ORDINANCE NO. 219

AN ORDINANCE OF THE CITY OF UHLAND, TEXAS, AMENDING ORDINANCE 44A AND 44B, AS AMENDED, IN ITS ENTIRETY; PROVIDING COMPREHENSIVE REGULATIONS, DEVELOPMENT AND CONSTRUCTION STANDARDS FOR THE SUBDIVISION OF LAND WITHIN THE CITY AND IT'S EXTRATERRITORIAL JURISDICTION; AS SET FORTH IN "EXHIBIT A"AND EXHIBIT B. PROVIDING SEVERABILITY, OPEN MEETINGS AND EFFECTIVE DATE CLAUSES; PROVIDING PENALITIES; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, it is reasonable and necessary for the public health, safety and welfare to provide for the development of park land and open space in the City when developments cause increased density within the City and its extraterritorial jurisdiction;

WHEREAS, the City of Uhland is committed to the concept that the cost of development must be borne by the developer and not become a burden to the taxpayers; and,

WHEREAS, the City of Uhland has determined that this ordinance is a reasonable exercise of the power given to cities to regulate subdivision development, and that it does in fact promote the health, safety and general welfare of those citizens within the City's jurisdiction.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF UHLAND, TEXAS, THAT:

Section 1. Finding:

The above and foregoing recitals are hereby found to be true and correct and are incorporated herein as findings of fact. The City Council hereby further finds and determines that the rules, regulations, terms conditions, provisions and

Section 2. Subdivision Regulations Adopted.

The City Council hereby adopts comprehensive regulations and standards for the platting of property and the development of subdivisions within the City and its extraterritorial jurisdiction to read as set forth in Exhibit "A" attached hereto entitled "Subdivision Ordinance" and incorporated in this ordinance as though fully transcribed herein for all purposes.

Section 3. Amendment of Ordinances.

The Council hereby amends Ordinances 44A and 44B in their entirety; provided that such ordinances shall remain in force and effect as herein provided with respect to plats submitted prior to the effective date of this ordinance.

Section 4. Savings Clause.

All rights and remedies of the City of Uhland are expressly saved as to any and all violations of the provisions of any ordinances affecting platting and subdivision of property with in the City and it extraterritorial jurisdiction which have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

Section 5. Severability.

If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

Section 6. Effective date.

This Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Texas Local Government Code.

Section 7. Open Meetings.

It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place , and purpose of said meeting was given as required by the Open Meeting Act.

PASSED AND APROVED ON THIS 13TH DAY OF FEBRUARY 2019
Ayes 4 Nays 0 Abstained 0

Vicki Hunter

Vicki Hunter Mayor Pro-Tem

ATTEST:

Karen Gallaher
City Administrator

CITY OF UHLAND, TEXAS

SUBDIVISION ORDINANCE

Adopted

February 13, 2019

Effective

February 14, 2019

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ARTICLE I. GENERAL

SECTION 1. PROVISIONS APPLICABLE TO ALL PLATS

1.1 ENACTMENT

The following standards, rules and regulations shall be cited to and known as the Subdivision Regulations ("Regulations") of The City of Uhland, Texas ("City"). All subdivisions located inside the corporate limits of the City and within the City's extraterritorial jurisdiction shall conform to the requirements of these Regulations. Subdivisions which have received formal approval prior to the effective date of these Regulations shall not be subject to these Regulations but shall be held to any previously imposed requirements.

1.2 PURPOSE AND OBJECTIVES

These Regulations are for the following purposes including, but not limited to:

(a) To protect, promote and provide for the public health, safety, and general welfare of the City;
(b) To encourage the orderly future growth and beneficial development of all parts of the City;
(c) To protect and conserve the value of land throughout the City;
(d) To provide the most beneficial relationship between the uses of land and the circulation of traffic throughout the City, having particular regard to the avoidance of congestion in the streets and highways; to provide for the proper location and width of streets and for the adequacy of drainage facilities;
(e) To establish reasonable standards of design and procedures for subdivisions in order to further the orderly layout and use of the land and to insure proper legal descriptions and monuments of subdivided land;
(f) To encourage the installation of public facilities as herein defined with sufficient capacity to serve proposed subdivisions;
(g) To safeguard the water table, and to encourage the wise use and management of natural resources;
(h) To encourage the proper development, design and construction of road systems within the City; and
(i) To ensure that adequate water, wastewater, and reuse water facilities are provided in subdivisions within the jurisdiction of the City and to establish minimum standards for water, wastewater, and reuse water facilities.

1.3 PLAT REQUIRED; FEES AUTHORIZED

1.3.1 No plat shall be recorded until a final plat has been approved in accordance with this Ordinance, and with other applicable City regulations.

1.3.2 No certificate of acceptance for required public improvements shall be issued by the City for any parcel of land or plat until a final plat has been approved in accordance with this Ordinance; and either:
(a) All improvements required by this Ordinance have been constructed and accepted by the City; or
(b) Assurances for completion of improvements have been provided in accordance with this Ordinance. See Section 3.14.

1.3.3 No lot may be sold, nor title conveyed and no building permit, certificate of occupancy, plumbing permit, electrical permit, flood plain permit, utility tap, or certificate of acceptance for required public improvements shall be issued by the City for any parcel of land or plat until:

(a) A final plat has been approved in accordance with this ordinance and recorded with the County records; and

(b) All improvements required by this ordinance have been constructed and accepted by the City; or

(c) Assurances for completion of improvements have been provided in accordance with this ordinance. See Section 3.14.

1.3.4 Compliance with all City ordinances pertaining to the subdivision of land, and the Comprehensive Plan, on adoption, shall be required prior to approval of any plat application governed by this Ordinance. It is the responsibility of the property owner to be familiar with and to comply with City ordinances. Applicable ordinances and requirements include, but are not limited to, the following:

(a) Comprehensive Plan, on adoption, which includes the Future Land Use Plan, Thoroughfare Plan, and associated maps and plans;

(b) Zoning Ordinance (as amended);

(c) Building Code (as amended);

(d) Fire Protection Ordinance (as amended); and

(e) Other applicable city ordinances (as amended).

1.3.5 The City is authorized to assess and collect fees for applications submitted pursuant to this Ordinance and engineering fees for costs incurred in reviews of said applications by the City.

1.4 JURISDICTION AND APPLICABILITY

1.4.1 Jurisdiction. This Ordinance shall be applicable to the filing of plats and the subdivision of land, within the city limits of the City and to the extraterritorial jurisdiction (ETJ) of the City of Uhland. Adoption of this Ordinance does not limit or curtail the remedies and rights provided to the City by Texas Local Government Code Chapter 212 with regard to the control and approval of subdivisions and plats both within the City and within its ETJ.

1.4.2 Applicability. The provisions of this Ordinance shall apply to the following forms of land subdivision and development activity within the City and its ETJ:

(a) The division of land into two or more tracts, lots, sites or parcels; or

(b) All subdivisions of land whether by metes and bounds division or by plat, which were outside the jurisdiction of the City's subdivision regulations in County, Texas and which subsequently came within the jurisdiction of the City's subdivision regulations through:
(1) Annexation; or
(2) Extension of the City's ETJ; or

(c) The combining of two or more contiguous tracts, lots, sites or parcels for the purpose of creating one or more legal lots in order to achieve a more developable site, except as otherwise provided herein; or

(d) For tracts where any public improvements are proposed.

1.4.3 Subdivision Plat and Development Plat Rules. The provisions of this Ordinance, the standards governing water, wastewater, and reuse water facilities applicable to plats, and the technical standards contained in the Design Standards for Construction (DSC) of the City as amended, constitute the subdivision and development rules of the City which apply to applications for plat approval inside city limits and within the City's extraterritorial jurisdiction. The DSC shall be maintained by and be available from the City. Other ordinances of the City may also apply to land development and must be complied with.

1.5 EXEMPTIONS

1.5.1 The provisions of this Ordinance shall not apply to:

(a) Development of land legally platted and approved prior to the effective date of this Ordinance, and for which no re-subdivision, or site development permit is required by City ordinance; or

(b) Sale, inheritance, or gift of land by metes and bounds of tracts upon which no improvements, development, subdivision or alteration is occurring; or

(c) Existing cemeteries complying with all State and local laws and regulations; or

(d) Divisions of land created by order of a court of competent jurisdiction; or

(e) When a building permit is requested for unplatted or already platted parcels for one or more of the following activities:
(1) Replacement or reconstruction of an existing primary single-family or duplex structure, but not to exceed the square footage, nor deviate from the original location, of the original structure;
(2) Building additions, which do not increase the square footage of an existing residence or other structure, in an amount not over one hundred percent (100%) of the existing structure's value, nor increase the gross area of the structure over fifty percent (50%);
(3) Accessory buildings (as defined in the Zoning Ordinance);
(4) Remodeling or repair which involves no expansion of square footage; or
(5) Moving a structure off a lot or parcel, or for demolition permits.

(f) For a division of land into parts greater than five (5) acres, where each part has access and no public improvement is being dedicated, as provided under subchapter A of chapter 212 of the Texas Local Government Code, as amended, a plat is not required, however, the property owner must establish that this exemption applies by submitting a concept plan in accordance with this ordinance.

1.5.2 The following land divisions are exempt from the requirements of this ordinance that applies to plats, provided that the applicant has an approved exemption determination application in accordance with subsection 1.5.4 of this section:

(a) The combining of two or more legally recorded lots into one parcel will not be required to be replatted into one lot provided all lots are permanently joined by a structure or improvements built over the property line(s) in accordance with the zoning ordinance;

(b) The division of a legally recorded lot into two portions and the combining of the portions of the lots with the adjacent lots on each side shall be allowed without replatting, provided each new lot complies with the zoning ordinance. The parcel line dividing the middle lot shall become the new lot line and the side setbacks required by zoning shall be measured from that line;

(c) The sale by metes and bounds and subsequent issuance of a permit for improvements upon a portion of a platted commercial lot within a commercial unit development;

(d) Provided, however, that on those parcels described in subsections (a), (b), and (c) above, no additional right-of-way or public easements must be dedicated, or public utilities or roadways must be constructed;

(e) The acquisition of land by the City for the purpose of providing stormwater drainage facilities or land required for roadway or other public facilities.

(f) Land to be used minor utility facilities as defined in subsection 2.2 of this Ordinance.

1.5.3 Exemption determination.

(a) For any application for a development permit for which exemptions are applicable, an exemption from the requirement to apply for such permit or approval shall be determined in the following manner:

(1) The application for exemption must be submitted on a form supplied by the City and accompanied by a check or money order payable to the City in the amount of all applicable fees, and must include all of the following information:

(i). Name, address, and telephone number of the property owner and the applicant;

(ii). A brief description of the activity or development for which exemption is sought;

(iii). A scale drawing depicting the boundaries of the site, the location of existing improvements on the site, and the location of the proposed development activities on the site;

(iv.) Information establishing the basis for the exemption.

