire and police protection, inspection, and code enforcement. The easement shall permit the city to remove any vehicle or obstacle within the street lot that impairs emergency access.

(5) *Construction and maintenance cost.* The city shall not pay for any portion of the cost of constructing or maintaining a private street.

(6) *City utilities.* Water, sewer (when required), drainage facilities, street lights, and signs placed within the private street lot shall be installed to city standards and dedicated to the city prior to approval of the final plat. All city regulations relating to infrastructure

financing, developer cost participation, and capital cost recovery shall apply to developments with private streets, with the exception of those applying to street construction.

(7) *Plans and inspections.* Developments proposed with private streets must submit to the city the same plans and engineering information required to construct public streets and utilities. Requirements pertaining to inspection and approval of improvements prior to final plat approval shall apply. Fees charged for these services shall also apply. The city may periodically inspect private streets and require repairs necessary to ensure emergency access.

(8) *Access restrictions.* The entrances to all private streets must be marked with a sign stating that it is a private street. Guard houses, access control gates, and cross arms may be constructed with approval of the City Council. All restricted access entrances must be staffed 24 hours every day, or provide an alternative means of ensuring access to the subdivision by the city and other utility service providers with appropriate identification. If the association fails to maintain reliable access as required to provide city services, the city may enter the subdivision and remove any gate or device which is a barrier to access at the sole expense of the association. The association documents shall contain provisions in conformity with this division which may not be amended without the written consent of the city.

(9) *Waiver of services.* The subdivision final plat, property deeds, and property owner association documents shall note that certain city services shall not be provided on private streets. Among the services which will not be provided are: routine police patrols, enforcement of traffic and parking ordinances, and preparation of accident reports. All private traffic regulatory signs shall conform to the State Manual of Uniform Traffic Control Devices. Depending on the characteristics of the proposed development, other services may not be provided.

(10) *Petition to convert to public streets.* The property association documents shall allow the association to request the city accept private streets and the associated property as public streets and rights-of-way upon written notice to all association members and the favorable vote of 51% of the membership. However, in no event shall the city be obligated to accept these streets as public. Should the city elect to accept the streets as public, the city may inspect the private streets and assess the lot owners for the expense of needed repairs concurrent with the city's acceptance of the streets. The city will be the sole judge of whether repairs are needed. The city may also require, at the association's expense, the removal of guard houses, access control devices, landscaping, or other aesthetic amenities located within the street lot. The association documents shall provide for the city's right to this assessment. Those portions of the association documents pertaining to the subject matter contained in this division shall not be amended without the written consent of the city.

(11) *Hold harmless.* The subdivision final plat shall specifically state that the homeowners association, as owner of the private streets and appurtenances, agrees to

release, indemnify, defend, and hold harmless the city, any governmental entity, and public utility for damages to the private street occasioned by the reasonable use of the private street by the city, governmental entity, or public utility; for damages and injury (including death) arising from the condition of that private street; for damages and injury (including death) arising out of the use by the city, governmental entity, or public utility of any restricted access gate or entrance; and for damages and injury (including death) arising out of any use of the subdivision by the city, government entity, or public utility. Further, the statement shall provide that all lot owners shall release the city, governmental entities, and public utilities for such damages and injuries. The indemnifications contained in this division apply regardless of whether or not those damages and injury (including death) are caused by the negligent act or omission of the city, governmental entity, or public utility, or their representative officers, employees, or agents.

(Ord. 487, passed 7-18-2000) Penalty, see § 155.999

 § 155.053 PEDESTRIAN ACCESS EASEMENTS; TRAILS.

(A) *Pedestrian accesses.* The city may require, in order to facilitate pedestrian access from the streets to schools, parks, playgrounds, or other nearby streets, perpetual unobstructed easements at least 15 feet in width. Easements shall be indicated on the plat.

(B) *Trails.* When trails are provided in a development, they shall be improved to meet the intended purpose of the trail. The trail improvement shall be permanent and shall be designed for easy maintenance.

(Ord. 487, passed 7-18-2000) Penalty, see § 155.999

 § 155.054 DRAINAGE.

(A) *General.*

(1) 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 and signature of the ~~registered~~ Professional ~~civil~~ Engineer ~~of record~~ who prepared them. ~~Along with the plan/profile sheets the Engineer of record shall include in the plan set the design calculations for drainage channels, culvert pipes, storm sewer pipes and inlets. All starting hydraulic grade lines shall be tied to a known FEMA 100 year water surface.~~

(2) Storm sewers, bridges, culverts, inlets, and drainage channels or ditches of a permanent design, adequate to carry off 100-year ~~cycle rainfall~~ ~~design storm~~, shall be installed by the subdivider throughout the entire length of the drainage area where the surface drainage traverses the subdivision. ~~Drainage ditches shall be no deeper than 4 feet,~~

including 1 foot of freeboard with 4:1 sideslopes. All excess storm drains shall be carried by underground storm drainage system to the outfall.

(3) The subdivider shall pay for the cost of all drainage improvements connected with the development of his or her subdivision, including any necessary off-site channels or storm sewers required or attributed including any facilities needed to accommodate increased run-off resulting from the developer's development of the subdivision, and acquisition of any required easements. The developer shall provide on-site **storm** water detention capacity to limit the rate of run-off from the subdivision or make the necessary off-site improvements to handle the off-site run-off rate increase above undeveloped conditions, if the City Engineer determines those facilities are needed.

