

ORDINANCE 2022-04

SUBDIVISION REGULATIONS OF THE CITY OF SNOOK, TEXAS

AN ORDINANCE OF THE CITY OF SNOOK, TEXAS, PRESCRIBING COMPREHENSIVE REGULATIONS, DEVELOPMENT AND CONSTRUCTION STANDARDS FOR THE SUBDIVISION OF LAND WITHIN THE CITY AND ITS EXTRATERRITORIAL JURISDICTION; CONTAINING DEFINITIONS; PROVIDING FOR A PROCEDURE FOR SUBDIVISION PLAT APPROVAL; PRESCRIBING PLAT FORM AND CONTENT; PRESCRIBING STANDARDS FOR LOTS, BLOCKS, STREETS, EASEMENTS, AND OTHER IMPROVEMENTS; PROVIDING PENALTIES; PROVIDING SEVERABILITY AND EFFECTIVE DATE CLAUSES; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, under the provisions of the Constitution and laws of the State of Texas, including particularly Chapters 212, 242, and 42 of the Local Government Code, as amended, every owner of any tract of land situated within the City of Snook or the city's extraterritorial jurisdiction who may hereafter divide the same into two (2) or more tracts described by metes and bounds or otherwise for the purpose of laying out any subdivision of such tract of land or any addition to said City; or for laying out suburban, building, or other lots, or to lay out streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers, owners, renters, or other users of such partitions of the tract or lots fronting thereon or adjacent thereto, are required to submit a plat of such subdivision or addition for approval by the City Council of the City of Snook; and

WHEREAS, the rules and regulations of the City established by ordinance, governing plats and subdivisions of the land, be and the same are hereby extended to and shall apply to all of the area under the extraterritorial jurisdiction of said City, as provided in Chapter 42 of the Local Government Code;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SNOOK, TEXAS

ARTICLE I

GENERAL PROVISIONS

SECTION 1: AUTHORITY

This Ordinance is adopted under the authority of the Constitution and laws of the State of Texas, including particularly Chapters 212, 242, and 42 of the Local Government Code, as amended.

SECTION 2: DEFINITIONS

Alley - a minor way used primarily for vehicular and/or utility service to the rear or side of properties otherwise abutting on a street.

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

Building Setback Line - a line designating the interior limit of the area of a lot between said line and the corresponding line within which structures may not be erected.

City or the City- the City of Snook, Texas.

City Council, Council, or governing body - the City Council of the City of Snook.

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

Easement - a grant by a property owner to the public, a corporation, or persons for a general or specific use of a defined strip or parcel of land, for such purpose as the installation, construction, maintenance and/or repair of utility lines, drainage ditches or channels, or other public services, the ownership or title to the land encompassed by the easement being retained by the owner of the property.

Extraterritorial jurisdiction - that area of land lying outside and contiguous to the corporate limits of the City over which the City has legal control as set forth in Chapter 42 of the Local Government Code, as amended.

Lot - a subdivision of a block or other parcel intended as a unit for transfer of ownership, or for development, or for occupancy and/or use, and having its principal frontage upon a public street or officially approved place.

Corner lot - a lot which has frontage upon a side street in addition to a front street.

Lot of record - any lot which is a part of a subdivision the plat of which has been recorded in the office of the County Clerk of the county or counties in which the plat has been recorded.

Plat - a complete and exact subdivision plan submitted to the City Council which if approved shall be submitted to the County Clerk of the county or counties in which the

plat is located for recording.

Approved plat - a plat which has been approved in accordance with the requirements of this Ordinance and which has been filed for record with the County Clerk of the county or counties in which the subdivision is located.

Re-subdivision - the division of an existing subdivision, or the relocation of any street or property lines.

Right-of-way - a strip of land occupied or intended to be occupied by street, crosswalk, railroad, road, electric transmission line, communications line, or oil or gas pipeline, water main, sanitary or storm sewer main, drainage channel, or for other similar purpose or use. The usage of the term "right-of-way" for land platting purposes shall mean that every right-of-way hereinafter established and shown on the Final Plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Right-of-way intended for streets, crosswalks, water mains, wastewater lines, storm drains, drainage channels, or any other use involving maintenance by a public agency, shall be dedicated to the public by the maker of the plat where such right-of-way is established.

Street - a way for vehicular traffic and other uses, whether designated a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place, or however otherwise designated.

Arterial - a major thoroughfare for vehicular traffic more or less continuous across the City, intended to connect remote parts of the City or areas adjacent thereto, and acting as a principal connecting street with state and federal highways.

Collector - a street intended to connect local streets and residential neighborhoods with arterials, other residential neighborhoods, and commercial districts.

Cul-de-sac - a short minor street having only one vehicular access to another street and terminated by a vehicular turn-around.

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

Local, minor, or residential - those streets which are used primarily to serve traffic within a neighborhood, and which is not necessarily continuous through several residential districts.

Subdivision – the division of a tract or parcel of land into two (2) or more parts or lots for the purpose, whether immediate or future, of sale or building development or transfer of ownership and shall include resubdivision. The following are exempt from the requirements of this ordinance: 1) an owner subdividing land into parcels of not less than five (5) acres each where each parcel has access and no public improvement is being dedicated; 2) transfer of ownership to heirs of an estate; and 3) an owner subdividing land where the subdivided parcel is transferred to someone within the third degree of consanguinity or affinity and the parcel is to be used for a homesteaded single family

dwelling.

Subdivider - any person or any agent thereof, dividing or proposing to divide land so as to constitute a subdivision. Furthermore, the term "Subdivider" shall be restricted to include only the owner, equitable owner, or authorized agent of such owner or equitable owner of land sought to be subdivided. The terms "Subdivider" and "developer" are used interchangeably in this Ordinance.

TxDOT -the Texas Department of Transportation.

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

Subdivision Administrator - the Mayor of the City or a designee who shall administer the provisions of this Ordinance.

SECTION 3: PURPOSE

This Ordinance is enacted by the City of Snook for the following purposes:

- a. To provide for the orderly, safe, and healthful development of the area within the City and its extraterritorial jurisdiction;
- b. To promote the health, safety, morals, and general welfare of the community;
- c. To ensure adequate provision for streets, alleys, water and wastewater lines, storm drainage, and other facilities indispensable to the community;
- d. To ensure adequate fire protection and adequate access and egress for fire and other emergency services; and
- e. To ensure access to adequate amounts of light and air.

SECTION 4: JURISDICTION

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

- a. The corporate limits of the City of Snook, Texas; and
- b. The extraterritorial jurisdiction of the City of Snook, Texas.

SECTION 5: APPLICATION AND ENFORCEMENT

- 5.1 Any owner of land located inside the corporate limits of the City wishing to subdivide such land shall submit to the City Council a plan of subdivision which shall conform to the minimum requirements set forth in these regulations.
- 5.2 The following are exempt from the requirements of this Ordinance: 1) an owner subdividing land into parcels of not less than five (5) acres each where each parcel has access and no public improvement is being dedicated; 2) transfer of ownership to heirs of an estate; and 3) an owner subdividing land where the subdivided parcel is transferred to someone within the third degree of consanguinity or affinity and the parcel is to be used for a homesteaded single family dwelling.
- 5.3 Any owner subdividing land outside the corporate limits of the City but within its extraterritorial jurisdiction shall submit a plan of subdivision to the City Council and to appropriate county authorities which shall conform to Chapter 242 and 42 of the Local Government Code, as amended, and the minimum requirements set forth in these regulations, and which is subject to the approval of both unless the City informs the owner that the City approval is not required.
- 5.4 No subdivision plat shall be filed or recorded and no lot in a subdivision inside the corporate limits of the City or within its extraterritorial jurisdiction shall be excavated, improved, or sold until the final plat shall have been approved by the City Council (unless City approval is not required under 5.3). No building permit or certificate of occupancy shall be issued for any parcel or plat of land that was created by subdivision after the effective date of, and not in conformity with, the provisions of this Ordinance.
- 5.5 The Subdivider shall not use the City's Consulting Engineer, or firm, for any process as it relates to this ordinance.
- 5.6 The City of Snook shall not serve or connect any land with water or sewerage service unless the owners of such land comply with this Ordinance.
- 5.7 This Ordinance may be further enforced by injunction and other judicial proceedings, either at law or in equity; and, in lieu of or in addition to any other authorized enforcement or action taken, any person who violates any term or provision of this Ordinance, with respect to any land or development within the City or its extraterritorial jurisdiction, by fine and penalties as provided herein.