(2) The City shall notify the applicant of the decision. If the City denies the request for exemption, the City shall require that an application for the development permit or approval be prepared in accordance with this Ordinance.

(b) An exemption under this subsection is a separate and distinct consideration and does not exempt the subject property from any other development requirements.

1.5.4 Pending Applications. All applications for plat approval, including final plats, that are pending on the effective date of this Ordinance and which have not lapsed shall be reviewed under the regulations in effect immediately preceding the effective date of this Ordinance.

1.6 INTERPRETATION; CONFLICT; SEVERABILITY

1.6.1 Interpretation and Application. The principles, standards and requirements provided for in this Ordinance shall be minimum requirements for the platting and developing of subdivisions for the promotion of the public health, safety and general welfare. These regulations shall be construed broadly to promote the purposes for which they are adopted.

1.6.2 Conflict with Other Laws. These regulations are 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 ordinance. To the extent that this ordinance promulgates standards or imposes restrictions or duties that differ from those imposed by other city ordinances, rules or regulations, the regulations contained within this ordinance shall supersede such other provisions to the extent of any conflict or inconsistency.

1.6.3 Private Provisions. The regulations herein are not intended to abrogate any easement, covenant or any other private agreement or restriction provided that where the provisions of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern. Where the provisions of the easement, covenant, or private agreement or restriction impose duties and obligations more restrictive, or higher standards than the requirements herein, and such private provisions are not inconsistent with these regulations, then such private provisions shall be operative and a supplement to these Regulations.

1.6.4 Severability. If any part or provision of this ordinance, or the application of this ordinance to any person or circumstance, is adjudged invalid by any court of competent jurisdiction, the judgment shall be confined in its operation to the part, provision, or application directly involved in the controversy in which the judgment shall be rendered, and it shall not affect or impair the validity of the remainder of these regulations or the application of them to other persons or circumstances. The City Council hereby declares that it would have enacted the remainder of these regulations even without any such part, provision, or application that is judged to be invalid.

SECTION 2. DEFINITIONS

2.1 GENERAL

Words, phrases and their derivations used in this Ordinance shall have the meanings set forth in this section. Words and phrases that are not defined below but are defined elsewhere in the Uhland Code of Ordinances shall be given the meanings set forth in those other ordinances. Definitions not expressly prescribed therein are to be determined in accordance with customary usage in municipal planning, surveying, and engineering practices. Other words and phrases shall be given their common, ordinary meaning unless the context clearly requires otherwise. When not inconsistent with the context, words used in the present tense shall include the future tense; words in the plural number shall include the singular number (and vice versa); and words in the masculine gender shall include the feminine gender (and vice versa). The word "shall" is always mandatory, while the word "may" is merely directory. Headings and captions are for reference purposes only.

2.2 SPECIFIC

ACCESS, ACCESS WAY: a public or private street by which pedestrians and vehicles shall have lawful and usable ingress and egress to a property line.

ACCESS STREET: any street within a subdivision or along the boundaries of a subdivision which would serve any properties outside the plat boundaries or provide a connection directly with a collector street.

ADOPTED FEE SCHEDULE: the schedule of the various fees required under this Ordinance as shall be established, created or adopted by separate ordinance including the budget ordinance or appropriate

resolution of the City Council, as amended and from time to time, and as current as of the date of any payment is required or due under this Ordinance. Such fees and charges shall be imposed and collected as set forth in this Ordinance, regardless of the action taken by the P&Z and City Council thereon. Such fees shall be collected for the purpose of defraying the costs of administrative, clerical and inspection services necessary to property review and investigate plats or conduct the other work required under this Ordinance.

AMENDING PLAT; AMENDED PLAT: a plat, previously approved by the City of Uhland, Texas or County prior to the effective date of this Ordinance, and duly recorded, which is resubmitted to the City of Uhland, Texas, for approval and recording and which contains dimensional or notational corrections of erroneous information contained on the originally approved and recorded plat. An amending plat is not a replat or resubdivision and may not contain any changes or addition to the physical characteristics of the original subdivision but is intended only to correct minor errors or miscalculations.

ARTERIAL STREET: a principal traffic artery carrying higher volumes of traffic than an access street and connects areas throughout a subdivision and to State Highways.

BOND: any form of a surety bond in an amount and form satisfactory to the City.

CAPITAL IMPROVEMENTS PROGRAM (CIP): the official proposed schedule, if any, of all future public projects listed together with cost estimates and the anticipated means of financing each project, as adopted by City Council.

CLEARING AND GRUBBING: the removal and disposal of trees, stumps, brush, roots, vegetation, logs, rubbish and other matter from a designated right-of-way.

CITY COUNCIL: the City Council for the City of Uhland, Texas.

COMPREHENSIVE PLAN: the comprehensive plan, on adoption, of the City and adjoining areas as adopted by the City Council, including all its revisions and plan elements including, but not limited to, the future land use plan, thoroughfare plan, parks and open space plan, etc. This plan indicates the general locations recommended for various land uses, transportation routes, public and private buildings, streets, parks, water and wastewater facilities, and other public and private developments and improvements.

CONCEPT PLAN: a drawing of the overall conceptual layout of a proposed development, superimposed upon a topographic map which generally shows the anticipated plan of development, and which serves as a working base for noting and incorporating suggestions of the City's administrative officers and others who are consulted prior to preparation of the preliminary plat. A concept plan is also sometimes referred to as a "preliminary site plan" or a "land study."

COUNTY: Hays and/or Caldwell County, Texas.

CITY: the City or designee of the City or the Mayor. The City is authorized to delegate his responsibilities and duties as he deems appropriate and to designate staff or contractors to assist with and perform, in whole or in part, the duties and obligations imposed on the City by this Ordinance.

CITY ENGINEER: the Engineer for the City of Uhland or designated agent.

DAY; *DAYS:* shall mean calendar day or days unless specified otherwise; business day or days shall mean Monday through Friday, excluding any City or Federal holiday.

DCM; DRAINAGE Criteria MANUAL:
https://library.municode.com/tx/austin/codes/drainage_criteria_manual?nodeId=DRCRMA

DESIGNATED 100-YEAR FLOOD PLAIN: an area designated, based on County Flood Plain Management regulations, to have a one percent chance of being inundated from flood waters in any given year.

DRAINAGE CONTROL FACILITY: a facility installed or constructed in conjunction with a drainage control ordinance, on adoption, for the purpose of controlling the rate and/or stormwater runoff.

DRAINAGE CONTROL ORDINANCE: an ordinance, on adoption, to require collecting, controlling, transporting and imposing of stormwater falling upon, entering, flowing within or exiting the subject property.

ESD: the emergency services district with emergency services authority as determined by Hays and/or Caldwell counties.

FINAL PLAT also *"record plat"*, *"final plat"* or *"as-built plat"*: the one official and authentic map of any given subdivision of land prepared from actual field measurement and staking of all identifiable points by a surveyor or engineer, with the subdivision location referenced to a survey corner, and with all boundaries, corners and curves of the land division sufficiently described so that they can be reproduced without additional references and recorded in the land records of County, Texas. An amended plat or a replat is also a final plat.

LOCAL STREET: a street or a road which is intended primarily to serve traffic within a neighborhood or residential district and provides access to adjacent land over short distances.

LOT: an undivided tract or parcel of land contained within a block, designated on a subdivision plat by alpha-numeric identification, and having frontage and/or access to an existing or proposed private or public street.

MAJOR PLAT; MAJOR SUBDIVISION: all plats not classified as minor plats or an amended plat, including but not limited to subdivisions of more than four lots, or any plat that requires the construction of a new street or portion thereof, or the extension of a municipal facility as required by this or any other City ordinance.

MINOR PLAT; MINOR SUBDIVISION: a subdivision resulting in four or fewer lots, provided that the plat is for conveyance purposes only with no development or construction proposed, and provided that the plat does not create any new easements for public facilities nor the extension of any municipal facilities to serve any lot within the subdivision. Any property to be subdivided using a minor plat shall already be served by all required city utilities and services.

MINOR UTILITY FACILITIES: minor utility facilities shall include facilities which are necessary to support principal development including, but not limited to, lines, poles, pipes, drains, conduits, wires, meters, valves, hydrants, cross-connection control devices, transformers, gauges and other similar facilities which serve to distribute and transmit electrical power, gas, water and other essential public utilities; bus shelters, terminals and other similar facilities necessary for mass transportation service; bridges, catch basins, channels, culverts, detention ponds, ditches, flumes, pipes and other similar

facilities which serve to carry, store, divert or collect storm drainage from land; and which minor utility facilities are customarily placed within a public right-of-way or public easement.

MONUMENTING: the process of establishing permanent markers to locate a boundary of a subdivision and/or establishing right-of-way limits or centerlines.

NATURAL DRAIN: that course which water naturally and normally follows in drainage from higher to lower lands.

NATURAL LOCATION OF DRAINAGE SYSTEMS: the location of channels, swales, arroyos, and other conveyance systems, not manmade, existing as of the effective date of this Ordinance.

NEIGHBORHOOD COLLECTOR STREET: a street or road collecting traffic from other streets and collectors and serving as the most direct route to an arterial, State highway or a neighborhood center.

NON-PUBLIC WATER SYSTEM: a water system supplying water for domestic purposes which is not a public water system.

PANHANDLE LOT: a lot lacking frontage except for access provided by way of a narrow projection of the lot to the street.

PLANNING AND ZONING, P&Z: the Planning and Zoning Commission of the City. Until such time as a P&Z is created, the Board of Aldermen will fulfill those functions.

PLAT: a preliminary plat, final plat, development plat, amended plat or replat, as determined by the context.

PLATTED: recorded with the City of Uhland and the County in an official plat record.

PRELIMINARY PLAT: the graphic expression of the proposed overall plan for subdividing, improving and developing a tract, showing in plain view the proposed street and lot layout, easements, dedications and other pertinent features, with such notations as are sufficient to substantially identify the general scope and detail of the proposed development for review and preliminary approval by the City but not suitable for recording in the County records.

PRIVATE STREET: a vehicular access under private ownership and maintenance, providing access to residential dwelling units or any part located more than three hundred feet (300) from an approved public street right-of-way. A private street shall also include any vehicular access to three (3) or more residential units. Parking lots and private driveways within shopping centers, institutions, commercial areas and industrial developments are not private streets.

PROPOSED GRADE: the final elevation as shown on improvement plans.