(a) ~~In drainage courses where the accumulated storm run-off is less than 500 cfs, earthen channels with improvements to establish permanent flow line are preferred, but enclosed storm sewer systems may be used where required by the City Engineer. All flow lines shall be permanently established by natural rock or some other system approved by the city.~~

(b) ~~In drainage courses where the accumulated storm run-off is more than 500 cfs, the drainage improvements may be either an enclosed storm sewer system, natural rock-lined channels, or an earthen channel. The flow line of these earthen channels shall be permanently established by natural rock sections, and the banks of all curves or bends shall be permanently protected to prevent erosion.~~

(e) (b) In areas containing FEMA streams, the developer shall conform to FEMA requirements and submit related data to the city for review and approval submission to FEMA.

(e) (c) The plans shall indicate the sizes of all driveway culverts and the location and size of all street culverts. All culverts shall be provided with city approved safety (sloped) head walls, and side slopes of drainage ditches shall not be steeper than 3:4:1, unless approved by the City Engineer.

(e) (d) Grade monuments a minimum of 6 inches in diameter ~~and 24 inches in length, reinforced~~ **extending two feet into lime stone** with one No. 4 steel rebar, shall be located no more than 150 feet apart as follows, and the elevation of the monuments shall be certified by the developer's engineer on the as-built plans:

**Let's discuss city Benchmarks**

1. At each intersection of an extended side lot property line and the right-of-way ditch flow line;
2. At the ditch flow line at right-of-way corners;

3. At each high point and low point in the right-of-way ditch flow line; and

4. At the mid-point between the property line monuments only when the lot frontage is 150 feet or more and there is no corner or high point monument within 50 feet of the mid-point.

(4) (e) For control of erosion along drainage ditches and channels in subdivisions, the developer shall provide a complete climate adaptable grass cover or other city accepted erosion material along the ditches and channels prior to acceptance of the work by the city. Grass shall be placed by using solid sod to obtain the required coverage. Alternatively, if adequate precautions are taken for erosion control, hydromulch may be used. During the first growing season, the grassed area shall be fertilized. Water sufficient to obtain complete coverage of the area shall be provided daily for at least 60 days prior to final acceptance by the city. Areas which do not exhibit healthy growth within 90 days shall be replanted until a healthy growth is obtained. On all open ditch drainage facilities, the developer shall be responsible for keeping silt removed, eroded areas restored, and ground cover in place for 2 years after acceptance of the development or until 90% of the lots have been developed, whichever occurs first. **Each lot shall include erosion control devices to minimize silting of open channels.** The developer's assurance of this maintenance shall be in a form acceptable to the city.

(4) Discharge of storm drainage shall be at a point of adequate capacity. If adequate capacity does not exist off-site, the developer shall be required to provide off-site drainage improvements or improve downstream facilities so they are adequate to carry the 100-year **developed** storm flow **under fully developed conditions.**

(B) *Design of facilities.*

(1) *Standards.* The design, materials, and construction of storm drainage structures shall be in accordance with the City of **P**lane **P**arker Storm Drainage Design Manual as may be amended by this chapter and the City Engineer. **Plans and calculations** shall be submitted with the plat. **Detention system shall be designed for a series of storm frequencies 2, 25, 50, and 100 year storm events. Each pond shall have a designed outlet structure to release storm water for the various storm frequencies.**

(2) *Accommodation of upstream drainage areas.* A culvert or other drainage facility shall in each case be large enough to accommodate potential run-off from its entire upstream drainage area, whether inside or outside the subdivision or addition. The developer's engineer shall initially determine the necessary size of the facility based on the provisions of the construction standards and specifications assuming conditions of maximum potential watershed development, subject to approval by the City Engineer.

(3) *Effect on downstream drainage areas.* The developer's engineer, **subject to approval by the City Engineer**, shall study the effect of each addition's storm run-off on the

existing land and drainage facilities ~~immediately~~ downstream of the addition. ~~as determined by the City Engineer~~. Where it is determined that existing capacity is not available immediately downstream as ~~determined accessed~~ by the City Engineer, the developer's engineer shall design a drainage system, detention facility, or parallel system to mitigate the deficiency. The Commission may withhold (if a waiver is on file) or deny approval of the plat until this mitigation has been provided.

(4) *Location.* Except where otherwise required, drainage shall be provided in a system of earthen channels ~~where depth does not exceed 4 foot, including 1 foot of freeboard or a combination of open channels and underground storm drainage systems~~ constructed in street rights-of-way, or in easements.

(5) *Construction of underground facilities.* In some cases, a developer may choose or be required to install drainage facilities underground. ~~All flows cannot be conveyed by 4foot deep earthen channel will be in underground system or in a combination of open channel and underground pipe system.~~ These installations are subject to approval by the City Engineer. ~~Any subdivision with a density of 2 units per acre or more shall have curb, gutter, and all underground storm drains and retainage.~~

(6) *Detention facilities.* Lakes, detention ponds, and retention ponds may be constructed in all areas, provided they are approved by the City Engineer. Easements shall be provided to ensure protection of these areas for maintenance purposes. ~~Detention facilities shall take on a park like appearance with softscape and hardscape features. Detention facilities shall include a maintenance plan as part of the design.~~

(7) *Alternate facilities.* Other innovative drainage concepts will be considered if approved by the City Engineer.