ARTICLE II PROCEDURE FOR PLAT APPROVAL

SECTION 1: GENERAL PROCEURE

In order to allow orderly processing of a proposed subdivision, the procedures

described in the following sections shall be followed. In general, the steps necessary for approval of a subdivision plat shall include:

- a. Preapplication conference between the developer and Subdivision Administrator.
- b. Approval of a Preliminary Plat by the City Council.
- c. Approval of construction plans by the City's Consulting Engineer.
- d. Approval of a final plat and plans by the City Council.
- e. Filing of an approved plat with the City of Snook and the County Clerk and the recording of all executed easements, dedications, and other documents required to be filed of record.
- f. Completion of construction and acceptance of all improvements by the City and submission of as-built drawings.

SECTION 2: PREAPPLICATION

- 2.1 Prior to the official filing of a preliminary plat, the Subdivider of property shall consult with the Subdivision Administrator. The Subdivider shall provide a conceptual plan of the proposed subdivision layout showing general road patterns and lot configuration at which time the Subdivision Administrator shall review the layout for compliance with the general subdivision requirements. The Subdivision Administrator shall note special design considerations that might apply to the subdivision as are evident to him at the time of preapplication. The preapplication conference shall be for information purposes and shall not be construed as a formal approval or commitment by the City.
- 2.2 For property located outside the corporate limits of the City but within its extraterritorial jurisdiction, the Subdivider shall also consult with the County Judge or a designated appointee in relation to those requirements established by the County for property located outside the corporate limits of the City.

SECTION 3: PRELIMINARY PLAT

3.1 SUBMISSION

Subdivider shall submit to the City a preliminary plat of any proposed subdivision for review by the Subdivision Administrator and for transmission to the City Council for their approval before the preparation of the final plat for record. The preliminary plat shall be prepared by a licensed professional engineer or registered professional land surveyor and shall bear the seal of the engineer or surveyor.

3.2 PLAT FORM AND CONTENT

The preliminary plat shall be drawn to a scale of one hundred (100) feet to the inch (Variances up to three hundred (300) feet to the inch may be allowed upon request.) on sheets not greater than 18" x 24" and shall contain the following information:

a. General Information

1. The names of the owner and/or Subdivider, the licensed engineer, or the registered professional land surveyor responsible for the survey or design of the plat.
2. The proposed name of the subdivision, which shall not be so similar to that of an existing subdivision as to cause confusion, and names of adjacent subdivisions.
3. The date, scale, and north indicator.
4. A location map showing the relation of the subdivision to streets and other prominent features in all directions for a radius of at least one-half (1/2 mile).
5. The owners name, deed or plat reference and property lines of adjoining property.
6. Certification and signature blocks as required by the City and the County. The following certificates shall be placed on the preliminary plat:

Reviewed for Preliminary Approval:

Subdivision Administrator
City of Snook

Date

Approval for Submittal of Preliminary Plat:

Mayor
City of Snook

Date

7. The acreage of the property to be subdivided.
8. The total number of lots, blocks, and sections.
9. The proposed deed restrictions or private covenants, if any, must accompany the preliminary plat and are subject to approval by the City Council.
10. Deed showing current ownership of the property to be subdivided.

b. Existing Features

1. The existing boundary lines (accurate in scale) of the land to be subdivided and the width and location of any platted streets, alleys, reservations, easements, or other public rights-of-way within the property. Boundary lines shall be drawn sufficiently wide to provide easy identification.
2. Physical features of the property, including the location and flow line of watercourses, ravines, bridges, culverts, present structures and other features pertinent to subdivision.
3. Areas subject to flooding shall be shown, if applicable, delineating the regulatory one hundred (100) year floodplain designated by the Federal Emergency Management Agency (FEMA).
4. The location, sizes, and descriptions of all existing utilities, including but not limited to wastewater lines, lift stations, wastewater and storm sewer manholes, water lines, water storage tanks, and wells within or adjacent to the subdivision.
5. The location, dimensions, and name of existing and platted subdivisions, streets, easements, other public rights-of-way, pipelines, or watercourses within or adjacent to the subdivision.
6. Topographical information with contour lines at one (1) foot intervals or closer shall be shown and shall be based on U.S.G.S. datum.
7. The location of the city limit line, extraterritorial jurisdiction boundary, as depicted on the City's most recent base map, or other political boundaries that pass through the land to be subdivided.
8. The outline of wooded areas or the location of important individual trees may be required.

c. Proposed Features

1. The location, right-of-way width, descriptions, and names of proposed streets, alleys, blocks, lots, reservations, easements and rights-of-way; and areas within the subdivision indicating the connection to or continuation of other improvements in adjacent subdivisions.
2. The location, size, and description of any proposed drainage appurtenances, including storm sewers, detention ponds, and other drainage structures proposed to be constructed on and off the site, and in accordance with the requirements of this Ordinance.
3. The approximate width and depth of all lots. The area of each non-rectangular lot shall be provided.
4. The location of building setback lines shall be indicated by dashed lines on the plat.
5. The boundaries of proposed sectioning, if applicable.
6. Numbers to identify each lot (Arabic, continuous) and each block (Roman).
7. The location and approximate size of sites for schools, churches, parks, commercial retail, industrial, office, multifamily, education, medical, and other special land uses.

3.3 PROCEDURE

- a. No later than twenty (20) days prior to the Council meeting at which it is to be considered, the following items shall be submitted to the City Secretary:
 1. Nine (9) legible prints or copies of the Preliminary Plat.
 2. Filing Fee. A certificate shall be made by the proper individuals or officers showing that the fees provided for herein have been paid prior

to the submission of any preliminary or final plats to the City Council, and no approval shall be valid until the fees have been paid.

3. A summary letter stating briefly the type of street surfacing, drainage, water and wastewater facilities proposed, and requesting any variances from the provisions of this Ordinance.
 4. A petition requesting annexation, if applicable.
 5. A letter of certification, when applicable, that the plat has been submitted to the appropriate County and/or State authorities for review (applicable to all projects proposing septic systems and/or containing any portion of the regulatory one hundred (100) year floodplain outside of the city limits).
 6. Any supplemental materials as applicable in other sections of this Ordinance.
- b. After submission of the preliminary plat, the Subdivision Administrator shall review the submittal for completeness and for consistency with City ordinances, codes, policies, and plans. This may include, as applicable, consultation with the City's Consulting Engineer, Subdivider's engineer, private utility companies, and the school district.
- c. If the preliminary plat is deemed by the Subdivision Administrator to be administratively complete, the preliminary plat shall be filed with the City Council for its tentative approval. The Council shall examine the preliminary plat and all supporting information. Within thirty (30) days after the filing of the preliminary plat with the City Council, the Council shall take one of the following actions:
1. Approve.
 2. Approve with conditions.
 3. Disapprove.
- d. If the Council conditionally approves or disapproves the preliminary plat, it shall provide the applicant a written statement of the conditions for the conditional approval or reasons for disapproval that clearly articulates each specific condition for the conditional approval or reason for disapproval. Further, each condition or reason specified in the written statement must be directly related to the requirements under this ordinance; include a citation to the ordinance that is the basis for the conditional approval or disapproval, if applicable; and may not be arbitrary.
- e. Upon approval of the preliminary plat, the Subdivider shall provide one (1) mylar reproducible copy of the approved preliminary plat to be kept on file

at the City as public record.