PUBLIC IMPROVEMENTS: facilities, infrastructure and other appurtenances, typically owned and maintained by the City, which serve a public purpose in providing a needed service or commodity, to include wastewater collection and treatment and water storage and distribution, and which protect the general health, safety, welfare and convenience of the citizens of Uhland, including efficiency in traffic circulation and access for emergency services. Required public improvements may include, but shall not be limited to, street and alley paving, including any necessary median openings and left turn lanes on

major thoroughfares; water lines and pumping stations; sanitary sewer lines and lift stations; storm drainage structures and storm water management devices; water quality and erosion controls; screening and retaining walls; fire lane paving and fire hydrants; landscaping, where such is used for required screening or other required landscaped area, and associated irrigation system; and any required public sidewalks, street lights and street name signs. The term "public improvements" shall not include facilities or infrastructure of private providers of utility services other than water and wastewater but shall be deemed to include facilities and infrastructure that the City would normally require of a development but which will be owned and maintained by an entity such as a homeowner association, as in the case of private streets.

PUBLIC INFRASTRUCTURE IMPROVEMENT: a water, wastewater, roadway, drainage, or park facility that is a part of one or more of the City's public facilities systems.

PUBLIC FACILITIES SYSTEM: the collection of water, wastewater, roadway, drainage, or park facilities owned or operated by or in behalf of the City for the purposes of providing services to the public, including existing and new developments.

REPLATTING; REPLAT: the re-subdivision of any part or all of a block or blocks of a previously platted subdivision, addition, lot or tract.

PUBLIC STREET: a public right-of-way which provides vehicular access to adjacent properties.

PURCHASER: purchasers of real property under contract.

RESIDENTIAL COLLECTOR STREET: a street or road collecting traffic from local streets of a residential nature and leading to streets of a higher classification.

SANITARIAN: a person registered as a Professional Sanitarian by the Texas Department of State Health under the authority of Texas Occupations Code Chapter 1953, as amended.

STREET: a right-of-way, whether public or private and however designated, which provides vehicular access to adjacent land. Streets may be of the following categories:

(1) *Major thoroughfares*, also known as *arterial streets* or *primary thoroughfares,* which provide vehicular movement from one neighborhood to another or to distant points within the City, and including freeways or highways leading to other communities.

(2) *Collector streets,* also known as *feeder streets* or *secondary thoroughfares,* which provide vehicular circulation within neighborhoods, and from local streets to major thoroughfares.

(3) *Local residential streets,* also known as *minor thoroughfares* or *streets*, which primarily provide direct vehicular access to abutting residential property.

(4) *Private streets* are streets which are owned and maintained by a homeowners' association or property owners' association, and which are not dedicated to the public.

STREET IMPROVEMENTS: any street or thoroughfare, together with all appurtenances required by City regulations to be provided with such street or thoroughfare, and including but not limited to curbs and gutters, walkways (sidewalks), drainage facilities to be situated in the right-of-way for such street or

thoroughfare, traffic control devices, street lights and street signs, for which facilities the City will ultimately assume the responsibility for maintenance and operation.

STREET DEDICATION PLAT: a map or drawing illustrating the location of a public street within a specific tract of land.

SEWERAGE FACILITIES: the devices and systems which transport domestic wastewater from residential property, treat the wastewater, and dispose of the treated water in accordance with the minimum state standards.

STUB-END STREET: a public street not terminated by a permanent circular turnaround, ending adjacent to undeveloped property or acreage for later extension upon development or subdivision.

SUBDIVIDER: an owner of land or authorized agent dividing or proposing to divide land to constitute a subdivision.

SUBDIVISION:

(1) Subdivision means a division of any parcel of land situated within the corporate limits or the extraterritorial jurisdiction, in two or more parts for the purpose of laying out any subdivision of any tract of land or any addition to the City, or for laying out of suburban lots or building lots, or any lots, and streets, alleys or parks or other portions intended for public use, or the use of purchasers or owner of lots fronting thereon or adjacent thereto.

(2) Subdivision of any lot, tract or parcel of land into two or more lots or sites, for the purpose of sale or of building development, whether immediate or future, and the vacation and resubdivision of land or lots, shall be subject to the prior approval of the City Council in accordance with the terms of this article and applicable state law. The terms “subdivision” and “resubdivision” shall not include any condemnation by, or the conveyance or dedication to, any governmental entity of a portion of any lot, tract or parcel of land for additional right-of-way for any existing public street or highway, provided such condemnation, conveyance or dedication does not divide so much of the lot as was not so condemned, conveyed or dedicated into two or more lots, tracts or parcels, and provided in case of conveyance or dedication that such division be by metes and bounds description and not by plat and not be pursuant to or in connection with any division or redivision of the whole or any part of so much of the lot as is not so conveyed, dedicated or condemned. A division of a tract includes a division regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method. A division of land under this definition does not include a division of land into parts greater than five acres, where each part has access and no public improvement is being dedicated.

SUBMISSION DATE: the date is when all necessary forms, fees, plans, information and copies have been submitted to the City, previewed for completeness, and deemed as "complete" by action of issuance of a fee receipt by the City.

SURVEYOR: a land surveyor or a registered public surveyor licensed in the State of Texas.

TCSS; DSC: the City of Uhland's Technical Construction Standards and Specifications for the construction of subdivision improvements. A TCSS manual will be developed and adopted by the City following adoption of the subdivision ordinance. In the interim, and in the alternative, the "City of Austin

Design Standards for Construction" shall serve as the City's manual for standards and specifications required under this ordinance and is available at https://library.municode.com/TX/Austin

TRANSPORTATION PLAN: the City's general plan, on adoption, for thoroughfare system development, including roads, streets and public highways, sidewalks, rights-of-way, for projecting the future mobility needs of the City. (A plan is currently under creation for future adoption and implementation by the City.)

UNRECORDED SUBDIVISION: a subdivision of land into lots or tracts for which a plan or plat has not been recorded or authorized for recording.

WATER FACILITIES: any devices and systems which are used in the supply, collection, development, protection, storage, transmission, treatment, and/or retail distribution of water for human use and consumption.

ARTICLE II. PLAT APPLICATION AND APPROVAL PROCESS

SECTION 3. APPLICATION REQUIREMENTS

3.1 PRE-APPLICATION PROCEDURES

3.1.1 Applicants may avail themselves of the advice and assistance of the City's administrative officers, including its retained planning and engineering consultants (as applicable), and are encouraged to consult early and informally with those officers and consultants before preparing a concept plan or any plat in order to save time and money, and to avoid potential unnecessary delays.

3.1.2 Applicants proposing to subdivide fifty (50) acres or more or divide a tract into fifty (50) or more lots shall schedule and attend a mandatory pre-application conference with the appropriate City official(s) in order to become familiar with the City's development regulations and the subdivision process. At the pre-application conference, the applicant may be represented by Owner's land planner, engineer and/or surveyor. No development right (if any) shall vest upon participation in any pre-application conferences.

3.2 COMPLIANCE WITH COMPREHENSIVE PLAN

Any concept plan or plat submitted for approval by the City shall be in accordance with the City's Comprehensive Plan, on adoption, including all adopted water, sewer, storm drainage, future land use, park, recreation, open space and transportation plans. All plats shall be prepared by a licensed civil engineer.

3.3 COMPLIANCE WITH ZONING

3.3.1 Zoning Requirement. A property within the City's corporate limits that is being proposed for platting or development must be properly zoned by the City prior to submission of an application for approval of any concept plan or plat. In addition, the proposed development layout or subdivision design shown on the proposed concept plan or plat must be in conformance with all standards and requirements prescribed in the City's zoning ordinance and this ordinance. Property in the City's ETJ shall be in accordance with the City's comprehensive plan, on adoption.

3.3.2 Noncompliance. Noncompliance with the requirements of the zoning district in which the subject property is located, or lack of the proper zoning, shall constitute grounds for denial of the concept plan or plat. In situations where the zoning on a particular piece of property cannot be ascertained by the City, the burden of proof regarding the property's zoning shall rest with the property owner. Proof of proper zoning shall consist of appropriate documentation, such as a copy of the ordinance establishing the zoning, which shall be reviewed by City officials as to its validity and authenticity.

3.4 CLASSIFICATION OF SUBDIVISIONS; APPROVAL

Before any land is filed for record with the County Clerk, the property owner shall apply for and secure City Council approval of the required subdivision plat, in accordance with the following procedures, unless otherwise provided within this ordinance.

3.4.1 Minor subdivisions may be approved for residential or nonresidential properties. Minor plat approval by the City requires the submission of a final plat drawing and other submission materials required by this ordinance. Lots may be conveyed or sold only when the plat has been approved by the City and the plat has been filed with County.

3.4.2 Major subdivisions may be approved for residential or nonresidential properties. The procedure for approval of a major subdivision involves three steps: a concept plan, preliminary plat and final plat. All major subdivision plats must be reviewed by the P&Z and approved by the City Council. Upon completion of the required public improvements, or upon submission and City approval of the appropriate surety for public improvements, the property owner may submit the final plat for approval. No conveyance or sale of any portion or lot of the property may occur until after the final plat is approved by the City Council and filed at County.

3.5 SUBMISSION OF SUBDIVISION PLAN OF LARGER TRACT

When the subdivision is a portion of a tract later to be subdivided, a general development plan; i.e. concept plan showing a schematic layout of the entire tract shall be submitted.

3.6 OFFICIAL SUBMISSION DATE; COMPLETENESS OF APPLICATION FOR ALL PLATS

3.6.1 Official Date. For the purpose of this Ordinance, the "official submission date" shall be the date upon which a complete application for approval of any type of plat which contains all required elements mandated by the Local Government Code, Section 212, as amended, and this ordinance is submitted to the City and verified as being complete. In addition, the application must be submitted to the City within the timelines established by this Ordinance and accompanied by a check or money order payable to the City in the amount of all applicable fees. It is only after the official submission date that any statutory period required for approval or disapproval of the plat shall commence to run.

3.6.2 Complete Application Requirement. No application shall be accepted for processing unless it is accompanied by all documents required by and prepared in accordance with the requirements of these subdivision regulations. Plat applications which do not include all required information and materials will be considered incomplete, shall not be accepted for official submission by the City, and shall not be scheduled on a P&Z agenda until the proper information is provided to City officials including the City's retained planning and engineering consultants, if applicable.

3.6.3 Zoning District. For properties within City boundaries, an application for a plat shall not be considered complete unless accompanied by a copy of the zoning ordinance or other certification verifying that the proposed use for which the application is submitted is authorized by the zoning district in which the property is located.

3.6.4 Timing. In accordance with Texas Local Government Code Sections 212.009(a) and (b), as amended, the P&Z shall act on a complete plat application within 30 days of the official submission date and the City Council shall act on said complete application within 30 days after the application is considered by the P&Z.