(C) *Creeks and floodplains.*

(1) *Floodplain restrictions.* The City Council shall, when it deems it necessary for the health, safety, or welfare of the present and future population of the area and necessary to the conservation of water, drainage, and sanitary facilities, prohibit development of any portion of the property which lies within the floodplain of any stream or drainage course. These floodplain areas shall be preserved from any and all destruction or damage resulting from clearing, grading, or dumping of earth, waste, or material, or stumps, except at the discretion of the City Council. Floodplains are also subject to the restrictions of the tree preservation requirements in this code, if any.

(2) *Creek restrictions.* Major creeks shall remain in open natural condition; smaller creeks or drainage ways may be channelized, provided they meet the criteria of the storm drainage requirements of the city, ~~The Corp of Engineers and as accepted as approved~~ by the City Engineer. All creeks and excavated channels shall remain part of the platted lot with a city dedicated drainage easement. The easement may be dedicated to the city or a homeowners association. When a creek or excavated channel is to remain open, or in its

natural condition, it shall meet 1 of the following requirements, subject to approval of Council:

- (a) Creeks and drainage ways may be retained as a part of a residential lot, and it shall be the property owner's responsibility to maintain this area, except as otherwise provided. A maintenance drainage easement shall be granted to the city at city request and shall grant the right but not the obligation to maintain and construct drainage facilities if the creek or drainage way is not being properly maintained. A lien may be filed against the property in favor of the city to secure payment of any expenses incurred by the city for maintenance;
- (b) Creeks or drainage ways may be owned and maintained by an approved maintenance entity. A maintenance entity may include homeowners association or similar entity. The maintenance entity's bylaws and covenants filed of record, if any, shall provide for ongoing maintenance. The easement shall authorize a lien against individual abutting lots in favor of the city to secure the payment to the city for any expenses incurred by the city in the event of default; or
- (c) All properties may create an entity to maintain creeks or drainage ways, provided the maintenance area is set forth by easement and the entity's bylaws, filed of record, provide for ongoing maintenance. These easements shall authorize a lien against individual abutting properties in favor of the city to secure payment for any expenses incurred if the maintenance entity is not properly maintaining the creek or drainage way. Adequate floodway easements and drainage easements shall be required that give the city the right but not the obligation to maintain and construct drainage facilities if, in the city's sole opinion, the maintenance entity is not properly maintaining the creek or drainage way.

(3) *Right of approval.* In all cases, the city shall have the discretion to approve, or disapprove, the proposed street alignment fronting on city trails, or drainage ways and creeks.

(D) *Dedication of drainage easements.*

(1) *General requirements.* On request of the city, when a subdivision or addition is traversed by a watercourse, drainage way, channel, or stream, there shall be provided a storm water or drainage easement conforming substantially to the line of that watercourse, and of a width and construction as will be adequate for the purpose. Wherever possible, it is desirable that the drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume of flow and access for maintenance.

(2) *Maintenance and access easements.* The property owner shall provide sufficient access on each side of and parallel to creeks or drainage ways for maintenance purposes. The access shall be above the base flood elevation and accessible to vehicles and equipment. Access must also be provided at a maximum 1,200-foot spacing along streets.

The location and size of the maintenance and access easement shall be determined by the City Engineer. The minimum width shall be ~~10~~ 25 feet, and the maximum width of the access easement shall be ~~15~~ 25 feet. Permanent monuments, the type and locations of which to be approved by the City Engineer, shall be placed along the boundaries of the maintenance and access easement and private property. This maintenance and access easement shall be included in the dedication requirements of this section, and included in the drainage and floodway easement width.

(3) *Drainage easements.*

- (a) Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within street rights-of-way, perpetual, unobstructed easements at least ~~10 to 15 feet~~ 25 in width, depending on slopes, for drainage facilities shall be provided across property outside the street lines and with satisfactory access to the street. Easements shall be ~~indicated shown and called out~~ on the plat. Drainage easements shall extend from the street to a natural watercourse or to other drainage facilities.
- (b) When a proposed drainage system will carry water across private land outside the subdivision or addition, appropriate drainage easements must be secured.

(Ord. 487, passed 7-18-2000) Penalty, see § 155.999

 § 155.055 SEWAGE FACILITIES.

(A) *Sewage facilities, if required.* Sewage systems shall in all respects conform with the city's Comprehensive Plan and meet the requirements, in all respects, ~~of the State Natural Resources Conservation Commission (TNRCC) TCEQ and the Collin County~~. The city shall make the final determination of the adequacy of facilities proposed. The systems shall be designed according to the city standards, as established by the City Engineer, with approval by the Council. The developer shall install all sewage facilities at the developer's cost.

- (1) *Necessity and adequacy.* Sanitary sewer facilities, if required by the city, county, or state, shall be furnished and installed to adequately service the subdivision. The necessity or adequacy of the sewerage facilities provided by the developer shall be determined by the city.
- (2) *Minimum size main.* The minimum diameter of sewer mains shall be 8 inches. Six-inch diameter sewer mains may be acceptable only for short distances, not to exceed 400 feet, and only in locations approved by the city. Peaking factors shall be determined by the City Engineer.
- (3) *Location.* Sewer lines shall be located in street rights-of-way or in easements (minimum width 15 feet), and shall be a minimum of 6 feet deep to the invert, unless a shallow depth is approved by the City Engineer. Easements shall be provided for sewer lines that parallel state numbered highways.