3.4 CONDITIONS OF APPROVAL OF PRELIMINARY PLAT

- a. The approval of a plat or replat shall be considered to be conditional approval until such conditions that may be imposed by the City Council are complied with. All objections made to the preliminary plat, or conditions imposed, shall be furnished to the Subdivider in writing. Each condition or objection given in writing must be: 1) directly related to the requirements of Chapter 212 of the Texas Local Government Code; 2) include a citation to the law, including a statute or this Ordinance, that is the basis for the condition or objection; and 3) may not be arbitrary. If no action is taken by the Council within the thirty (30) day period described above or such longer period as may have been agreed to by the Subdivider and City Council, the preliminary plat, as submitted, shall be deemed to be approved by the City Council.
- b. After the conditional approval or disapproval of a plat, the Subdivider may submit to the City Council a written response that satisfies each condition for the conditional approval or remedies each reason for disapproval provided. The City Council may not establish a deadline for a Subdivider to submit the response. If a response is received, the City Council will determine whether to approve or disapprove the applicant's previously conditionally approved or disapproved plat not later than the 15th day after the date the response was submitted. A disapproval must be in writing and in accordance with the requirements of (a) above. If the Subdivider's response is not acted upon not later than the 15th day after the date the response was submitted then it is considered approved.
- c. Approval of the preliminary plat shall be deemed an expression of approval of the layout only and shall not constitute acceptance of the final plat.
- d. Preliminary approval will expire six (6) months after the approval by the City Council of the preliminary plat or of sections thereof. The Subdivider may apply in writing for an extension prior to the end of such six- (6) month period. This period may be extended six (6) months but not beyond a total of one (1) year.
- e. If a revision to a previously approved Preliminary Plat is required, then no application for Final Plat shall be accepted until the revised Preliminary Plat has been submitted and approved by the Council.
- f. Notwithstanding the approval of any Preliminary Plat by the Council, the developer and the engineer that prepares and submits such plats shall be and remain responsible for the adequacy of the design. Nothing in this Ordinance shall be deemed or construed to relieve or waive the responsibility of the developer or engineer for or with respect to any plat

submitted.

SECTION 4: FINAL PLAT

4.1 SUBMISSION

After the preliminary plat has been approved or conditionally approved by the City Council, the final plat shall be prepared and submitted to the City Secretary for review by the Subdivision Administrator and action by the City Council.

4.2 PLAT FORM AND CONTENT

The final plat shall be drawn on eighteen inch by twenty-four inch (18"x24") mylar sheets at a scale of one hundred (100) feet to the inch. Where more than one (1) sheet is required, an index sheet of maximum size of 18" x 24", and at a scale of one (1) inch equals four hundred feet (1"=400') showing the entire subdivision shall be attached to the plat; all sheets shall be of the same size.

a. General Information

1. The names of the owner and/or Subdivider, the licensed professional engineer, or the registered professional land surveyor, responsible for the survey or design of the plat, and other authorized agents. The engineer and surveyor shall affix their seals to the plat in conjunction with the signing of the certification requirements.
2. The proposed name of the subdivision, which shall not be so similar to that of an existing subdivision as to cause confusion, and names of adjacent subdivisions.
3. The date, scale, and north indicator.
4. A location map showing the relation of the subdivision to streets and other prominent features in all directions for a radius of at least one-half (1/2 mile).
5. The owners name, deed or plat reference and property lines of adjoining property within three hundred (300) feet of the subdivision boundary, as determined by the most recent tax rolls.
6. Certification and signature blocks as required by the City and the County. The following certificates shall be placed on the final plat:

(a). Surveyor's Certificate:
Know All Men By These Presents:

That I, _____, do hereby certify that I prepared

this plat and the field notes made a part thereof from an actual and accurate survey of the land and that the corner monuments shown thereon were properly placed under my personal supervision, in accordance with the Subdivision Regulations of the City of Snook, Texas.

(Professional Seal and Date)

Name, Title and Registration No.

(b). Certificate of Approval by the City Council of the City of Snook:
Approved this _____ day of _____, 20__, by the City Council
of the City of Snook, Texas.

Mayor

City Secretary

7. A certificate of dedication or dedication deed of all streets, alleys, easements, rights-of-way, parks, school sites and other public places. The dedication certificate or deed shall be signed by the owner or owners and by all other parties who have a mortgage or lien interest in the property, and acknowledged in the manner prescribed by the laws of the State of Texas for conveyance of real property. The dedication instrument shall contain the following:
 - (a) An accurate metes and bounds description of the tract of land subdivided.
 - (b) A statement and express representation that the parties joining in such dedication deed or certificate of dedication are the sole owners of such tract of land.
 - (c) An express dedication to the public for public use forever over the streets, alleys, easements, rights-of-way, parks, school sites and other public places shown on the attached plat.
 - (d) A positive reference and identification of the final plat of such subdivision by the name of such subdivision, date of the plat, and the surveyor who prepared the plat.
8. If applicable, certification that a subdivision is located in an area which cannot reasonably be served by an organized wastewater collection system and that the use of on-site septic facilities or other means of disposal shall be in accordance with applicable County and/or State requirements.
9. The acreage of the property to be subdivided.

10. The total number of lots, blocks, and sections.
11. All deed restrictions or private covenants, if any, to be filed with the plat must accompany the final plat and are subject to approval by the City Council.
12. The final plat shall conform to the preliminary plat as approved, incorporating all changes, directions, and additions imposed by the City.

b. Existing Features

1. The existing boundary lines, including bearings and distances, of the land to be subdivided. Boundary lines shall be drawn sufficiently wide to provide easy identification.
2. The location, dimensions, and name of existing streets, easements, other public rights-of-way, pipelines, watercourses, buildings and structures within the subdivision to be retained.
3. The property lines, location and name of adjacent subdivisions and of adjoining property owners, and the name and location of adjacent streets, alleys, easements, watercourses, and other significant features.
4. Areas subject to flooding shall be shown, delineating the regulatory one hundred- (100) year floodplain designated by FEMA, if applicable. This information must be certified by a licensed professional engineer.
5. The location of the city limit line, extraterritorial jurisdiction boundary, as depicted on the City's most recent base map, or other political boundaries that pass through the land to be subdivided.

c. Survey Control Information

1. True bearings and distances to the nearest established street lines, official monuments, or existing subdivision corner, which shall be accurately described on the plat.
2. The description and location of all permanent monuments or benchmarks, standard monuments, survey control points and lot pins.
3. Suitable primary control points to which all dimensions; bearings and similar data shall be referenced. At least one (1) corner of the subdivision shall be located with respect to a corner of the original survey of which it is a part.

d. Proposed Features

1. The location, bearings, right-of-way width, descriptions, and approved names of proposed streets, alleys, blocks, lots, reservations, easements and rights-of-way; and areas within the subdivision indicating the connection to or continuation of other improvements in adjacent subdivisions.
2. For proposed streets, complete curve data (delta, arc length, radius, tangent, point of curve, reverse curve, point of tangent, long chord with bearing) between all lot corner pins.
3. For watercourses and easements, distances to be provided along the side lot lines from the front lot line or the high bank of a stream. Traverse line to be provided along the edge or centerline of all large watercourses.
4. The property lines and number designations of all proposed lots and blocks, with complete bearings, distances and dimensions for front, rear and side lot lines.
5. The location of building setback lines shall be indicated by dashed lines on the plat.
6. The use, property dimensions, names and boundary lines of all special reservations to be dedicated for public use, including sites for schools, churches, parks; common ownership; or subsequent development.

4.3 PROCEDURE

- a. No later than twenty (20) days prior to the Council meeting at which it is to be considered, the following items shall be submitted to the City Secretary:
 1. Nine (9) legible prints or copies of the Final Plat.
 2. Filing Fee. A certificate shall be made by the proper individuals or officers showing that the fees provided for herein have been paid prior to the submission of any preliminary or final plats to the City Council, and no approval shall be valid until the fees have been paid.
 3. Any materials or documents required by the Council as a condition of Preliminary Plat approval.
 4. Certification from all applicable taxing authorities that all taxes due on the property have been paid.

5. A letter of certification, when applicable, that the plat has been submitted to the appropriate County and/or State authorities for review (applicable to all projects proposing septic systems and/or containing any portion of the regulatory one hundred (100) year floodplain outside of the City limits.
 6. A letter requesting any variances from the provisions of this Ordinance, if not previously approved as part of the Preliminary Plat.
 7. Any supplemental materials as applicable in other sections of these regulations.
 8. Construction plans signed by a Licensed Professional Engineer as outlined in Section 5.1 below.
- b. After submission of the final plat, the Subdivision Administrator shall review the submittal for completeness and for consistency with City ordinances, codes, policies, and plans. This may include, as applicable, consultation with the City's consulting engineer, Subdivider's engineer, private utility companies, and the school district.
- c. If the plat is deemed by the Subdivision Administrator to be administratively complete, the final plat shall be filed with the City Council for its approval. The Council shall examine the final plat and all supporting information. Within thirty (30) days after the filing of the final plat with the City Council, the Council shall take one of the following actions:
1. Approve.
 2. Approve with conditions.
 3. Disapprove.
- d. If the Council conditionally approves or disapproves the preliminary plat, it shall provide the applicant a written statement of the conditions for the conditional approval or reasons for disapproval that clearly articulates each specific condition for the conditional approval or reason for disapproval. Further, each condition or reason specified in the written statement must be directly related to the requirements under this ordinance; include a citation to the ordinance that is the basis for the conditional approval or disapproval, if applicable; and may not be arbitrary.