3.6.5 Vested Rights. No vested rights accrue solely from the filing of an application that has expired pursuant to this ordinance, or from the filing of a complete application that is subsequently denied.

3.7 APPLICATION REQUIREMENTS AND SUBMISSION MATERIALS

3.7.1 The application for all plats other than a Minor Plat or Amending Plat provided for in this Ordinance shall include the following:

(a) a completed written application form that bears the original notarized signature(s) of the property owner(s) of the subject property;

(b) payment of the applicable application fee set by the City Council, the engineering and other fees and costs as required in this Ordinance to include the provisions in subsection 30.1.2, and the costs of providing notice as required by this Ordinance; if the full amount of these costs cannot be determined at the time of application, the applicant shall submit the estimated amounts for the engineering and other fees and notice costs with the application and any unpaid balance must be paid prior to the submission of the plat for approval;

(c) the appropriate number of full-size folded (24" x 36") prints of the plat (per the City's folding requirements, available at City Hall), as required by the City's current development review policies and requirements;

(d) two 11"x 17" black-and-white reductions of the plat;

(e) three copies and one electronic copy of any applicable development agreement pertaining to the subject property (if any);

(f) copy of soil test(s) submitted to the City, if required County;

(g) a certificate or other satisfactory evidence from the Hays and Caldwell County Central Appraisal District showing that all taxes have been paid on the subject property, and that no delinquent taxes exist against the property.

(h) a preliminary drainage study;

(i) a list of all property owner within two hundred feet (200') of the periphery of the subject property, as indicated on the most recent tax appraisal roles of County;

(j) if a replat or amending plat, three 11" x 17" copies of the plat and one electronic copy which is sought to be replatted or amended; and

(k) any other reasonable and applicable information and materials required by subsection 3.6 above, the City Engineer or City.

3.7.2 Each application must include an engineer's summary report which will serve as a brief summary of the project and the engineering plans and which describes, in as much detail as necessary, the following:

(a) the overall nature and scope of the proposed development, including zoning;

(b) the proposed use(s) and acreage of each proposed use;

(c) minimum lot sizes, widths and depths, number of lots to be created;
(d) special amenities or facilities that will be included in the development;
(e) how the property will be served with required utilities and services;
(f) how storm water drainage will be handled; and
(g) an itemization and description of any waivers from provisions of this ordinance that will be sought.

3.7.3 If the proposed development will have access points onto a major thoroughfare, the application shall also include a letter from the appropriate entity acknowledging and approving proposed driveway locations and corresponding median openings and left turn lanes, if applicable.

3.7.4 Letters shall be provided from each of the applicable utility service providers, including water and wastewater providers, and providers of gas, electricity, and solid waste, verifying their ability and willingness to provide an adequate level of service for the proposed development.

3.7.5 The School District shall be notified by applicant in writing to allow the District the opportunity to document any concerns regarding transportation issues or raise matters regarding efforts to obtain a future school site within any portion of the subject property, and proof of such notice shall be submitted to the City.

3.7.6 The ESD shall be notified by applicant in writing to allow the District the opportunity to document any concerns regarding the provision of emergency services to the subject property, and proof of such notice shall be submitted to the City.

3.7.7 All plat drawings and other corresponding plans and drawings, including engineering plans and landscape and screening plans, shall be on sheets equal to 24" by 36" in size, and shall be drawn to a known engineering scale of not smaller than one hundred feet to the inch (1"=100') or a larger scale. In cases of large developments which would exceed the dimensions of the sheet at one hundred-foot (100') scale, plats may be on multiple sheets or to another known engineering scale, as approved by the City, and in a format that will be acceptable for eventual filing at County.

3.7.8 All of the above materials and any associated plans shall be simultaneously submitted to the City in order for the application to be deemed complete.

3.8 PROOF OF LAND OWNERSHIP

3.8.1 The City requires proof of land ownership prior to approval of any plat application. Along with the application, the applicant shall provide written verification, to include a notarized statement or a power of attorney or other evidence satisfactory to the City, that he or she is the owner of record of the subject land parcel or parcels or is the property owners' authorized agent. The City shall have the authority to determine what document(s) the City will require to prove ownership, such as the following:
(a) General warranty deed;
(b) Special warranty deed;
(c) Title policy; or
(d) Some other documentation that is acceptable to the City.

3.8.2 If ownership cannot be conclusively established prior to the meeting date on which the plat application will be heard, the City shall have the authority to deny the application on the basis of

protecting the public interest. The applicant may resubmit a new plat application, including the application fees, for the property at any time following such denial.

3.8.3 Three copies of the proof of land ownership document(s) shall be simultaneously submitted to the City in order for the application to be deemed complete.

3.9 DENIAL OF PLAT

3.9.1 Payment of Fees. The City may deny a hearing and any approval if the applicant does not submit the information and fees required.

3.9.2 Payment of Indebtedness. No person who owes delinquent taxes, delinquent paving assessments, delinquent fees, or any other delinquent debts or obligations to the City of Uhland, and which are directly attributable to a piece of property, shall be allowed to receive approval for any plat or replat until the taxes, assessments, debts or obligations directly attributable to said property and owed by the property owner or a previous owner, shall have been first fully discharged by payment, or until an arrangement satisfactory to the City has been made for the payment of such debts or obligations. It shall be the applicant's responsibility to provide evidence or proof that all taxes, assessments, debts or obligations have been paid at the time of submission for any application for approval under this ordinance.

3.9.3 Misrepresentation of Facts. It shall be a ground for denial of a plat if any person knowingly or willfully misrepresents or fails to include any information required by this Ordinance in any plat application during any conference with a City official, during any public hearing or meeting of the Planning and Zoning Commission, or during a hearing before City Council.

3.9.4 Incompleteness of Application. The processing of an application by any City official or employee prior to the time the application is determined to be complete shall not be binding on the City as the official acceptance of the application for filing, and any deficiencies in providing the adequate or necessary information to determine compliance with the standards of this Ordinance may result in the denial of the plat. A determination of completeness shall not constitute a determination of compliance with the substantive requirements of these subdivision regulations.

3.10 CITY STAFF REVIEW

Upon official submission of a complete application for plat approval, the City shall commence technical review of the development proposal by forwarding a copy of the application and plat to City staff and contractors as designated by the Mayor that may include, but shall not be limited to, the City, City Engineer, City Attorney, and Building Official. It is the applicant’s responsibility to submit three complete copies and one electronic copy of any application (including all documents, application forms, plans, etc.) directly to the City in order for the application to be considered complete.

The assigned City staff and contractors shall review the plat and shall ascertain its compliance with these and other applicable City regulations. Following City staff and contractor review of the plat and supporting documents and following discussions with the applicant on any revisions deemed advisable and the kind and extent of improvements to be installed, the applicant shall resubmit additional copies of the corrected plat, and engineering plans, if applicable, to the City no later than seven (7) days prior to the P&Z meeting for final review and inclusion in the P&Z packets. Failure to resubmit corrected copies of the plat back to the City in time shall be cause for the City to forward the plat application to the P&Z as it was originally submitted rather than the corrected version of the plat. If, upon re-submission of the

corrected plat to the City, the City determines that the application is still incomplete or is not correct to a reasonable extent, the plat shall be subject to denial.

3.11 POSTPONEMENT

After the plat has been scheduled on an agenda (or at any time prior), the applicant may request, in writing, a waiver of the thirty (30) day approval requirement in order to allow more time to correct deficiencies, address concerns, or otherwise revise or improve the plat pursuant to the City's regulations. After receipt of the request, the City may grant the waiver and delay the action to be taken on the plat beyond thirty (30) days following the official submission date if the application is before the P&Z or following the date of the P&Z recommendation if the application is before the City Council.

3.12 NOTIFICATION

3.12.1 Personal. Written notice of the public hearing shall be issued by the City no earlier than the twenty-first (21st) day nor no later than the tenth (10th) day before the date of the hearing to the property owners, as documented on the most recently approved ad valorem tax roll, of lots that are within two hundred (200) feet of the periphery of the property or lot(s) to be platted. The written notice may be delivered by depositing the notice, properly addressed with appropriate postage paid, in a post office or postal depository.

3.12.2 Signage. Within two (2) days after the filing of any application for a plat, the applicant shall place weather resistant signs on the property for public notification. The signs shall be provided by the City upon payment of a deposit to the City by applicant. Signs placed on the property must be within ten (10) feet of any property line paralleling any established or proposed street and must be visible from that street. All required signs shall remain on the property until final disposition of the plat application is determined. The applicant is responsible for removal of the signs within three (3) business days after final disposition of the application. If the applicant fails to return the signs to City Hall within ten (10) days after final disposition of the application, the deposit shall be retained by the City as costs for the signs.

3.13 ACTION BY PLANNING AND ZONING, CITY COUNCIL

3.13.1 P&Z Review. All subdivision plat applications, except minor plats and amended plats, shall be reviewed by the P&Z after an application is deemed complete. The P&Z shall review each plat application and shall take action to:
(a) recommend approval of the plat; or
(b) recommend approval of the plat subject to certain conditions; or
(c) vote to deny the plat, within thirty (30) days following the official submission date unless the applicant has submitted a written waiver of the 30-day review/approval time.

3.13.2 City Council Action on P&Z Approval. The City Council shall take action on the plat within thirty (30) days following the P&Z's action to recommend approval. The applicant may not make any revisions on a plat that has been recommended for approval by the P&Z except in conformity with the recommendation of the P&Z or with the consent of the City, or when the revision is a correction or revision of the type listed in subsection 4.8.4(a) through (h).

3.13.3 Appeal of P&Z Denial. If the board votes to deny a plat, the board shall state such denial and the reasons therefore. The applicant or property owner may appeal such decision to the City Council by filing a notice of appeal in the office of the City no later than ten days after the date upon

which the board denied the plat. The notice of appeal shall set forth in clear and concise fashion the basis for the appeal.

3.13.4 City Council Review of P&Z Denial. The City Council shall consider the appeal of a denial by the P&Z at a public meeting no later than 30 days after the date upon which the notice of appeal was filed. The City Council may change the decision of the board by vote of a supermajority (*i.e.,* ¾) of the council members present and voting. The City Council may also, where appropriate, remand the plat application back to the board for reconsideration if it believes that there is a compelling reason to do so, such as the introduction of significant new facts or testimony, in which case the board shall re-review the application, including such new facts or testimony, at its next regularly scheduled meeting.