(4) *Alignment and grades.* All sewers shall conform to the requirements of ~~the State Natural Resources Conservation Commission (TNRCC)~~ TCEQ.

(5) *Lift stations.* All lift stations shall be designed and constructed with 2 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 Engineer with the final plat. The City Engineer shall designate the peaking factor. **Lift station design shall meet the requirements of TCEQ.**

(6) *Force mains.* At design for ~~average~~ maximum flows, a cleansing velocity of at least 2 feet per second shall be maintained. Where necessary, automatic air ~~relief~~ release/vacuum valves shall be placed at high points in the force main to prevent air locking. **Air valves shall be kept to a minimum as determined by the City Engineer. Reasonable pressures in the force main shall be a maximum of 20 psi, unless higher pressure is accepted by the City Engineer and approved by the city.**

(7) *Meter station.* When meter stations are necessary, the plans for the station shall be submitted to the city and the treatment authority for review with the construction plans for the subdivision.

(8) *Cleanouts.* Standard cleanouts shall be constructed at the ends of all sanitary sewers where no future extensions are planned. ~~Two~~~~One~~-way cleanouts shall be installed and located at or near the property line of each lot connected to the sanitary sewer. Other cleanouts may be required at other locations as determined by the City Engineer.

(B) *On-site wastewater systems.* On-site systems shall be designed and constructed according to ~~TNRCC~~ TCEQ Construction Standards for On-Site Wastewater Facilities, and the requirements of the ~~Collin~~ County and the city for on-site wastewater systems. The final construction plans shall contain data and typical design of the system for on-site disposal of wastewater. The city requires a residential lot of 1 acre minimum area per residential unit for the installation and use of an on-site (septic) wastewater system.

(Ord. 487, passed 7-18-2000) Penalty, see § 155.999

## Bookmark icon § 155.056 WATER FACILITIES.

(A) *Standards and requirements.* Water systems shall be of sufficient size to furnish adequate domestic water, to furnish fire protection to all lots, and shall conform with the city's ~~Ultimate Development Condition Water Distribution System as shown and discussed in the city's Water System Analysis of July 1995 or later recommendations thereof~~ Master plan, standard details, and city design standards and meet the requirements, in all respects, of ~~the State Natural Resources Conservation Commission (TNRCC)~~ TCEQ. The city shall make the final determination of the adequacy of water mains proposed. The water line sizes shall be designed according to the city standards (see Appendix), which are the water standards of the City of Plano with modifications by the City Engineer. Line sizes shall be as shown on the city's master

water plan, and the developer shall install all lines and system components at the developer's cost.

*(B) Location.*

- (1) All water mains shall be constructed within exclusive street rights-of-way or easements dedicated to the city and be parallel to the street right-of-way.
- (2) Easements shall be provided for water mains which parallel any state numbered highway.
- (3) Water mains shall be installed in or extended along all frontage streets of the proposed subdivision and shall be connected to all existing water mains as determined by the City Engineer. Provision of water mains in conjunction with cul-de-sac streets shall be at the discretion of the City Engineer. To ensure reliability of service, all extensions to the water system must provide for looping **including cul-de-sacs** unless a specific variance is given. Adequate capacity shall be determined by the standards for fire flow as accepted by the State Board of Insurance and the Fire Prevention and Engineering Bureau of the state.
- (4) All water lines **crossing** under pavement and drainage structures must **be encased** **include steel encasement pipe. Water service lines must include PVC encasement pipe.**

*(C) Water line size.* The minimum diameter of all water service mains shall be 8 inches. Valving shall be provided so that no more than 800 feet of line will be out of service unless approved by the City Engineer. Where dead-ends must exist, 8-inch diameter or larger mains shall be installed and fire hydrants or other means for flushing those lines shall be provided at the terminal ends. The **minimum** limits set forth in the above shall not be exceeded except upon the specific approval by the City Engineer, City Building Official, and the Fire Chief, but in no event shall these requirements be less than the minimum required by the State Board of Insurance and the Fire Prevention and Engineering Bureau of the State of Texas.

*(D) Fire hydrants.* Fire hydrants and valves shall be required for all subdivisions and additions and shall be located to satisfy the requirements of the city. Fire hydrants shall be located in accordance with the requirements of the City Engineer. To eliminate future street openings, all underground utilities for fire hydrants, together with the fire hydrants themselves and all other supply improvements, shall be installed before any final paving of a street shown on the subdivision plat. Reflective fire hydrant buttons shall be installed in all streets at a point adjacent to fire hydrants. The buttons shall conform to the City Engineer's specifications. At corner locations, buttons shall be installed in both streets.

(Ord. 487, passed 7-18-2000) Penalty, see § 155.999

 **§ 155.057 PUBLIC AND PRIVATE UTILITIES.**

*(A) Easements.*

(1) The property owner shall be required to furnish all easements and rights-of-way required to serve the development. Where reasonable, utilities shall be located within street rights-of-way. However, the property owner may offer easements outside of street rights-of-way. All utility facilities existing and proposed throughout the property shall be shown on the preliminary plat.