4.4 CONDITIONS OF APPROVAL OF FINAL PLAT

- a. No final plat shall be filed unless and until all requirements of the subdivision

regulations have been complied with and until such stipulations as may be set by the City Council have been met. The approval of a plat or replat shall be considered to be conditional approval until such conditions that may be imposed by the City Council are complied with. All objections made to the final plat, or conditions imposed, shall be furnished to the Subdivider in writing. Each condition or objection given in writing must be: 1) directly related to the requirements of Chapter 212 of the Texas Local Government Code; 2) include a citation to the law, including a statute or this Ordinance, that is the basis for the condition or objection; and 3) may not be arbitrary. If no action is taken by the City Council within the thirty (30) day period described above or such longer period as may have been agreed to by the Subdivider and Council, the preliminary plat, as submitted, shall be deemed to be approved by the City Council.

- b. After the conditional approval or disapproval of a plat, the Subdivider may submit to the City Council a written response that satisfies each condition for the conditional approval or remedies each reason for disapproval provided. The City Council may not establish a deadline for a Subdivider to submit the response. If a response is received, the City Council will determine whether to approve or disapprove the Subdivider's previously conditionally approved or disapproved plat not later than the 15th day after the date the response was submitted. A disapproval must be in writing and in accordance with the requirements of (a) above. If the Subdivider's response is not acted upon not later than the 15th day after the date the response was submitted then it is considered approved.
- c. Final approval will expire six (6) months after the approval by the City Council unless the plat has been filed for record in the Official Records of Burleson County, Texas. The Subdivider may apply in writing for an extension prior to the end of such six- (6) month period. This period may, at the discretion of the City Council, be extended, but not beyond a total of two (2) years.
- d. If a revision to a Final Plat is required, then the Final Plat shall not be recorded until the revised Final Plat has been resubmitted and approved by the Council.
- e. Notwithstanding the approval of any Final Plat by the Council, the developer and the engineer that prepares and submits such plats shall be and remain responsible for the adequacy of the design. Nothing in this Ordinance shall be deemed or construed to relieve or waive the responsibility of the developer or engineer for or with respect to any plat submitted.

4.5 RECORDATION

Within thirty (30) days after City Council approval, the City Secretary shall:

- a. For plats located within the corporate limits of the City, review the final plat for proper signature and approval, and record at the County Clerk's Office.
- b. For plats located outside the corporate limits of the City but within its extraterritorial jurisdiction, review the final plat for proper signature and approval, and forward copies to the County Judge for action and approval by the Commissioner's Court prior to recording at the County Clerk's Office. It shall be the responsibility of the Subdivider to be familiar with the process, procedures, and requirements necessary to secure County approval.
- c. Retain three (3) copies of the recorded plat for the City files.

SECTION 5: CONSTRUCTION PLANS, PERFORMANCE GUARANTEES, AND IMPROVEMENTS

5.1 CONSTRUCTION PLANS REQUIRED

Except for minor plats as defined herein, a reproducible drawing and two copies of detailed construction plans based on one-foot contour accuracy (MSL) shall accompany the final plat and shall include cost estimates for all proposed site improvements to be installed by the Subdivider. All plans and engineering calculations shall bear the seal and signature of a licensed professional engineer. These shall include, but not be limited to, the following site improvements:

- a. Plans and profiles of streets, alleys, sidewalks, crosswalks, and monuments;
- b. Plans, specifications, profiles, location, dimensions, depth, and grade, as applicable, of all proposed sanitary sewer system improvements including, where appropriate, collection lines, manholes, cleanouts, treatment and disposal systems, and lift stations to be provided by the Subdivider;
- c. Plans, specifications, location, dimensions, depth, and grade, as applicable, of all proposed water system improvements, including, where appropriate, water lines, fire hydrants, wells, reservoirs, storage facilities, treatment facilities, and pumping stations;
- d. Plans, specifications, profiles, location, dimensions, depth and grade of all proposed street and drainage improvements including curbs, inlets, storm sewers, culverts, channels and structures.
- e. Storm drainage data and proposed drainage structures, including calculations of storm water flow, watershed area, percent of runoff, and time

of concentration; and

- f. Erosion and sedimentation controls, if applicable.

5.2 CONSTRUCTION GUARANTEE

- a. For those improvements to be supplied by the Subdivider, all such improvements shall be secured by a bond, cash deposit or other guarantee acceptable to the City provided for the payment of the cost of such installations prior to the final approval by the City Council. Such security shall guarantee that, in the event of failure of the Subdivider to make such improvements within two (2) years from the date of approval of the final plat, the Subdivider's security shall be encumbered so as to cause the improvements to be constructed and installed without cost to the City.
- b. For improvements to be installed by the City, if any, as determined by a written agreement between the City and the Subdivider, the Subdivider shall deposit in escrow sufficient funds to cover installation costs, or other instrument readily convertible into cash at face value, either with the City, or in escrow with a bank or other financial institution. The use of any instrument other than cash shall be subject to the approval of the City. Such costs will be computed by determining the current commercial construction rates plus engineering costs. Such money in escrow or bond shall be approved as to form and legality by the City Attorney.

5.3 EXTENSION OF TIME TO COMPLETE CONSTRUCTION

Where good cause exists, the City Council may extend the period of time for completion under this section for an additional period of time not to exceed six (6) months if the Subdivider has not completed the required site improvements or completed such improvements in compliance with this Ordinance. No such extension shall be granted unless construction and maintenance guarantees as required herein have been provided by the Subdivider covering the extended period of time.

5.4 CONSTRUCTION INSPECTION AND CERTIFICATION

All plans and actual construction of required improvements shall be inspected by the City's Consulting Engineer. The City's Consulting Engineer shall review the plans and, if approved, shall mark them "APPROVED" and return one set to the Subdivider. If not approved, the plans shall be marked, with the objections noted, and one set returned to the Subdivider for corrections. No plans or completed construction will be considered for approval or acceptance by the City Council without certification from the Consulting Engineer that such plans and calculations and such construction are complete and that they are in

accordance with specifications and standards contained or referenced herein, and/or with plans previously approved for the subject subdivision. The final responsibility for the adequacy and acceptability of all construction shall rest with the Subdivider.

5.5 ACCEPTANCE OF CONSTRUCTION

The City's Consulting Engineer shall conduct a final inspection of all required improvements upon completion of construction and shall notify the Subdivider and the City Attorney in writing as to acceptance or rejection of the construction by the City Council. The Consulting Engineer shall recommend rejection of such construction if it fails to comply with the City's standards and specifications for construction of subdivision improvements. If the Consulting Engineer recommends rejection of such construction, the City Attorney shall, on direction of the City Council, proceed to enforce the guarantees provided in this Ordinance.

5.6 MAINTENANCE GUARANTEE

a. Maintenance of Streets

Prior to such approval, the Subdivider shall either deposit money in escrow or file with the City Council a bond or other such guarantee acceptable to the Council, executed by a bank or a surety company holding a license to do business in the State of Texas, and acceptable to the Council, in an amount equal to ten (10) percent of the estimated construction cost of the street improvements required, as estimated by the Subdivider and approved by the City Council. This guarantee shall be conditioned that the Subdivider will maintain such improvements in good condition and without cost to the City until lots are sold in the subdivision and maintenance of street improvements is assumed by the ownership of such lots or by other appropriate person or entity approved by the City Council. Such money in escrow or bond shall be approved as to form and legality by the City Attorney.

b. Maintenance of Other Improvements

Prior to such approval, the Subdivider shall either deposit money in escrow or file with the City Council a bond or other such guarantee acceptable to the City Council, executed by a bank or a surety company holding a license to do business in the State of Texas, and acceptable to the City Council, in an amount equal to ten (10) percent of the estimated construction cost of the improvements required, as estimated by the Subdivider and approved by the City Council. This guarantee shall be conditioned that the Subdivider will maintain such improvements in good condition and without cost to the City for a period of two (2) years after acceptance of such completed construction. Such money in escrow or bond shall be approved as to form and legality by the City Attorney.