3.14 INSTALLATION EXPENSES & SURETY

All expenses for the installation of utilities, water, sewer extensions, streetlights, signs, public streets, and all other installation expenses associated with the subdivision or confirming plat, shall be borne by the subdivider. Before the plat is filed of record as required in this Ordinance, the applicant shall file with the City a corporate surety bond or letter of credit in favor of the City, or cash escrow agreement in an amount equal to the cost of the installation expenses to guarantee performance, completion, and two-year maintenance of all such installations. (See Sample Forms contained in *Appendix A*, Letter of Credit, and *Appendix B,* Performance Bond to this ordinance.) Such bond, letter of credit, or cash escrow shall be conditioned upon the applicant's compliance with this Ordinance and other ordinances of the City and shall secure and may be used for the payment of any and all damages to persons or property which damages arise from or are caused by any act or conduct of or authorized by the applicant. No work may commence on any such installation until such performance bond, letter of credit, or cash escrow has been posted and approved by the City.

3.15 LAPSE OF PLAT APPROVAL

Unless extended or reinstated pursuant to the procedures in this section, an approved plat shall expire after the expiration of time provided in this Ordinance and shall thereafter be deemed null and void. Upon expiration, or upon denial of a timely submitted request for extension or reinstatement of plat approval, a new plat application shall be submitted, subject to requirements in effect at the time the application is filed with the City.

3.15.1 Extension and Reinstatement Procedure. Prior to the lapse of approval for a plat, the subdivider may apply to the City to extend the plat approval. Such application shall be considered at a public meeting before the P&Z which shall recommend approval or denial of the application. The application shall then be considered by the City Council at its next regularly scheduled meeting. If no application for extension of plat approval is submitted by the property owner prior to the expiration date, then the plat shall be deemed to have expired and shall become null and void.

In considering whether to grant a request for extension, the P&Z, and ultimately City Council, shall take into account the reasons for lapse, the ability of the property owner to comply with any conditions attached to the original approval, and the extent to which newly adopted subdivision regulations would apply to the plat at that point in time. The City Council shall either extend the plat with or without conditions or shall deny the request, in which instance the originally approved plat shall lapse upon expiration and shall become null and void. The property owner must thereafter submit a new plat application for approval and shall conform to the subdivision regulations then in effect.

The City Council may extend the period of approval of a plat subject to additional conditions based upon newly enacted City regulations or state legislation, or as necessary to ensure compliance with the original conditions of approval or to protect the public health, safety and welfare. The City Council may also specify a shorter time for the extension of the plat approval period than the time granted for the original approval period.

3.16 LAPSE OF ENGINEERING PLAN APPROVAL

The approved engineering plans shall be valid until the plat expires. The City Council may, upon written request by the applicant and approval by P&Z, grant an extension of up to an additional 365 days, after which the engineering plans shall be subject to re-approval by the City Engineer if construction has not been completed.

SECTION 4. PLAT APPLICATION PROCEDURES

4.1 CONCEPT PLAN

4.1.1 Purpose. A concept plan provides the opportunity for the P&Z, City Council, and general public to preview a proposed development. Concept plans shall expire after two (2) years unless plats on at least one phase have been initiated.

4.1.2 Submission Requirements. Submission and approval of a concept plan is specifically required in, but is not limited to, the following circumstances:

(a) In conjunction with an application for a major subdivision plat for a property that is intended for development; or

(b) In conjunction with any project where a road is to be established or realigned.

4.1.3 Extent of Area in a Concept Plan. When the overall development project is to be developed in phases, the concept plan area shall include the entire property from which the phases are being subdivided and an approximate development schedule. Where significant natural or man-made features, to include thoroughfares or creeks, make inclusion of the entire property in the concept plan impractical, the concept plan may include a smaller study area. Boundaries to include major thoroughfares, whether existing or proposed, creeks and major drainageways, political subdivisions, or other such natural or man-made features may be used to delineate the smaller study area if approved by the City.

4.1.4 Submission of Concept Plan.

4.1.4.1 An applicant must submit three copies and one electronic copy of a professionally prepared concept plan and the application fee to the City.

4.1.4.2 A USGS map may be used for concept planning purposes in most cases.

4.1.4.3 The concept plan shall include the following information applicable:

(1) Names and addresses of the subdividers, record owner, land planner, engineer and/or surveyor;

(2) Proposed name of the subdivision;
(3) Location in relation to the rest of the City and boundaries of proposed subdivision;
(4) A schematic layout of the entire tract to be subdivided, any remainder tracts and its relationship to adjacent property and existing adjoining developments;
(5) Proposed major categories of land use showing existing and proposed zoning;
(6) Proposed number of dwelling units and population densities;
(7) Proposed and existing arterials and collector streets to serve the land to be platted consistent with the Transportation Plan, on adoption, or proposed amendments;
(8) Location of proposed sites for parks, schools and other public uses as consistent with those shown in the comprehensive plan, on adoption;
(9) Significant natural drainage features including drainage courses and wooded areas, as delineated on USGS topographic maps or on any other topographic maps showing equivalent information;
(10) Significant manmade features to include roads, buildings, utilities, drainage ways, or other physical structures as shown on USGS topographic maps, utility company records and city records when such features affect the plan; and
(11) Proposed dedication of land or rights of way for and construction of public improvements, whether on site or off site, intended to serve each proposed phase of the subdivision.

4.1.4.4 No vested rights shall accrue from any discussion, advice or approval that occurs at the concept plan conference.

4.1.5 Concept Plan Conference. The City shall meet one or more times with the Applicant:
(1) The concept plan is consistent with all existing or proposed zoning requirements for the property, including any development plans for a PD - Planned Development District and standards of any applicable overlay district, and any approved development or annexation agreements.
(2) The proposed provision and configuration of roads, water, wastewater, drainage, and park facilities generally conforms to the City's master plans or design standards for such facilities.
(3) The water, wastewater, roadway and drainage systems serving the subdivision have adequate capacity to accommodate the demands for services created by each phase of the development by the time of final plat approval.
(4) The schedule of development is feasible and prudent and assures that the proposed subdivision will progress to completion within the time limits proposed.
(5) The standard for the minimum number of dwelling units or quantity of nonresidential use is met.
(6) Where the proposed subdivision is located in whole in part in the extraterritorial jurisdiction of the City and is subject to an interlocal agreement under Texas Local Government Code Section 242, the proposed concept plan meets any county standards to be applied pursuant to the agreement.

4.1.6 Approval; Effect of Approval. At such time that the concept plan or a revised concept plan appears to be in compliance with the applicable City ordinances, the City will issue an approval of the concept plan. Approval of a concept plan authorizes the applicant to submit an application for approval of a preliminary plat. No guarantee of ordinance compliance or vested rights accrue solely from the approval of a concept plan.

4.1.7 Duration of Concept Plan. The concept plan shall be effective for one year after approval by the City. The applicant may request in writing that the City grant an extension for a period not to

exceed one year. To qualify for an extension, the applicant must demonstrate diligent efforts to submit a preliminary plat application.

4.2 ENGINEERING AND SUBMISSION REQUIREMENTS FOR PLATS

Along with any application, except for an application for an Amending Plat, the applicant shall submit the required number of sets of the complete engineering plans for all streets, alleys (if any), storm sewers and drainage structures, water and sanitary sewer facilities, screening and retaining walls, landscaping and irrigation, and any other required public improvements for the area covered by the Plat. The engineering plans shall also contain any plans to document compliance with the City's ordinances pertaining to nonpoint source pollution control, and any other applicable codes and ordinances of the City that are related to development of a land parcel. Upon request, the City Engineer may exempt one or more of the criteria set forth in subsection 4.3.5.1 of this Ordinance in the engineering plans for a minor plat, when in the sole opinion of the City Engineer, the minor plat does not impact those particular criteria.

4.2.1 Preliminary Plat Information Required. Except for Amending Plats, the proposed plat application and associated engineering plans shall show the following information:

(a) A vicinity, or location, map that shows the location of the proposed plat within the City (or within its ETJ) and in relationship to existing roadways;

(b) Boundary lines, abstract/survey lines, corporate and other jurisdictional boundaries, existing or proposed highways and streets, including right-of-way widths, bearings and distances sufficient to locate the exact area proposed for the subdivision, and all survey monuments including any required concrete monuments per the City Engineer; the length and bearing of all straight lines, radii, arc lengths, tangent lengths and central angles of all curves shall be indicated along the lines of each lot (curve and line data may be placed in a table format); accurate reference ties via courses and distances to at least one recognized abstract or survey corner or existing subdivision corner shall be shown;

(c) The name, location and recording information of all adjacent subdivisions or property owner of adjacent unplatted property, including those located on the other sides of roads or creeks, shall be drawn to the same scale and shown in dotted lines adjacent to the tract proposed for subdivision in sufficient detail to show accurately the existing streets, alleys, building setbacks, lot and block numbering, easements, and other features that may influence the layout of development of the proposed subdivision; adjacent unplatted land shall show property lines, the names of owner of record, and the recording information;

(d) The location, widths and names of all streets, alleys and easements; it shall be the applicant's responsibility to coordinate with appropriate utility entities, the ESD, for placement of necessary utility easements and for location of all streets and median openings on highways or arterial roadways, existing or proposed, within the subdivision limits and adjacent to the subdivision; a list of proposed street names shall be submitted in the form of a letter or memo along with the application form for all new street names (street name approval is required at the time the Preliminary Plat is approved);

(e) The location of all existing property lines, existing lot and block numbers and date recorded, easements of record with recording information, buildings, existing sewer or water mains (can be shown on a separate sheet), other utilities, wells, septic tanks, cemeteries, or other underground structures, or other existing features within the area proposed for subdivision;

(f) Proposed arrangement and square footage of lots, including lot and block numbers, building setbacks, and proposed use of same;

(g) Sites, if any, to be reserved or dedicated for parks, schools, playgrounds, other public uses or for private facilities or amenities;

(h) Scale, including a graphic scale, date, north arrow oriented to the top or left side of the sheet, and other pertinent informational data;
(i) Contours with intervals of two feet (2') or less shown for the area, with all elevations on the contour map referenced to sea level datum; and the limits of any portion of the 100-year floodplain (pursuant to the flood study, if required by the City Engineer) that may be within or adjacent to (*i.e.,* within 100 feet of) the property; if no floodplain is present, then a note stating this shall be shown on the plat;
(j) Areas contributing drainage to the proposed subdivision shall be shown in the engineering plans; locations proposed for drainage discharge from the site shall be shown by directional arrows;
(k) All physical features of the property to be subdivided shall be shown, including:
  (1) the location and size of all watercourses; and
  (2) 100-year floodplain according to Federal Emergency Management Agency (FEMA) information; and
  (3) U.S. Army Corps of Engineers and/or Plum Creek Conservation District easement requirements; and
  (5) Drainage ways; and
  (6) Bridges; and
  (7) Culverts, canals and laterals; and
  (8) Existing structures; and
  (10) Outline of major wooded areas or the location of protected trees as defined in the City's Landscape Ordinance.
  (11) The City may require that a property owner prepare a drainage study or other public facilities analysis to assist the City in determining whether a proposed development will be supported with adequate levels of public facilities.
  (12) The location of proposed water and wastewater utilities, drainage structures, and ponds;

(l) Proposed phasing of the development: where a subdivision is proposed to occur in phases, the applicant, in conjunction with submission of the Preliminary Plat, shall provide a schedule of development, the dedication of rights-of-way for streets and street improvements, whether on-site or off-site, intended to serve each proposed phase of the subdivision.
(m) All Plats shall be submitted in a legible format that complies with County requirements for the filing of plats;
(n) Existing or proposed zoning of the subject property and all adjacent properties;
(o) A completed and signed application checklist including the following:
  (1) 4 prints of preliminary plan
  (2) Drainage study and utility schematic
  (3) If part of a Planned Unit Development, copies of the adopting ordinance
  (4) A copy of the deed
  (5) Application review fee
  (6) Traffic Impact Analysis Worksheet
  (7) Tree Survey
  (8) If the property is outside the City limits, a letter requesting annexation
  (9) A project description or summary letter
  (10) Fees

4.2.2 Final Plat Information Required. All of the information required for a Preliminary Plat, plus:

(a) For nonresidential uses, the location and size of buildings, existing and proposed (this information may be provided on a separate sheet, such as on a concept plan or the final site plan; refer to the City's Zoning Ordinance.