(2) Easements shall be provided for both municipal and private utilities and shall be recorded on the final plat or replat. Municipal easements for water and sanitary sewer shall be a minimum of 20 feet in width. Storm sewer easements shall be a minimum of 20 feet in width. All municipal easements may be wider as determined by the City Engineer depending on the depth and the size of the utility. Private utility easements shall be sized by the utility company. Proper coordination shall be established between the property owner and the applicable utility companies for the establishment of utility easements on adjoining properties. **Private utilities shall not be constructed in public utility easements.**

(3) When topographical or other conditions are such as to make impractical the inclusion of utilities within a public right-of-way, perpetual unobstructed easements at least 10 feet in width shall be provided for satisfactory access. Easements shall be indicated on the plat.

(B) *Damage.* The contractor and owner shall be responsible for all damage to existing public improvements caused during construction of new public improvements.

(C) *Underground utilities.* All utilities, including electrical distribution and communication, shall be installed underground along thoroughfares, in compliance with utility service regulations, unless otherwise approved by the City Engineer. Electrical utility service to properties from distribution lines shall be placed underground from the right-of-way or easement to the point of service. Developers shall install all utilities underground on each property.

(D) *General requirements.*

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

(2) The developer shall provide separate service lines for water and sanitary sewers, where required, to each lot or point of metering.

(3) All water service lines shall be single services. Double services are prohibited except by special permission of the City Water Department.

(a) Single services shall be located at the center of each lot street frontage. The service shall be a minimum of 1-inch type K copper, **poly.. (SDR-9 PR200 PSI)** (larger services may be required based on the facility served), with double banded brass saddles with corporation on saddle, compression couplings (only), angle stop, and no couplings under pavement. **All fittings shall be brass.**

(b) The meter shall be located in the easement parallel to the street right-of-way within 1 foot of the property line. The meter shall be set so the top of the meter is no more than 8 inches below final grade level, and is off-centered in the box toward the street side. The box shall be acceptable to the city.

(4) Sanitary sewer service lines shall have a minimum diameter of 4 inches, 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 4 feet, where possible. All sewer service lines shall be located 10 feet downstream from the center of the street frontage of each lot, or as directed by the city. **Minimum velocity in a service line is 2 feet per second.**

(5) The developer shall place a suitable marker at the point where the service lines are stubbed out so that these lines can be easily located for connection by the city. Suitable markers shall be a "W" for water and an "S" for sewer stamped in the top of the curb, or the edge of the pavement if no curb is constructed, or by separate markers. Letters shall have a minimum height of 2 inches and a minimum width of 2 inches.

(6) The developer shall make arrangements with all other appropriate utility companies for the extension of their respective utility lines and service to and within the addition and for any costs or refunds of cost.

(7) All utility companies shall notify the city at least 48 hours before digging, boring, drilling, and the like.

(Ord. 487, passed 7-18-2000) Penalty, see § 155.999

#### § 155.058 PARKS AND TRAILS.

(A) *Park reservation and dedication.* No parks shall be dedicated to the city without the city's formal acceptance. Parks and trails shall be denied where the Council determines that the proposed parks and trails are inconsistent with the Comprehensive Plan, would impose an unreasonable maintenance responsibility on the city, or are judged to be premature based on service demand. If land is to be dedicated, the city shall specify the proposed land requirements and the developer shall accommodate the dedication. Specified parks and trails and improvements shall be dedicated to the city upon approval of the final plat and completion and acceptance of the improvements.

(B) *Minimum park improvements.* Unless waived by the Council, parks and trails shall be improved by the developer prior to acceptance by the city. The minimum park improvements shall include:

- (1) Grading and clearance of unwanted vegetation;
- (2) Installation of drainage and stream erosion controls;
- (3) Establishment of turf and planting of trees; and

(4) When required, the installation of trails, which shall be as follows:

- (a) A minimum of 8 feet wide and constructed as required by Council;
- (b) Railings may be required at the developer's expense if the adjoining grade of or obstructions along the trail present safety concerns;
- (c) An engineering plan for the trails, including adjacent streets, floodplain location, and other information related to the trail design shall be submitted and approved by the city prior to release for construction; and
- (d) Barricades, fencing, or warnings shall be maintained during the construction process.

(Ord. 487, passed 7-18-2000) Penalty, see § 155.999

 § 155.059 PUBLIC USE; LAND RESERVATION.

(A) *Reservation of land.* Land studies, **preliminary** plats, and final plats shall reserve land for future public use as designated in the Comprehensive Plan and associated plans for future public facilities and utilities. These uses include, but are not limited to: parks (see § 155.058), libraries, police and fire stations, pump stations, water storage tanks, and lift stations. Land reserved shall be of a suitable size, dimension, topography, and character for the designated purpose.

(B) *Procedure for reserving land.* All land studies, **preliminary** plats, and final plats shall provide for the necessary reservation of land for future public use as follows.

(1) *Preliminary plat.* All **preliminary** plats shall be reviewed to determine if land reservations are required as specified in § 155.057(A). If land is to be reserved, the city shall provide the developer a description of the land to be reserved and any other requirements of the reservation. The city shall specify the proposed use of the land and estimate the time needed to complete the acquisition. The developer shall accommodate the reservation as specified, or may offer to reserve an alternative site(s) which reasonably meets the same needs of the city. Should an alternative be proposed by the developer, the Commission shall determine if the alternative shall be approved. Land reserved on an approved **preliminary** plat indicates the city's intent to acquire the area reserved at a future time. However, the city is not obligated to acquire land reserved on a **preliminary** plat and may void the reservation at any time.