5.7 USE OF CONSTRUCTION AND MAINTENANCE GUARANTEES

Security and/or maintenance guarantees shall not be released by the City until all the requirements for approval and acceptance of improvements have been met. If it becomes apparent that the Subdivider is not going to complete the construction of any or all of the required improvements in accordance with the previously approved plans and Ordinance requirements, or to provide the necessary maintenance as stipulated in paragraphs 5.6a and 5.6b above, the Subdivision Administrator shall so inform the City Council in writing. The City Council shall take the necessary action against the guarantees and security posted by the Subdivider to complete such construction or maintenance at no cost to the City. The Council may also file appropriate proceedings in a court of competent jurisdiction against the Subdivider and the Subdivider's security as set forth above.

5.8 AS-BUILT PLANS

Prior to final acceptance by the City of the improvements in the subdivision, the developer or engineer shall present the City with a reproducible set of drawings of complete "as-built" plans for paving, drainage, water, sanitary sewer, and other improvements, including all changes made in the plans during construction. In addition, one reproducible drawing of the utility plan sheets containing as-built information shall be submitted.

SECTION 6: GENERAL PROVISIONS

6.1 MINOR PLATS

A plat that meets the definition of a minor plat may be processed in one step combining the preliminary plat and final plat requirements on the minor plat. Construction plans may not be required. A minor plat may be filed when the subdivision meets the following conditions and any other applicable provisions of this Ordinance, as determined by the City Council:

- a. Involves the division of a tract or parcel of two (2) acres or less into no more than four (4) lots; and
- b. Each parcel so subdivided fronts on an existing street and the proposed subdivision shall not require the extension of an existing street or the extension, modification, or creation of municipal facilities and/or public improvements; and
- c. The proposed development will be of the same type of use and of comparable intensity as adjacent existing or planned development.

6.2 AMENDED PLATS

An amended plat that meets all of the informational requirements set forth in this Ordinance may be approved and recorded by the City without vacation of the preceding plat, if the amended plat is signed by the applicants only and is solely for one or more of the following purposes:

- a. To correct an error in any course or distance shown on the preceding plat;
- b. To add any course or distance that was omitted on the preceding plat;
- c. To correct an error in a real property description shown on the preceding plat;
- d. To indicate monuments set after death, disability, or retirement from practice of the engineer or surveyor responsible for setting monuments;
- e. To show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat;
- f. To correct any other type of scrivener or clerical error or omission previously approved by the City, including lot numbers, acreage, street names, and identification of adjacent recorded plats;
- g. To correct an error in courses and distances of lot lines between two adjacent lots where lot owners join in the application for an Amended Plat and neither lot is abolished, provided that such amendment does not attempt to remove recorded covenants or restrictions and does not have a materially adverse effect on the property rights of the other owners in the plat;
- h. 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;
- i. To relocate one or more lot lines between one or more adjacent lots where the owner or owners of all such lots join in the application for the Amended Plat, provided that such amendment does not attempt to remove recorded covenants or restrictions or increase the number of lots;
- j. To replat one or more lots fronting on an existing street where the owner or owners of all such lots join in the application for the Amended Plat, provided that such amendment does not attempt to remove recorded covenants or restrictions, increase the number of lots, create or require the creation of a new street, or make necessary the extension of municipal facilities;
- k. To make necessary changes to the preceding plat to create six (6) or fewer lots in the subdivision or a part of the subdivision covered by the preceding plat, provided that the changes do not affect applicable zoning and other

regulations of the City or attempt to amend or remove any covenants or restrictions, and the area covered by the changes is located in an area that the City Council has approved, after a public hearing, as a residential improvement area.

6.3 PARKS, SCHOOL SITES, AND PUBLIC AREAS

Preliminary plats shall provide sites for schools, parks, or other public areas as set out by adopted plans, policies, and codes of the City.

6.4 EASEMENTS FOR UTILITIES

Public easements dedicated for poles, wires, conduits, storm and sanitary sewers, gas, cable TV and water mains, utility lines, or other improvements are required to be shown on the plat.

6.5 DEDICATION FOR PUBLIC USE

There shall be no reserved strips of land except those which are conveyed to the City.

6.6 DIVERSITY OF OWNERSHIP

Where the desirable development of a residential neighborhood, commercial center, business park, or planned development is dependent upon coordination of diverse land ownership, the City Council may require that an overall neighborhood study plan be prepared so that individual subdivisions may be developed in harmony with one another and their environs in accordance with the City's plans, policies, and codes.

6.7 MANUFACTURED HOME SUBDIVISIONS AND PARKS

The development of all manufactured home subdivisions and parks shall be in accordance with this Ordinance and with all city ordinances for manufactured homes.

6.8 PARTIAL DEVELOPMENT OF LARGE SUBDIVISION

Final plats may be approved on portions of a large area of land for residential or other uses for which a preliminary plat has been approved, provided that the required improvements for said portion are developed as part of the required improvements for the entire area. Water mains, storm sewers, trunk sewers, and any sewage treatment plants shall all be designated and built to serve the entire area owned by the Subdivider or designed and built in such a manner that they can easily be expanded or extended to serve the entire area. Construction plans as

required in Paragraph 5.1 will be designed to serve the entire area shown on the preliminary plat.

ARTICLE III: GENERAL REQUIREMENTS AND DESIGN STANDARDS

SECTION 1: RELATION TO CITY'S PLANS, POLICIES, AND CODES

All subdivisions shall conform to any adopted Comprehensive Plan of the City and to all applicable City policies, ordinances and regulations. No subdivision design shall be approved that requires an amendment to any adopted Comprehensive Plan, until an amended Plan is approved.

SECTION 2: STANDARDS FOR BLOCKS AND LOTS

2.1 MONUMENTS

The engineer or surveyor responsible for the plat shall place monuments at each corner of the boundary survey of the subdivision and the centerline intersection point of all streets. The monuments shall consist of three-quarter (3/4) inch diameter steel rods twenty-four (24) inches long, or other such monuments as approved by the City's Consulting Engineer. Block corners shall be referenced to these monuments.

2.2 BLOCKS

- a. In general, intersecting streets, determining block lengths, shall be provided at such intervals as to serve cross traffic adequately, and to meet existing streets or customary subdivision practices in the neighborhood. Where no existing plats control, the blocks shall be not more than twelve hundred (1,200) feet in length nor less than three hundred (300) feet in length except in unusual cases. Blocks shall be wide enough to allow two (2) tiers of lots with a block width no more than three hundred (300) feet nor be less than two hundred thirty (230) feet, except in unusual cases.
- b. Blocks are to be numbered consecutively (Roman numerals) within the overall plat and/or sections of an overall plat.

2.3 LOTS

- a. Lot Size - Minimum lot size shall be based on the land use proposed by the Subdivider and upon the availability of central sewage disposal service. Lots to be served by septic systems shall conform to County and/or State regulations. No lot shall be platted less than one hundred fifteen (115) feet in depth or less than sixty (60) feet in width. Minimum average lot area shall be seven thousand (7,000) square feet. In cases where an irregularly

shaped tract is platted into lots and the remnant piece of property is of sufficient area to plat one or more lots, the Council may waive the depth requirement to prevent a hardship on the Subdivider. Minimum usable lot depths for lots backing on natural drainage easements shall be not less than one hundred (100) feet measured between front lot line and drainage easement.

Corner lots with a width of less than sixty-five (65) feet are to be at least five (5) feet wider than the average of interior lots in the block. Corner lots with a width of less than seventy-five (75) feet adjacent to a major thoroughfare are to be at least fifteen (15) feet wider than the average of interior lots in the block. Lots facing or backing on major streets shall be at least ten (10) feet deeper than average lots facing on adjacent minor streets.

Lots should be rectangular insofar as practicable. Sharp angles between lot lines should be avoided. The ratio of depth to width should not ordinarily exceed two and one-half (2 ½) times. Side lot lines should be perpendicular or radial to street frontage. Each lot shall be provided with adequate access to an existing or proposed public street by front on such street not to be less than forty (40) feet. Double frontage lots are prohibited except when backing on major thoroughfares. Rear and side driveway access to major thoroughfares shall be prohibited.