(b) A title block within the lower right-hand corner of the plat and engineering plans which shows the title or name under which the proposed subdivision is to be recorded; the name, address and phone number of the property owner(s); the name, address and phone number of the licensed engineer and registered professional land surveyor who prepared the plat/plans; the scale of the plat/plans; the date the plat/plan was prepared; and the location of the property according to the abstract or survey records of County, Texas; the subdivision name shall not duplicate or closely phonetically replicate, the name of any other platted subdivision in Uhland or its ETJ, or other surrounding communities in County, but phasing identification is allowed to be similar to previous phases of that particular development; it is the property owners' responsibility to check the plat records of County to ensure that the proposed subdivision name will not duplicate or sound similar to a subdivision name already in existence, for which the City may, at its discretion, require a different subdivision name if there is potential for confusion by public safety officials or the general public;

(c) Final monumentation of the floodplain shall occur, and shall be shown, on the final plat prior to approval and filing at the County; if no floodplain is present, then a note stating this shall be shown on the plat. For land inside the city limits, the areas of special flood hazard shall be those identified in the latest flood insurance study or letter of map revision (LOMR) issued to the city by the Federal Emergency Management Agency (FEMA), which shall apply to requirements of this article on the effective date of such documents.

(d) Certificates and other language shall be included on the final plat, pursuant to the following:
   (1) A statement signed by the property owner(s) and notarized that the subdivided area is legally owned by the applicant
   (2) The registered professional land surveyor's certificate and the registered professional engineer's certificate, with a place for his or her signature and notarization of his or her signature.
   (3) A place for plat approval signature of the Mayor (or Mayor Pro Tem, in the Mayor's absence) of the City Council, the City Administrator, the City Engineer, the County Clerk and the approval dates by City Council.
   (4) A place for plat approval signature of the water, wastewater, telephone/cable (if available), and electric utility provider that the applicable utility company will provide service to the property.

(e) A completed and signed application checklist including the following:
   (1) 4 prints of preliminary plan
   (2) Construction Plans
   (3) Tax Certificate
   (4) Copies of permits from other agencies: FEMA permitting, TxDOT Driveway; TCEQ and others as necessary
   (5) Fiscal Surety, if applicable
   (6) Fees

4.2.2.1 For the purposes of this Ordinance, complete sets of engineering plans shall include the following plans or sheets as well as any additional plans or sheets deemed necessary and/or as requested by the City Engineer:
   (a) Cover or title sheet with list of all plans;
   (b) Plat
   (c) Existing conditions plan (unless these items are shown on the Plat itself), which shows existing topography, vegetation, tree inventory per the Landscape Ordinance, existing natural and man-made physical features, etc.

   (c) Grading, erosion control, and water quality control plans (including a SWPPP)
   (e) Paving and storm drainage plans

(f) Utility plans for water, sanitary sewer, etc.
(g) Traffic-control plans (if necessary)
(h) Screening and retaining wall plans
(i) Landscaping and irrigation plans, if applicable

4.2.2.2 The applicant shall have these plans prepared by their own professional engineer(s), subject to approval of the plans by the City Engineer. The City Engineer shall review, or cause to be reviewed, the plans and specifications and if approved, shall mark them "approved" and shall return one set to the applicant, and at least two (2) sets shall be retained in the City's files. If not approved, then one set shall be marked with the objections noted on the plans themselves and/or in memo format, a copy of which shall also be sent to the City, and returned to the applicant for correction, whereupon the applicant's engineer shall correct the plans as requested and shall resubmit them back to the City Engineer for re-review. Once the engineering plans are approved by the City Engineer, as documented by an approval letter addressed to the applicant and copied to the City, the property owner shall provide additional sets of the approved plans to the City, as specified by the City Engineer, for use during construction. A full set of the City-approved and stamped engineering plans must be available for inspection on the job site at all times.

4.2.2.3 Engineering plans shall be prepared by or under the direct supervision of a professional engineer licensed in the State of Texas as required by State law governing such professions and shall be in accordance with this Ordinance and the City's Technical Construction Standards and Specifications (TCSS). All engineering plans submitted for City review shall be dated and shall bear the responsible engineer's registration number, and the designation of "professional engineer" or "P.E.", and the engineer's seal. Engineering plans shall be approved by the City Engineer only when such plans meet all of the requirements of this Ordinance and the TCSS.

4.2.2.4 Engineering plans showing paving and design details of streets, alleys, culverts, canals, laterals, bridges, storm sewers, water mains, sanitary sewers, sidewalks, screening and retaining walls, landscape and irrigation plans (if appropriate), and other engineering details of the proposed subdivision at a scale of one inch equals 20 or 40 feet (1" = 20' or 40') horizontally and one inch equals 2, 5, or 10 feet (1" = 2', 5' or 10') vertically shall be submitted to the City Engineer along with a copy of the Plat of the subdivision. The number of copies as specified by the City shall be submitted along with the Plat submittal.

4.2.2.5 As part of the engineering plans, a drainage plan showing how the drainage of each lot relates to the overall drainage plan for the plat under consideration shall be submitted. The drainage plan shall be made available to each builder within the proposed subdivision and all builders shall comply with the drainage plan.

4.2.2.6 A Landscape Architect may prepare the Landscaping and Irrigation plans. Such plans must be in accordance with the City's Landscape Ordinance on enactment.

4.2.2.7 After approval of a Final Plat or Replat by the City Council, approval of the engineering plans and specifications by the City Engineer, and following procurement of all applicable permits from other appropriate agencies (to include TxDOT, TCEQ, U.S. Army Corps of Engineers, FEMA, and/or County, and USFWS), the applicant shall cause a contractor(s) to install or construct the public improvements in accordance with the approved plans and the City's standard specifications, and at the applicant's expense. The applicant shall

employ engineers, surveyors or other professionals as necessary to design, stake, supervise, perform and complete the construction of such improvements, and shall cause his or her contractor to construct the said improvements in accordance with this Ordinance and with the City's, and any other applicable agency design standards. If the project will require a FEMA map revision, then the proposed plans shall also be reviewed for compliance with the City's Flood Damage Prevention Ordinance, as amended, prior to approval of the Preliminary Plat, Replat, or Minor Plat and prior to any construction activities including but not limited to grading, clearing, grubbing, brush removal, etc. on the site.

4.3 PRELIMINARY PLAT

4.3.1 General. Approval of a Preliminary Plat by the City Council shall be deemed general approval for the street and lot layout shown on the Preliminary Plat (approval for construction of the necessary streets, water lines, sewer lines, and other required improvements and utilities shall be authorized only through the City Engineer's approval of the engineering plans), and to the preparation of the final or record plat when construction of all required public improvements is nearing completion (or when appropriate surety for completion is provided to the City).

4.3.2 Zoning Change or Annexation Request. If a zoning change is required, or if the City desires annexation of the parcel to be platted, the subdivider shall also file an application for a zoning change or petition for annexation prior to filing the preliminary plat application.

4.3.3 Standards for Approval. No Preliminary Plat shall be recommended for approval by the P&Z, or approved by the City Council as appropriate unless the following standards approved unless the following standards have been met:

(1) The plat substantially conforms with the previously approved concept plan and with other studies and plans, as applicable;
(2) The applicant shall provide copies of letters from local utility companies, including water and wastewater providers, stating that each utility company or entity has reviewed the Preliminary Plat and stating any requirements, including easements, it may have; and
(3) The plat conforms to applicable zoning and other City regulations; and
(4) Payment of the application fees and engineering and notice costs in full have been received by the City.

4.3.4 Approval or Denial. The P&Z shall decide whether to recommend approval or approval with conditions, or to deny the preliminary plat within thirty days from determination that the application is complete. The action of the commission shall be entered in the minutes of the commission and the applicant shall be notified of the results.

4.3.4.1 All changes or conditions required by the P&Z as part of the preliminary plat approval shall be made a part of the record and any final plat shall meet those required changes or conditions.

4.3.4.2 On a preliminary plat with significant changes, the P&Z may at the time a preliminary plat is approved subject to conditions, require a revised preliminary plat to be resubmitted, with no additional fees, that meets the requirements and conditions of their approval. Except as may otherwise be allowed by the City, such revised plat is to be submitted to the City five business days prior to the submission of the plat to the City Council.

4.3.4.3 Following denial of a preliminary plat, the applicant may resubmit a revised preliminary plat application, provided that the revised application is submitted prior to the original

expiration date of any approved concept plan and provided that reapplication fees are paid in accordance with the adopted fee schedule.

4.3.5 Effect of Approval. Approval of a Preliminary Plat authorizes the property owner, to submit an application for final plat approval. Approval of the preliminary plat shall not constitute approval of the proposed subdivision, nor shall approval of the preliminary plat be construed to mean acceptance by the public of the dedication of any roads, utilities, water or wastewater services, parks, open space, drainage ways, or other such land and improvements.

4.3.6 Revisions to Approved Preliminary Plat.

4.3.6.1 Submission Allowed. Following the approval of a preliminary plat, the applicant may resubmit a revised preliminary plat along with the application fee for resubmission in accordance with the adopted fee schedule.