(2) *Final plat.* All final plats submitted for approval shall continue to reserve sites for public use as designated on approved land studies. Boundaries of land reserved for public use may be adjusted subject to the approval of the Commission.

(Ord. 487, passed 7-18-2000) Penalty, see § 155.999

 § 155.060 HOMEOWNERS ASSOCIATIONS; COMMON AMENITIES.

**(A) Homeowners association.** Any subdivision creating an area or amenity to be owned in common by the owners of lots within the subdivision shall require the establishment of a homeowners association prior to the approval of the final plat.

(1) Documents establishing the homeowners association shall be submitted to the city for review by the City Attorney for conformance with this chapter and other applicable ordinances prior to approval of a final plat.

(2) The documents shall specify:

- (a) Membership in the association is mandatory for all owners of property within the subdivision;
- (b) All association responsibilities and property interests;
- (c) Bylaws related to the governance of the association;
- (d) Covenants for maintenance assessments which run with the land;
- (e) Responsibility for liability insurance and local taxes;
- (f) Authority for the association to secure funds from its members sufficient to meet its responsibilities. This authority shall include the ability to collect dues, to increase dues, charge special assessments, and place liens against property for failing to pay dues and assessments; and
- (g) Other city requirements as applicable, including the right of the city to enjoin, or enforce provisions of the restrictive covenants, or bylaws, as per the example available from the city staff.

**(B) Amenities.**

(1) *City requirements.* Where amenities are proposed as a part of a subdivision or addition, those amenities shall be maintained by a homeowners association. The city may require the following:

- (a) Plans and illustrations of the proposed amenities;
- (b) Cost estimates of construction, maintenance, and operating expenses;
- (c) Association documents, deed restrictions, contracts, and agreements pertaining to the amenities; and
- (d) Provision of surety as required for maintenance and other expenses related to the amenities.

(2) *Designs.* The design of amenities shall be reviewed by the Commission and approved by the City Council.

(3) *Completion.* All amenities shall be completed and in place prior to the City Engineer making an acceptance of the public improvements and prior to final release of certificate of occupancy and occupying of residential structures.

(C) *Notice to purchasers.* When a homeowners association is required, builders are required to post notice in a prominent place in all model homes and sales offices stating that a homeowners association has been established and membership is mandatory for all homeowners. The notice shall state at a minimum that the builder shall provide any person upon his or her request the association documents and a 5-year projection of dues income and association expenses.

(D) *Maintenance reserve fund.* Prior to the transfer of the association to the lot owners, the developer shall provide a reserve fund equivalent to 2 months' dues based on full association membership.

(E) *Property association activation.* Concurrent with the transfer of the association, the developer shall transfer to the association control over all utilities related to property and amenities to be owned by the association. The developer shall also disclose to the association the total cost to date related to the operation and maintenance of common property and amenities.

(Ord. 487, passed 7-18-2000) Penalty, see § 155.999

## § 155.061 DESIGN STANDARDS AND SPECIFICATIONS.

(A) The following design standards and specifications are incorporated by reference into this chapter: all building code, water and sewer design standards, public works, thoroughfare, flood and erosion control, and storm drainage measures previously adopted by the city, and as may hereafter be adopted by resolution or ordinance, except as specifically set forth below.

(B) All improvements proposed for any subdivision to be developed under the jurisdiction of this chapter shall be designed, furnished, and installed by the developer in accordance with the current editions of the following standards unless modified by this chapter or other city ordinances:

(1) Standard Specifications for Public Works Construction, published by the North Central Texas Council of Governments, with special provisions of the City of ~~Plane~~ Parker and ~~this~~ city;

(2) ~~Plane~~ Parker Standard Construction Details, ~~with special provisions of this city~~;

(3) ~~Plane~~ Parker Storm Drainage Design Manual, ~~with special provisions of this city~~; and

(4) ~~Plane~~ Parker Manual for Design of Water and Sewer Lines, ~~with special provisions of this city~~.

(C) All improvements, even in previously approved but still unimproved subdivisions, shall conform to the city's current regulations and specifications for street, drainage, and utility construction. A coring of the streets shall be done in accordance to the requirements of the City Engineer.

(Ord. 487, passed 7-18-2000) Penalty, see § 155.999

 § 155.062 ADDITIONAL REQUIREMENTS.

(A) *Sight barriers and bufferyards.* Residential areas shall be separated from nonresidential or adjacent city or extraterritorial jurisdiction areas by a bufferyard in accordance with Chapter 156 of this code, open space, the erection of an earthen sight barrier berm of 6 feet minimum height, with a maximum 2 feet horizontal to 1 foot vertical slope, or other means as deemed appropriate by the City Council.

(B) *Inspections.*

- (1) A letter of acceptance shall be required from the City Inspector Engineer before any job is designated as complete.
- (2) No acceptance will be given on any work covered before the City Inspector Engineer has seen it.
- (3) A minimum of 1 work day's notice shall be given to the city before an inspection at the job site. Any work or improvements requiring inspection shall be accessible or uncovered for inspection.

(C) *Permits.* Any developer, contractor, builder, or the like shall obtain a permit from the city prior to the commencement of any construction. This includes such improvements as erosion control, vegetation or tree removal, floodplain grading, street construction, removal of existing structures, utility installation, and the like.

(Ord. 487, passed 7-18-2000) Penalty, see § 155.999

REPLATTING; PLAT AMENDMENT; VACATION

 § 155.075 REPLATTING OF LAND.