Wherever feasible, each lot should face the front of a similar lot across the street. In general, an arrangement placing adjacent lots at right angles to each other should be avoided.

- b. Lot Numbering - All lots are to be numbered consecutively (Arabic numerals). Lot numbering shall be cumulative throughout the subdivision from block to block in a uniform manner that has been approved on the preliminary plat.

2.4 BUILDING SETBACK LINES

Each lot shall have building setback lines which run parallel to the property line. Minimum setback lines shall be as follows:

- Front (Local Street) - Twenty-five (25) feet
- Front (Arterial Street) - Thirty-five (35) feet
- Rear - Twenty-five (25) feet
- Side - Ten (10) feet
- Side (Local Street) - Twenty-five (25) feet

2.5 OTHER TYPES OF DEVELOPMENT

The standards outlined for lot size, layout, and building setback lines apply to conventional single-family residential development. Other types of development, such as zero lot line subdivisions, multi-family development, or garden homes, shall be considered on a case-by-case basis.

SECTION 3: STREETS

3.1 GENERAL

All streets provided for in a subdivision shall be private streets. Unless deemed appropriate by the City Council, the City shall not accept dedication of any street in a subdivision. The Subdivider shall provide for an association or other legal entity, acceptable to the City Council, consisting of adjoining property owners which shall have the responsibility of maintaining the streets and any sidewalks or other rights-of-way in the subdivision. The association or other legal entity shall require the adjoining property owners to pay regular dues to cover all costs of maintaining the streets, sidewalks, and other rights-of-way in the subdivision in accordance with the specifications established by the City.

Unless otherwise approved by the Council, provisions must be made for the extension of arterials. Collector streets shall be provided for circulation of traffic through the subdivision and adequate local streets provided to accommodate the subdivision. The street system shall bear a logical relationship to the natural topography of the land. The location, design, and construction of streets shall conform to the City's Standard Specifications and with all other plans, policies, ordinances, and codes of the City unless Burleson County has adopted a more stringent specification in which case the Burleson County specification will control.

3.2 ALIGNMENT

All arterials and collector streets shall be continuous or in alignment with existing streets, unless variations are deemed advisable by the Council after consideration of recommendations by the Subdivision Administrator. Curvilinear streets shall be allowed. Off-center street intersections shall not be approved. All streets shall intersect at ninety (90) degrees. Variances may be considered up to ten (10) percent where geometric conditions are of concern.

3.3 GRADES

All streets must have a minimum grade of at least one-half (1/2) of one (1) percent. Centerline grade changes with an algebraic difference of more than two (2) percent shall be connected with vertical curves of sufficient length to provide a minimum of six hundred (600) feet sight distance on arterials and four hundred (400) feet sight distance on collector streets and local streets. All vertical curves must be of such length so as to provide comfortable flow of traffic

3.4 WIDTHS

Street widths shall be consistent with Table 1 below.

**TABLE 1
SUBDIVISION STREET STANDARDS**

STREET TYPE	R.O.W. WIDTH	PAVEMENT WIDTH	CURB AND GUTTER REQUIRED
Arterial	100'	64'	Yes
Collector	80'	39'	Yes
Local (Curb)	60'	28'	Yes
Local (Open Ditch)	60'	24'	No

Notes:(1) For curbed sections, pavement width is measured from back of curb to back of curb.

(2) One-foot flat curb and 4:1 slope open ditches may be substituted for curb and gutter with the approval of the City Council.

3.5 SUBGRADE

- a. Subgrades for all types of roads shall be accurately shaped prior to placing base material or pavement thereon and shall be compacted to provide for uniform density capable of supporting the pavement loads to be imposed there upon. Unstable subgrade is to be carefully stabilized by the addition of lime or cement or by removing the unstable area and placing therein suitable subgrade material. Subgrade stabilization requirements shall be determined in accordance with the following table.

**TABLE 2
SUBGRADE STABILIZATION REQUIREMENTS**

P.I. = Plasticity Index
LL.= Liquid Limit

If P.I. >20 and LL. 35, Lime Stabilize Subgrade

If P.I. >15 and LL. 36, Lime Stabilize Subgrade

If P.I. 5, Cement Stabilize Subgrade

Acceptable soils other than those defined by the limits above do not require stabilization.

TABLE 2 (CONTINUED)
 Percentage of Lime or Cement Required (By Weight)

P.I.	Percentage Required	Material
5	5	Cement
<25	5	Lime
26 to 33	6	Lime
34 to 40	7	Lime
>40	Determine by ASTM C977	Lime

- b. Lime treated subgrade shall be provided, placed and constructed in accordance with the provisions of Item 260 - Lime Treatment for Materials in Place and Item 264 - Hydrated Lime and Lime Slurry, of the TxDOT Standards.
- c. All subgrade shall be compacted to ninety-five (95) percent Modified Proctor density. Compaction shall be accomplished by use of approved and acceptable mixing and rolling equipment and construction methods.

3.6 BASE

Base course shall meet the requirements of TxDOT Item 247 - Flexible Base (Type A, Grade 2) as outlined in the Standard Specifications for Construction and Maintenance of Highways, Streets, and Bridges (latest edition). Base course depth shall be six (6) inches for local streets, eight (8) inches for collector streets, and ten (10) inches for arterial streets. Base course shall be compacted to ninety-eight percent (98.0%) of Modified Proctor density within minus one percent (-1.0%) to plus two percent (+2.0%) of optimum moisture. Base course shall be approved by the City Council after consultation with the City's Consulting Engineer before a surface course is applied.

3.7 SURFACE

Surfacing of all streets shall be mandatory, and must be completed and inspected by the City's Consulting Engineer for compliance with all applicable standards and specifications. The minimum acceptable surface for arterials is two (2) inches of hot mix asphaltic concrete. The minimum acceptable surface for collector streets and local streets is two (2) inch of hot mix asphaltic concrete. The type of surface course to be used shall be in conformance with TxDOT Item 340, Type D. All street construction shall be performed by a bonded contractor.

3.8 INTERSECTIONS

Arterials shall have a minimum radius at the centerline of two thousand (2,000) feet. Collector streets shall have a minimum radius at the centerline of eight hundred (800) feet. Local streets shall have a minimum radius at the centerline of three hundred (300) feet, unless in special circumstances the Council approves a local street with a smaller minimum radius.

3.9 CONTINUITY

The system of streets designated for the subdivision, except in unusual cases, must connect with streets in adjacent subdivisions. Where other than adjacent connections are platted, streets must in general be reasonable projections of streets in the nearest subdivided tracts, and must be continued to the boundaries of the tract subdivided, so that other subdivisions may connect therewith. Reserve strips of land controlling access to or egress from other property or to or from any street or alley or having the effect of restricting or damaging the adjoining property for subdivision purposes or which will not be taxable or accessible for special improvements shall not be permitted in any subdivision unless such reserve strips are conveyed to the City in fee simple.

3.10 DEAD END STREETS/CUL-DE-SACS

Dead end streets or cul-de-sacs may be permitted where the form or contour of the land makes it difficult to plat with connecting streets; however, except in unusual cases, no dead end streets will be approved unless such dead end streets are provided to connect with future streets in adjacent land. Such streets are to provide proper access to all lots and shall generally not exceed six hundred (600) feet in length, measured from the right-of-way line of the intersecting street to the center point of the turn-around circle, except in conditions of unusual topography. A turn-around shall be provided at the closed end, with an outside radius of at least thirty-nine (39) feet to the face of the curb and a minimum radius of fifty (50) feet to the property line.

3.11 STREET NAMES AND MARKERS

New streets shall be named so as to provide continuity of name with existing streets and so as to prevent conflict with identical or similar names in other parts of the City. All street name signs and traffic signs shall be provided by the Subdivider and shall meet the type and standards of the City.

SECTION 4: CURB AND GUTTER

Curb and gutter shall be required to be constructed on all streets except for certain local streets, for streets abutted by lots greater or equal to one (1) acre, or when approved by the City Council. Radial curb and gutter shall be constructed at each corner block to which curb and gutter is constructed. Lay down curbs shall be constructed across all alley

intersections. All curb and gutter and lay down curbs shall be constructed upon a compacted base of minimum depth of four (4) inches and extending at least six inches (6) behind the back of the curb. All concrete used shall be Class A as specified by the TxDOT Item 421. Valley gutters are required and shall be paved with Class A concrete.