4.3.6.2 Minor Changes. Minor changes in the design of the subdivision subject to a preliminary plat may be incorporated in an application for approval of a final plat without the necessity for submittal of a new application for approval of a preliminary plat. Minor changes may include minor adjustments in street or alley alignments, lengths, and paving details; addition or exception of utility easements; adjustment of lot lines and similar minor changes that do not result in creation of additional lots, provided that such changes are consistent with any approved prior applications.

4.3.6.3 Amendments. All other proposed changes to the design of the subdivision made to an approved preliminary plat shall be deemed major amendments that require submittal and approval of a new application for approval of a preliminary plat before approval of a final plat. Approval of major revisions to an approved preliminary plat shall occur prior to the lapse date specified in this Ordinance.

4.3.6.4 Determination. The City shall make a determination of whether changes are deemed to be minor within thirty (30) days or shall require new submittal of a preliminary plat.

4.3.7 Expiration of Preliminary Plat. The following shall occur within two years following preliminary plat approval: 1) submission of final plat application; action is taken on the plat; and 2) payment of all applicable fees.

4.4 FINAL PLAT

4.4.1 Substantial Compliance with Preliminary Plat. The final plat shall be in accordance with the Preliminary Plat or revised Preliminary Plat, as approved, and shall incorporate all applicable conditions, changes, directions and additions imposed by the P&Z and City Council upon the Preliminary Plat. The final plat shall not be submitted prior to approval of the Preliminary Plat.

4.4.2 Incomplete. Final plat applications which do not include all of the requirements per this Ordinance are incomplete.

4.4.3 Approval or Denial. The P&Z shall decide whether to recommend approval or approval with conditions, or to deny the final plat within thirty (30) days from the determination that the application is complete. The action of the commission shall be entered in the minutes of the commission and the applicant shall be notified of the results.

4.4.4 Information for Final Plat.

4.4.4.1 All information that is required for a Preliminary Plat shall be shown on the Final Plat, except for the physical features of the land including topography, buildings, utility structures, water bodies and tree cover. In addition to these items, the final plat shall also provide a place for the County Clerk of County to stamp the date and location where the plat will be filed ("Volume or Cabinet ____, Page or Slide ____") in the lower right-hand corner of all sheets of the plat drawing near the title block.

4.4.4.2 All aspects of the final plat shall conform to the standards of County for plats with respect to clarity, sheet size, lettering size and reproducibility, and the County's formatting requirements for same shall control if different from this Ordinance. It is the applicant's responsibility to be familiar with the County's standards for filing plats and to comply with same.

4.4.5 Standards for Approval. No final plat shall be reviewed or approved unless the following standards have been met:

(a) Notice for the final plat was given in accordance with the notice requirements of this Ordinance;

(b) The plat substantially complies with the approved Preliminary Plat or revised Preliminary Plat and other studies and plans, as applicable;

(c) The engineering plan requirements in subsection 4.3 have been met and layouts for required public improvements and utilities have been submitted by the applicant for approval by the City Engineer. Whether specifically stated or not, preliminary plat approval shall always be subject to any additions or alterations to the engineering plans as deemed necessary by the City Engineer, as needed, to ensure the safe, efficient and proper construction of public improvements within the subdivision;

(d) The construction and installation of required public improvements and have been completed and the improvements have been accepted by the City as conforming to the City's regulations and design standards or the proper assurances for construction of the improvements have been submitted and approved by the City; and

(e) The plat conforms to applicable zoning, subdivision and any other applicable codes or ordinances of the City that are related to development of a land parcel.

4.4.6 Approval. Upon approval of the final plat by the City Council, the applicant shall correct and submit final plat copies to the City so that required signatures can be obtained and recording completed. If any corrections have been required by City Council as part of its approval, the final plat copies shall be so corrected prior to signature by any City official. The reasons for any action taken by the City Council, whether a final plat is approved or denied, shall be entered in the minutes of the City Council.

4.4.7 Resubmission Following Denial. Following denial of a final plat by the City Council, the applicant may resubmit a revised final plat application, for approval by the City within 180 days after the denial, provided that the revised application is submitted prior to the original expiration date of any approved preliminary plat for the same land, and provided that application fees for the resubmission are paid in accordance with the adopted fee schedule.

4.4.8 Effect of Approval. Approval of a final plat by the City Council shall authorize the subdivider to install any improvements in public rights-of-way with approved subdivision improvement plans and to seek approval of site preparation, building and other permits. No building permit shall be issued for any lot until the subdivision has been recorded and the construction improvement requirements of this Ordinance have been satisfied. Lots may be sold only when the final plat has been approved

by the City Council and the plat has been filed at County Clerk. ***No conveyance or sale of any portion or lot of the property may occur until after the final plat is approved by the City Council and filed at County Clerk.***

4.4.9 Timing of Public Improvements.

4.4.9.1 Completion Prior to Final Plat. Except as provided below, after approval of a preliminary plat and before an approved final plat is recorded, the installation of all public improvements required to serve the subdivision, whether to be located off-site or on-site, including water, wastewater, drainage, roadway, park and open space improvements, shall be finally completed in accordance with the approved construction improvement plans.

(a) Park and open space improvements in this instance refer to public parks and public open space being constructed as part of the development by the developer.

(b) If the development is being constructed in phases, and is platted in phases, park and open space improvements shall be completed as phases are constructed.

(c) The installation of improvements required for proper drainage and prevention of soil erosion on individual residential lots, and improvements on any common areas shall be completed prior to final plat recordation in accordance with the approved subdivision improvement plans, except as provided below.

4.4.9.2 Installation After Final Plat Recordation. The City, upon request of the applicant, may defer the obligation to install one or more public improvements to serve the subdivision for a period of up to three years after final plat approval. Deferral of the obligation to install public improvements for more than three years after final plat approval shall be conditioned on sufficient security as required for construction bonds. The security shall be issued in the amount of one hundred twenty-five percent of the cost estimate approved by the City for all remaining public improvements associated with the subdivision in accordance with this section. The City Engineer shall determine the percentage of total work called for by the subdivision approval which has already been performed and develop a cost estimate of the remaining public improvements acceptable to the City. Following completion of the improvements, the subdivider shall submit a maintenance bond to the City in accordance with this Ordinance.

4.4.10 Plat Recordation.

4.4.10.1 Procedure.

a) Signatures. After approval of the final plat, the City shall procure the signature of the Mayor or Mayor pro tem on the final plat ready for recording, as well as the signature of the City Secretary or Clerk who shall attest to the signature of the Mayor or Mayor pro tem.

b) Recording upon Performance. The City shall cause the final plat to be recorded with the County Clerk upon the subdivider's or applicant's performance of the following:
   i) Completion of the construction of required improvements prior to recordation; or
   ii) Where the City has authorized public improvements to be deferred, the proper assurances or security has been submitted.

c) Regardless of which option above, is chosen, subdivision improvement plans must be approved or conditionally approved in accordance with this Ordinance prior to plat recordation.

4.4.10.2 Timing of recordation. The final signed copies of the plats for recordation will be recorded within ten days of the date that staff:

a) Received the final, approved, corrected recordation plat;
b) Received all fees, certificates and required documents for recording;
c) Determines that all other recording requirements have been met; and
d) Provided that the plat may be held for recordation until a date agreed upon with the subdivider if the final signed copies of the plats for recordation meeting the requirements of this Ordinance have been delivered to the City and all other recording requirements have been met.

4.4.11 Submittal of Record Plat Where Improvements Have Been Installed. Where public improvements have been installed and approved for acceptance by the City prior to recording of the plat, the property owner, developer or contractor shall submit a maintenance bond in accordance with this Ordinance from each contractor, one sealed set of "as built" plans in accordance with the DSC or record drawings (submitted as mylars), and an electronic copy of all plans (in a format as determined by the City or County) and a copy of the letter of satisfactory completion issued by the City . The property owner also shall submit copies of the approved final plat, revised to reflect the "as built" plans or record drawings, in the format and number as required by the City.

4.4.12 Submittal of Record Plat Where Improvements Have Not Been Installed. Where public improvements have yet to be completed in connection with an approved final plat, the property owner shall submit in the format and number as set forth in the DSC, the approved final plat, revised to reflect any changes required by the City Council.

4.4.13 Revisions to Final Plat Prior to Filing.

4.4.13.1 Following Approval. An applicant may apply for modification of an approved final plat to reflect changes listed below, provided that the approved final plat has not been recorded and that approval of the modified final plat occurs prior to expiration of approval of the initial final plat. The City shall make the determination of whether changes are minor or major.

a) Minor changes arising from the installation of public improvements after plat approval including easement additions and adjustments may be approved by the City.
b) Minor changes including street name and addressing changes, dimension changes that do not substantially affect the street or lot layout or other similar minor changes and meet the requirements of this title may be approved by the City.
c) Major revisions on final plats prior to recordation including those that substantially affect the street or lot layout shall be resubmitted as an amended final plat and will require submission for a new recommendation from the P&Z and approval by the City Council within the timeframes prescribed by this Ordinance and state law.
d) If the approved final plat has been recorded, revisions may only be approved as replatting or amending plat.

4.4.14 Plat Recordation. After approval of the final plat, the applicant shall provide the appropriate number of mylar copies of the approved final plat, along with any other required documents and the fees necessary for filing and distribution of the copies to the City within thirty (30) days following approval, in accordance with requirements established by the City. All easements shall be included on the final plat, including the recording information for those easements that are filed or recorded as separate instruments, as required by utility companies, and the City prior to filing the final plat, and a copy of letters from each applicable utility company shall be submitted

to the City stating that the plat contains the proper easements. All necessary filing materials as required by the County Clerk of County, in addition to the appropriate number of mylar copies and a computer disk containing the digital plat file(s) required by the City, shall be provided to the City with the required filing fees. If the required copies and materials are not provided to the City within the specified 30-day time frame, the approval of the final plat shall be null and void unless an extension is granted by the City Council. The plat shall be recorded as provided in this Ordinance.

4.4.15 Responsibility for Copies of Recorded Plat. It shall be the owner's/applicant's responsibility to contact the County to receive executed copies of the recorded plat.

4.4.16 Expiration of Final Plat Approval. The approval of a final plat shall remain in effect for a period of three years from the date of approval by the City Council, during which period the applicant shall submit any required revisions for approval and record the plat. If the final plat has not been recorded within the three-year period, the final plat approval, unless extended in accordance with this Ordinance, shall expire and the applicable plat shall be deemed null and void. No vested rights will survive if the plat approval is nullified by a failure to submit a recording plat within the timeframe specified in this section, nor shall the owner/applicant be entitled to a refund of any application fees or review fees that may have been paid.