(A) *Replat required.* Unless otherwise expressly provided for herein, a property owner who proposes to replat any portion of an already approved final plat, other than to amend or vacate the plat, shall first obtain approval for the replat under the same standards and by the same procedures prescribed for the platting of land by this chapter.

(B) *Replatting without vacating preceding plat.* A replat of a final plat may be recorded and is controlling over the preceding plat without vacation of that plat if the replat:

- (1) Is signed and acknowledged by only the owners of the property being replatted;

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- (2) Is approved, after a public hearing on the matter at which parties in interest and citizens have an opportunity to be heard, by the Council;
- (3) Does not attempt to amend or remove any covenants or restrictions previously incorporated in the final plat; and
- (4) Does not result in any lot smaller than the lot(s) in the original plat.

(C) *Additional requirements for certain replats.*

- (1) In addition to compliance with division (B) above, a replat without vacation of the preceding plat must conform to the requirements of this section if:
  - (a) During the preceding 5 years, any of the area to be replatted was limited by an interim or permanent zoning classification to residential use for not more than 2 residential units per lot; or
  - (b) Any lot in the preceding plat was limited by deed restrictions to residential use for not more than 2 residential units per lot.
- (2) Compliance with this division (C) is not required for approval of a replat of part of a preceding plat if the area to be replatted was designated or reserved for other than single or duplex family residential use by notation on the last legally recorded plat or in the legally recorded restrictions applicable to the plat.
- (3) Notice of the hearing required under division (B) shall be given before the fifteenth day before the date of the hearing by publication in an official newspaper or a newspaper of general circulation in the county and by written notice, with a copy of division (C) attached, forwarded by the Commission to the owners, as indicated on the most recently approved ad valorem tax roll of the city, of property in the original subdivision within 200 feet of the property upon which the replat is requested. The written notice may be delivered by depositing the notice, properly addressed with postage prepaid, in a post office or postal depository within the boundaries of the city.
- (4) If the proposed replat requires a variance, and the owners of 20% or more of the area of lots to whom notice is required to be given under division (B) file with the Commission a written protest of the replatting before or at the hearing, approval of the replat will require the affirmative vote of 3/4 of the Commission members present. In computing percentages of ownership, each lot is considered equal to all other lots regardless of size or number of owners, and the owners of each lot are entitled to cast only 1 vote per lot. The area of streets and alleys shall be included in computing the percentage of land area.
- (5) Any replat which adds or deletes lots must include the original lot boundaries.

(Ord. 487, passed 7-18-2000) Penalty, see § 155.999

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§ 155.076 AMENDING PLAT.

(A) The City Administrator, or his or her designee, may, upon petition of the property owner or developer, approve and issue an amending plat which is signed by the applicants only unless otherwise required to the contrary and which is for 1 or more of the purposes set forth in this section, and this approval and issuance shall not require notice, hearing, or approval of other lot owners.

(B) This section shall apply only if the sole purpose of the amending plat is:

- (1) To correct an error in any course or distance shown on the prior plat;
- (2) To add any course or distance that was omitted on the prior plat;
- (3) To correct an error in the description of the real property shown on the prior plat;
- (4) To indicate monuments set after death, disability, or retirement from practice of the surveyor charged with responsibilities for setting monuments;
- (5) To show the proper location or character of any monument which has been changed in location or character or which originally was shown at the wrong location or incorrectly as to its character on the prior plat;
- (6) To correct any other type of scrivener or clerical error or omission as previously approved by the City Council; these errors and omissions may include, but are not limited to, lot numbers, acreage, street names, and identification of adjacent recorded plats;
- (7) To correct an error in courses and distances of lot lines between 2 adjacent lots where both lot owners join in the application for plat amendment and neither lot is abolished, provided that this 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;
- (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;
- (9) To relocate 1 or more lot lines between 1 or more adjacent lots where the owner or owners of all the lots join in the application for the plat amendment, provided that this amendment does not:
  - (a) Attempt to remove recorded covenants or restrictions; or
  - (b) Increase the number of lots.
- (10) To make necessary changes to the prior plat to create 6 or fewer lots in the subdivision or addition or a part of the subdivision or addition covered by the prior plat if:

- (a) The changes do not affect applicable zoning and other regulations of the city;
- (b) The changes do not attempt to amend or remove any covenants or restrictions; and
- (c) The area covered by the changes is located in an area that the Council has approved, after a public hearing, as a residential improvement area.

(Ord. 487, passed 7-18-2000) Penalty, see § 155.999

 § 155.077 VACATION OF PLAT.

(A) *By property owner.* The property owner of the tract covered by a plat may vacate, upon the approval of the Council, the plat at any time before any lot in the plat is sold. The plat is vacated when a signed, acknowledged instrument declaring the plat vacated is approved and recorded in the manner prescribed for the original plat.

(B) *By all lot owners.* If lots in the plat have been sold, the plat may be vacated on the application of all the owners of lots in the plat with approval obtained in the manner prescribed for the original plat.

(C) *Criteria.* The Council shall approve the petition for vacation on terms and conditions as are reasonable to protect public health, safety, and welfare. As a condition of vacation of the plat, the Council may direct the petitioners to prepare a revised final plat in accordance with this chapter.