SECTION 5: ALLEYS

Alleys or loading courts shall be provided in business blocks. Alleys need not be provided in residential blocks unless they are specifically required by the City Council. Where alleys are required in residential blocks, the width of such alleys is optional, but in no case may the width of such an alley be less than twenty (20) feet. All alleys shall be brought to an established grade approved by the City's Consulting Engineer, and shall be based with six (6) inches of compacted road gravel.

SECTION 6: SIDEWALKS

Sidewalks are required on all major collector and arterial streets and where required by the City Council. Sidewalks shall not be less than four (4) feet in width, parallel to and not more than two (2) feet above or below the adjacent curb grade, and located one (1) foot inside the dedicated street line and situated wholly within the dedicated streets. Sidewalks abutting business property shall have a minimum width of ten (10) feet. Parkways, the area between curbs and the right-of-way line, shall be excavated or filled to a grade parallel with the longitudinal street grade. The ground elevation at the right-of-way line shall be not more than two (2) feet, nor less than three (3) inches above the elevation of the top of the adjacent curb. Landing walks of a width not less than eighteen (18) inches may be installed abutting the rear of the curb.

SECTION 7: EASEMENTS

7.1 USE OF EASEMENTS

Where necessary, easements shall be retained for poles, wires, conduits, storm sewers, sanitary sewers, water lines, open drains, gas lines, or other utilities. Such easements may be required across parts of lots (including sidelines) other than as described above if the City Council determines that it is needed. Any easements so established shall be maintained by the property owner. All easements may be included in the computation of lot sizes, with the exception of drainage easements, which will be in addition to the specified lot size.

7.2 SIZE OF EASEMENTS

The size of easements where alleys are not provided shall not be less than ten (10) feet on each side of rear lot lines. Easements on side lot lines shall be not less than ten (10) feet in width. However, where deemed necessary by the City Council, such easements may be required to be twenty (20) feet in width.

7.3 DRAINAGE EASEMENTS

Where a subdivision is traversed by a watercourse, drainage way, channel or street, there shall be provided a storm sewer easement or drainage right-of-way conforming substantially with such course and of such additional width as may be designated by the City Council that will be reasonably adequate for the purpose. Parallel streets or parkways may be required in connection with these easements. The drainage shall be designed to eliminate erosion of adjoining property and to facilitate routine maintenance.

SECTION 8: DRAINAGE IMPROVEMENTS

8.1 DRAINAGE REQUIRED

An adequate storm drainage system consisting of inlets, pipes, and other underground drainage structures with approved outlets shall be constructed where drainage of storm water and the prevention of erosion cannot be accomplished satisfactorily by surface drainage facilities.

Structures for drainage shall be constructed in such locations and of such size to adequately serve the subdivision and the contributing drainage area. All drainage facilities shall be constructed in accordance with the City's Standard Specifications and with all other plans, policies, ordinances and codes of the City.

8.2 FLOOD AREAS

Areas within the jurisdiction of the regulations herein subject to flood conditions as established by Federal and State agencies and for which the limits of such flood conditions have been adopted by the City, will not be considered for subdivision until adequate drainage or other approved flood protection has been provided.

SECTION 9: SANITARY SEWER

9.1 SANITARY SEWER REQUIRED

Sanitary sewer service shall be provided to serve all lots within a subdivision. Where the subdivision is inside the city limits and to the extent deemed feasible by the City Council, it shall be connected to the City's sanitary sewer system. Outside of the corporate limits of the City, and in locations where sanitary sewer is not available and where there is no immediate prospect for installation of sanitary sewer, septic systems of approved type may be installed in conformity with the rules, regulations, and ordinances of the City, State, and Burleson County pertaining to public health. In no case shall septic systems be installed without express approval and inspection by the City.

The developer shall furnish and install the complete sewer system, including the mains, manholes, cleanouts, Y-branches, and service laterals for all lots, lift stations, and appurtenances. The sewage system shall be designed and

constructed in accordance with regulations covering extension of public wastewater systems, and other applicable regulations, adopted by the Texas Natural Resources Conservation Commission and the Texas Department of Health, and with all other plans, policies, ordinances and codes of the City.

The cost of any extensions of water or sewer lines to serve the proposed development shall be borne by the developer. A refund agreement, if approved by the City, may be negotiated between the developer and the City regarding future development of intervening land. Any sewerage lift stations necessary to serve the development shall be charged to the developer, and no refund will be made by the City.

9.2 CONFORMITY OF ON-SITE FACILITIES WITH HEALTH REQUIREMENTS

It is the purpose of this Ordinance to ensure compliance with the standards of the County and/or State of Texas so that on-site sewerage facilities shall be designed, constructed, permitted, and operated to provide adequate sewage treatment and disposal that will not contaminate potable water supplies or threaten the health and welfare of the public. The design, construction, permitting, and operation of on-site sewerage systems for use by individual homes, small business establishments, recreational areas, institutions, and other areas shall be in accordance with the standards of the State.

All new development and construction, either in the corporate limits of the City or in its extraterritorial jurisdiction, shall conform to these requirements. Existing individual disposal facilities should be upgraded to comply with the Standards, in order to protect the public health and welfare. On-site sewerage facilities must be upgraded by the owner, at the owner's expense, if the operation of the facility does not comply with government regulations or results in objectionable odors, unsanitary conditions, pollution, or other threat to public health.

9.3 METHOD OF SEWAGE DISPOSAL

The developers of subdivisions, manufactured housing parks, or commercial and industrial establishments that are remote from organized sewage collection systems shall consider the method of sewage disposal in the determination of lot size and arrangement. A sewage disposal plan shall be submitted to the appropriate local regulatory authority as a part of the construction plans prior to the consideration of approval of the final plat.

SECTION 10: WATER DISTRIBUTION

10.1 WATER SYSTEM REQUIRED

All subdivisions shall be provided with City water service to the extent deemed feasible by the City Council. In the corporate limits of the City, all subdivisions shall be connected to the City's water distribution system in accordance with this

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Ordinance, applicable provisions of State and Federal law or regulations, and to the extent deemed feasible by the City Council.

10.2 WATER SYSTEM DESIGN

The design of the water system shall comply with regulations covering extension of public water systems adopted by the Texas Natural Resource Conservation Commission, be acceptable, without penalty, to the State Fire Insurance Commission, and shall be of sufficient size to furnish adequate domestic water supply and fire protection services to all lots. The water system shall be designed and constructed to comply with the City's Standard Specifications and with all other plans, policies, ordinances, and codes of the City.

SECTION 11: PARKS

11.1 PARKLAND DEDICATION REQUIRED

A space equivalent to one (1) acre per 100 dwelling units to be subdivided shall be dedicated in fee simple to the City for recreational or conservational use. The Subdivider shall show on the preliminary plat the land that is suggested for such dedication. The land must be suitable for development of a park. If the Subdivision Administrator recommends to the City Council that the proposed site is not suitable for park land use or that payment of cash should be made in lieu of parkland dedication, the Subdivider shall be given prompt notice of such recommendation and may offer cash in lieu of the dedication of land, such amount to be determined as set forth below.

No area or facility shall be dedicated for such public purposes unless approved and accepted by the City Council.

For developments with less than 100 dwelling units, a minimum of one (1) acre will be dedicated.

11.2 CALCULATION OF PAYMENT IN LIEU OF PARKLAND DEDICATION

The amount of any cash contribution shall be determined in accordance with the following schedule:

- a. Residential: Five-hundred dollars and no/100 (\$500) for each dwelling unit in the subdivision for which park land is not set aside.
- b. For calculation of developments with less than 100 dwelling units, each dwelling unit shall equal .01 acres.
- c. A combination of parkland dedication and cash-in-lieu of parkland dedication can be utilized to meet the parkland dedication requirement.

11.3 PROCEDURE FOR PAYMENT IN LIEU OF PARKLAND DEDICATION

In the event that the Subdivider elects to pay cash in lieu of dedication of land for parks and conservation, the cash shall be paid to the City of Snook at the time of final plat approval. All cash paid in lieu of parkland dedication shall be deposited by the City into a special park fund account and shall be spent by the City on the acquisition of parklands or the improvement of parkland or facilities within the City or its extraterritorial jurisdiction within five (5) years after the receipt of such funds by the City. The funds shall not be spent for any other purposes. If the funds are not spent within five (5) years the funds shall be paid to the owners of lots in the subdivision on a pro rata basis.