(D) *Effect of action.* On the execution and recording of the vacating instrument, the vacated plat shall have no effect. Regardless of the Council's action on the petition, the property owner or developer will have no right to a refund of any monies, fees, or charges paid to the city nor to the return of any property or consideration dedicated or delivered to the city except as may have previously been agreed to by the Council.

(E) *Government initiated plat vacation.*

(1) *General conditions.* The Council, on its motion, may vacate the plat of an approved subdivision or addition when:

- (a) No lots within the approved plat have been sold within 5 years from the date that the plat was signed by the Mayor;
- (b) The property owner has breached an agreement and the city is unable to obtain funds with which to complete construction of public improvements, except that the vacation shall apply only to lots owned by the property owner or its successor; and
- (c) The plat has been of record for more than 5 years and the Council determines that the further sale of lots within the subdivision or addition presents a threat to

public health, safety, and welfare, except that the vacation shall apply only to lots owned by the property owner or its successors.

(2) *Procedure.* Upon any motion of the Council to vacate the plat of any previously approved subdivision or addition, in whole or in part, the Council shall publish notice in a newspaper of general circulation in the county and provide personal notice to all homeowners within the subdivision or addition and shall also provide notice to the Commission. The notice shall state the time and place for a public hearing on the motion to vacate the subdivision or addition plat. The Council shall approve the vacation only if the criteria in division (D) above are satisfied.

(3) *Record of notice.* If the Council adopts a resolution vacating a plat in whole, it shall record a copy of the resolution in the County Clerk's office. If the Council adopts a resolution vacating a plat in part, it shall cause a revised final plat to be recorded which shows that portion of the original plat that has been vacated and that portion that has not been vacated.

(Ord. 487, passed 7-18-2000) Penalty, see § 155.999

## ADMINISTRATION AND ENFORCEMENT

### § 155.090 VARIANCES.

(A) *General.* Where the Council finds that unreasonable hardships or difficulties may result from strict compliance with this chapter, or the purposes of this chapter may be served to a greater extent by an alternative proposal, it may approve variances to this chapter so that substantial justice may be done and the public interest secured; provided, that the variance shall not have the effect of nullifying the intent and purpose of this chapter; and further provided, the Council shall not approve variances unless it shall make findings based upon the evidence presented to it in each specific case that:

- (1) The granting of the variance will not be detrimental to the public safety, health, or welfare or injurious to other property;
- (2) The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property;
- (3) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of this chapter is carried out; and
- (4) The variance will not in any manner materially vary the provisions of [Chapter 156](#) of this code or the Comprehensive Plan.

(B) *Criteria for variances from development requirements.* Where the Council finds that the imposition of any development exaction pursuant to this chapter exceeds reasonable benefit to the property owner or is so excessive as to constitute confiscation of the tract to be platted, it may approve variances to those requirements, so as to prevent that excess.

(C) *Conditions.* In approving variances, the Council may require conditions as will, in its judgment, secure substantially the purposes described in § [155.003](#).

(D) *Procedures.* A petition for a variance shall be submitted in writing by the developer. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner.

(Ord. 487, passed 7-18-2000)

#### § 155.091 PARTICIPATION POLICIES; DEVELOPMENT COSTS.

The city has established by separate ordinance a system for sharing of development costs.

(Ord. 487, passed 7-18-2000)

*Cross-reference:*

*Water and Wastewater Facilities Extension, see §§ [50.01](#) et seq.*

#### § 155.092 VIOLATIONS.

(A) It shall be unlawful for any owner or agent of any owner to subdivide or plat any land into lots, blocks, and streets or to sell property therein and thereby which has not been platted or subdivided in accordance with this chapter.

(B) It shall be unlawful for any person to violate any term or provision of this chapter.

(Ord. 487, passed 7-18-2000) Penalty, see § 155.999

#### § 155.093 INJUNCTIVE RELIEF; REMEDIES NOT EXCLUSIVE.

Appropriate civil actions and proceedings may be maintained in law or in equity to prevent unlawful construction, to recover damages, to impose additional penalties, and to restrain, correct, or abate a violation of this chapter, whether the violation occurs with respect to lands within the corporate boundaries of the city or within the city's extraterritorial jurisdiction. These remedies shall be in addition to the penalties described in § [155.999](#).

(Ord. 487, passed 7-18-2000)

#### § 155.999 PENALTY.

(A) Any person who shall violate any provision of this chapter for which no other penalty is provided shall, upon conviction thereof, be subject to penalties as provided in § 10.99 of this code.

(B) Any person, firm, or corporation violating any of the provisions or terms of this chapter, except § 155.051, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, be subject to a fine not to exceed \$2,000 for each offense. Each and every day the violation shall continue shall be deemed to constitute a separate offense.

(Ord. 487, passed 7-18-2000)

(C) Any person, firm, or corporation violating any of the provisions of § 155.051 shall be deemed guilty of a misdemeanor and upon conviction in the Municipal Court shall be subject to a fine not to exceed \$2,000 for each offense.

(Ord. 455, passed 4-13-1999)

## APPENDIX: ATTACHMENTS

[\[To view Attachment No.1, click here\]](#)

[\[To view Attachment No.2, click here\]](#)

[\[To view Attachment No.3, click here\]](#)

[\[To view Attachment No.4, click here\]](#)

[\[To view Attachment No.5, click here\]](#)

[\[To view Attachment No.6, click here\]](#)

(Ord. 487, passed 7-18-2000)

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