SECTION 12: STREET LIGHTS

Street lights are required at all major intersections, entrances into the subdivision, and anywhere else City Council deems necessary.

ARTICLE IV ADMINISTRATION

SECTION 1: VACATION OF PLATS AND REPLATS

1.1 VACATION OF PLATS

Any plat previously recorded with the County Clerk may be vacated by the property owner(s) at any time prior to the sale of any lot therein by filing a written, signed, and acknowledged instrument declaring the same to be vacated and recorded with the County Clerk.

If one (1) or more lots have been sold, the plat may be vacated by the property owners by filing a written, signed, and acknowledged instrument with the City Council. The vacating instrument must be approved by the City Council in the same manner as the original plat, replat or amended plat. The City Council shall disapprove the vacating instrument which abridges or destroys public rights in any of its public uses, improvements, streets, or alleys. Upon approval by the City Council, the vacating instrument shall be recorded with the County Clerk and the vacated plat, replat or amended plat shall have no effect.

1.2 REPLATS WITHOUT VACATING PRECEDING PLAT

A replat may be recorded and controls over a previously recorded plat without vacation of that plat, if the replat is signed and acknowledged by only the owners

of the property being replatted, does not attempt to amend or remove any covenants or restrictions, and is approved by the City Council.

1.3 ADDITIONAL REQUIREMENTS FOR CERTAIN REPLATS

- a. In addition to compliance with the requirements of section 1.2 above, a replat without vacation of the preceding plat must conform to the requirements of this section if: 1) during the preceding five (5) years, any of the area to be replatted was limited by an interim or permanent zoning classification to residential use for not more than two (2) residential units per lot; or 2) any lot in the preceding plat was limited by deed restrictions to residential use for not more than two (2) residential units per lot.
- b. If a proposed replat described by subsection (a) requires a variance or exception, a public hearing must be held by the City Council.
- c. Notice of the public hearing, if required, shall be given before the fifteenth (15th) day before the date of the public hearing by: 1) publication in the official newspaper or a newspaper of general circulation in Burleson County; and 2) by written notice, with a copy of section 1.3.d. attached, to the owners of any lots that are in the original subdivision and that are within two hundred (200) feet of the lots to be replatted, as indicated on the most recently approved municipal tax roll or in the case of a subdivision within the extraterritorial jurisdiction, the most recently approved county tax roll of the property upon which the replat is requested. The written notice may be delivered by depositing the notice, properly addressed with postage prepaid, in a post office or postal depository within the boundaries of the City.
- d. If the proposed replat requires a variance and is protested in accordance with this section 1.3, the proposed replat must receive, in order to be approved, the affirmative vote of at least three-fourths (3/4) of the members present at the meeting of the City Council. For a legal protest, written instruments signed by at least twenty percent (20%) of the owners of the lots or land immediately adjoining the area covered by the proposed replat and extending two hundred (200) feet from that area, but within the original subdivision, must be filed with the City Council prior to the close of the public hearing.
- e. In computing the percentage of land area under subsection 1.3d, the area of streets and alleys shall be included.
- f. Compliance with subsection 1.3d and 1.3e 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.

- g. If a proposed replat described by subsection (a) does not require a variance or exception, the City shall, not later than the 15th day after the date the replat is approved, provide written notice by mail of the approval of the replat to each owner of a lot in the original subdivision that is within 200 feet of the lots to be replatted according to the most recent municipal or county tax roll.
- h. The notice of a replat approval required by subsection (g) must include: 1) the zoning designation of the property after the replat; and 2) a telephone number and e-mail address an owner of a lot may use to contact the City about the replat.

1.4 REPLATTING

Any Subdivider who wishes to revise a subdivision plat that has been previously filed for record must make an application of the proposed revised plat to the City Council. The replat of the subdivision shall meet all applicable requirements for a subdivision. However, if the subdivision as replatted does not require any appreciable alteration or improvement of utility installations, streets, alleys, etc., then no construction plans will be required.

SECTION 2: VARIANCES

2.1 GENERAL

- a. The City Council may authorize a variance from these regulations when, in its opinion, undue hardship will result from requiring strict compliance. Pecuniary hardship to the Subdivider, standing alone, shall not be deemed to constitute undue hardship.
- b. In granting a variance, the Council shall prescribe only conditions that it deems necessary to or desirable in the public interest.
- c. The Council shall take into account the nature of the proposed use of the land involved, existing uses of land in the vicinity, the number of persons who will reside or work in the proposed subdivision, and the probable effect of such variance upon traffic conditions and upon the public health, safety, and general welfare in the vicinity.
- d. Variances may be granted only when in harmony with the general purpose and intent of this Ordinance so that the public health, safety, and welfare may be secured and substantial justice done.

SECTION 3: FILING FEES

Snook Subdivision Ordinance

- a. The following schedule of fees and charges shall be paid to the City when any plat is tendered to the City Council, or any other authorized board, agency, or official of the City. Each of the fees and charges provided herein shall be paid in advance, and no action of the City Council, or any other board, agency, or official shall be valid until the fee or fees shall have been paid to the designated officer therein.
- b. These fees shall be charged on all plats, regardless of the action taken by the City Council, and whether the plat is approved or denied.
- c. The Subdivider shall cause a check to be made payable to the City of Snook to cover all recording fees involved in finishing the platting process and shall have this delivered to the City Secretary prior to the submission for approval of a final plat.
- d. The Subdivision Administrator shall calculate the fees and charges in accordance with Table 3 below. The Subdivision Administrator may require a deposit for the reasonably anticipated cost of engineering and legal review.

TABLE 3
SCHEDULE OF FILING FEES

Concept Plan	\$200.00
Preliminary Plat	\$375.00 + \$10.00/lot + Actual Cost of Engineer and Legal Review
Final Plat	\$375.00 + \$10.00/lot + Actual GIS Cost + Actual Cost of Engineer and Legal Review
Construction Plan Review	\$200.00 + Actual Cost of Engineer and Legal Review
Minor Plat	\$250.00 + \$10.00/lot + Actual Cost of Engineer and Legal Review
Re-plat/Amended Plat	\$250.00 + \$10.00/lot + Actual GIS Cost + Actual Cost of Engineer and Legal Review
Manufactured Home Subdivision	\$375.00 + \$10.00/lot + Actual GIS Cost + Actual Cost of Engineer and Legal Review

SECTION 4: SUBDIVISION INSPECTION FEES

Snook Subdivision Ordinance

A Subdivision Inspection Fee shall be paid to the City for the inspection of subdivision improvements, including water, wastewater, street and drainage improvements. The Subdivision Inspection Fee shall be due prior to acceptance by the City Council of the subdivision improvements. The Subdivision Inspection Fee shall be equal to one and one-half percent (1½%) of the actual total construction costs of installing and constructing the water, wastewater, street, drainage, and other public improvements. The City may require the Subdivider to submit an engineer's certificate as to the actual construction costs of the aforesaid improvements.

SECTION 5: PENALTY

Any person violating this Ordinance or any portion thereof shall upon conviction be guilty of a misdemeanor and shall be fined a sum not exceeding five hundred dollars (\$500.00). Each day that such violation continues shall be considered a separate offense and shall be punishable accordingly.

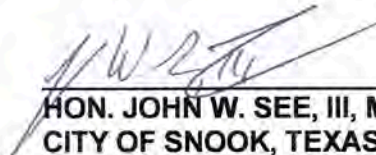
SECTION 6: CONFLICT WITH OTHER ORDINANCES

Whenever the standards and specifications in this Ordinance conflict with those contained in another ordinance, the most stringent or restrictive provision shall govern.

SECTION 7: SEVERABILITY

If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional, void, or invalid, the validity of the remaining portions of this Ordinance shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion thereof, or provision or regulation contained herein shall become inoperative or fail by reason of the unconstitutionality or invalidity of any section, subsection, sentence, clause, phrase, or provision of this Ordinance.

PASSED AND APPROVED THIS THE 29TH DAY OF AUGUST, 2022.



**HON. JOHN W. SEE, III, MAYOR
CITY OF SNOOK, TEXAS**

ATTEST:



**DAVID JUNEK, CITY ADMINISTRATOR/CITY SECRETARY
CITY OF SNOOK, TEXAS**