4.5 MINOR PLATS

4.5.1 General. A minor plat shall meet all of the informational and procedural requirements set forth for a final plat and the engineering and submission requirements for plats in subsection 4.3 and shall be accompanied by:

(a) the required number of copies of the plat;
(b) a completed written application form that bears the original notarized signature(s) of the property owner(s) of the subject property;
(c) the required application fee;
(d) a certificate or other satisfactory evidence from the County Central Appraisal District showing that all taxes have been paid on the subject property, and that no delinquent taxes exist against the property. Documentation shall also be included that shows no delinquent assessments, fees, or other debts or obligations to the City and which are directly attributable to the subject property. One copy of the tax status certificate shall be submitted to the City in order for the application to be deemed complete; and
(e) any other reasonable and applicable information and materials required by subsection 3.6, the City Engineer or City.

4.5.2 Materials. A copy of all application materials for a minor plat shall be submitted to the City for review in the same manner as for a final plat, or the application shall be deemed incomplete.

4.5.3 Drainage Plans. The applicant must submit a drainage plan to City Engineer, unless expressly waived in writing by the City Engineer.

4.5.4 Title. The minor plat shall be entitled and clearly state that it is a "minor plat."

4.5.5 Criteria for Approval.
The City shall approve, conditionally approve, or deny the minor plat based upon the following criteria:

a) The minor plat is consistent with all zoning requirements for the property, all other requirements of this title that apply to the plat, all City ordinances and any approved development agreement;
b) All lots to be created by the plat already are adequately served by all required utilities and services;
c) The ownership, maintenance, and allowed uses of all designated easements have been stated on the minor plat; and
d) The plat does not require the extension of any municipal or utility facilities provided by the City to serve any lot within the subdivision.

4.5.6 Final Approval. The City is authorized to approve a minor plat provided such plat meets all requirements of this Ordinance. Each minor plat must be approved subject to conditions or denied within thirty days of a finding of completeness unless the owner of the property provides a waiver of right to thirty-day action. Review, approval, and recording of minor plats shall be in accordance with procedures set forth for final plats. Appeal of the City's decision shall be to the P&Z for a recommendation and the City Council for approval within the time periods required by state law.

4.5.7 Deemed Approved. If the City fails to act on a minor plat application within thirty days, the minor plat shall be deemed approved.

4.5.8 Notice and Hearing. Notice, a public hearing, and the approval of other lot owners are not required for the approval of a minor plat.

4.5.9 Expiration; Recordation. The minor plat shall be filed at the County in the same manner as prescribed for a final plat, and approval of a minor plat shall expire if all filing materials are not submitted to the City and if the plat is not filed at the County within the time periods specified for a final plat.

4.6 REPLAT

4.6.1 Replat Required. Unless otherwise expressly provided for herein, a property owner who proposes to replat any portion of an already approved and filed final plat, other than to amend or vacate the plat, must first obtain approval for the replat under the same standards and by the same procedures and approval/denial process prescribed for the final plat by this Ordinance; provided however, the applicant shall comply with the engineering and submission requirements in subsection 4.3 of this Ordinance. All improvements shall be constructed in accordance with the same requirements as for a final plat, as provided herein. The City Administrator may waive or modify requirements for a replat under certain circumstances where the proposed replat does not involve a large land parcel or an existing structure or business on the subject property, and where the proposed plat revisions are relatively simple in nature.

4.6.2 Replat without Vacating.

4.6.2.1 General. A replat of a final plat or portion of a final plat may be recorded and is controlling over the preceding plat without vacation of that plat if the replat:
(a) Is signed and acknowledged by only the owners of the property being replatted;
(b) Is recommended for approval and approved by the City Council, after a public hearing on the matter at which parties of interest and citizens have an opportunity to be heard;

(c) Does not attempt to amend or remove any covenants or restrictions previously incorporated in the final plat. For purposes of this section, a plat note shall be construed as a covenant or restriction; and
(d) Does not require any revision to the engineering plans associated with the final plat.

4.6.2.2 Partial Replat Application. Any replat which adds or reduces lots must include the original subdivision and lot boundaries. If a replat is submitted for only a portion of a previously platted subdivision, the replat must reference the previous subdivision name and recording information and must state on the replat the specific lots which have changed along with a detailed "Purpose for Replat" statement.

4.6.2.3 Validity of Previous Requirements or Conditions. In addition to compliance with the above, a replat without vacation of the preceding plat must conform to the requirements of this section if:
(a) During the preceding five (5) years, any of the area to be replatted was limited by an interim or permanent zoning classification to residential use for not more than two (2) residential units per lot; or
(b) Any lot in the preceding plat was limited by deed restrictions to residential use for not more than two (2) residential units per lot.

4.6.3 Submission Requirements

4.6.3.1 Application Requirements. An application submittal for a replat shall be the same as for a final plat and shall be accompanied by the required number of copies of the plat, a completed application form, the required application fees, the engineering and submission requirements for plats in subsection 4.3, and a certificate showing that all taxes have been paid on the subject property and that no delinquent taxes exist against the property. The replat shall also bear a detailed “Purpose for Replat” statement which describes exactly what has been changed on the plat since the original (or previous) plat was approved by the City and filed at the County.

4.6.3.2 Materials. A copy of all application materials for a replat shall be submitted to the City for review in the same manner as for a final plat, or the application shall be deemed incomplete.

4.6.3.3 Reference to Previous Subdivision. Any replat which adds or deletes lots must include the original subdivision and lot boundaries. If a replat is submitted for only a portion of a previously platted subdivision, the replat must reference the previous subdivision name and recording information and must state on the replat the specific lots which have changed along with a detailed “Purpose for Replat” statement.

4.6.3.4 Other Requirements. The replat of the subdivision shall meet all the requirements under current regulations for a final plat for a new subdivision that may be pertinent, as provided for herein.

4.6.3.5 Title. The title shall identify the document as a “Final Plat” of the _____ Subdivision, Block _____, Lot(s) _____, Being a Replat of Block _____, Lot(s) _____ of the _____ Subdivision within the City of Uhland, Texas (or within the Extraterritorial Jurisdiction of the City of Uhland, Texas), as recorded in Volume/Cabinet _____, Page/Slide _____ of the Plat Records of County, Texas.

4.6.4 Notice and Protest

4.6.4.1 Notice. Notice of the public hearing required under this Ordinance shall be given by written notice no earlier than the twenty-first (21st) day nor no later than the tenth (10th) day before the date of the hearing, with a copy or description of any requested waiver, sent to the property owners, as documented on the most recently approved ad valorem tax roll of the City, of lots that are in the original subdivision and that are within two hundred (200) feet of the lot(s) to be replatted. In the case of a subdivision in the ETJ, the most recently approved County tax roll shall be used. The written notice may be delivered by depositing the notice, properly addressed with appropriate postage paid, in a post office or postal depository within the boundaries of the City.

4.6.4.2 Protest. If the property owner(s) of twenty percent (20%) or more of the total land area or lots to whom notice is required to be given under this Ordinance file with the City a written protest of the replatting before or at the public hearing, or if the replat requires a waiver, then approval of the replat will require the affirmative vote of at least three-fourths (3/4) of the City Council members present and voting. For a legal protest, written instruments signed by the owners of at least twenty percent (20%) of the total land area of the lots or land immediately adjoining the area covered by the proposed replat and extending two hundred feet (200') from that area, but within the original subdivision, must be filed with the City prior to the close of the public hearing. In computing the percentage of land area subject to the "20% rule" described above, the area of streets and alleys shall be included.

4.6.4.3 Vacated Plat. If the previous plat is vacated as prescribed in subsection 212.013 of the Texas Local Government Code, as amended, a public hearing is not required for a replat of the area vacated. It would, instead, be submitted as a "final plat" and reviewed accordingly.

4.6.4.4 Exception for Certain Plat Notes. Notice is not required for approval of a replat for part of a preceding plat if the area to be replatted was designated or reserved for other than single- or two-family (*i.e.,* duplex) residential use by notation on the last legally recorded plat or in the legally recorded restrictions applicable to the plat. For example, for a replat involving nonresidential property, a public hearing must be held, but notice of the hearing does not have to appear in the newspaper and written notices do not have to be mailed to individual property owners within two hundred (200) [feet] of the subject property.

4.6.5 Filing with County. The replat shall be filed at the County in the same manner as prescribed for a final plat, and approval of a replat shall expire if all filing materials are not submitted to the City Secretary, and if the replat is not filed at the County within the time periods specified for a final plat.

4.7 AMENDED PLATS

4.7.1 General. An amended plat shall meet all of the informational and procedural requirements set forth for a final plat and shall be accompanied by the required number of copies of the plat, a completed application form, the required application fee, and a certificate or some other acceptable form of verification from the County Central Appraisal District showing that all taxes have been paid on the subject property and that no delinquent taxes exist against the property.

4.7.2 Materials. A copy of all application materials for an amended plat shall be submitted to the City for review in the same manner as for a final plat, or the application shall be deemed incomplete.

4.7.3 Title. The amended plat shall be entitled and clearly state that it is an "amended plat". It shall state the changes made from the original and specific lots affected or changed as a result of the amended plat and shall include the original subdivision plat boundary. All references to "final plat" or "replat" shall be removed.

4.7.4 Administrative Approval. Upon review and a finding that the amended plat is in full conformance with this and all other applicable City ordinances, the City may approve an amended plat, which may be recorded and is controlling over the preceding or final plat without vacation of that plat, if the amended plat is signed by the applicants only and if the amended plat is for one or more of the purposes set forth in this section. The procedures for amending plats shall apply only if the sole purpose of the amended plat is to:

(a) Correct an error in a course or distance shown on the preceding plat;
(b) Add a course or distance that was omitted on the preceding plat;
(c) Correct an error in a real property description shown on the preceding plat;
(d) Indicate monuments set after the death, disability, or retirement from practice of the engineer or surveyor responsible for setting monuments;
(e) Show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat;
(f) Correct any other type of scrivener or clerical error or omission previously approved by the municipal authority responsible for approving plats, including lot numbers, acreage, street names, and identification of adjacent recorded plats;
(g) Correct an error in courses and distances of lot lines between two adjacent lots if:
    (1) Both lot owners join in the application for amending the plat;
    (2) Neither lot is abolished;
    (3) The amendment does not attempt to remove or modify recorded covenants or restrictions or easements; and
    (4) The amendment does not have a material adverse effect on the property rights of the owners in the plat;
(h) Relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement;
(i) Relocate one or more lot lines between one or more adjacent lots if:
    (1) The owners of all those lots join in the application for amending the plat;
    (2) The amendment does not attempt to remove or modify recorded covenants or restrictions or easements; and
    (3) The amendment does not increase the number of lots; or
(j) To make necessary changes to the preceding plat in a residential area to create six or fewer lots in the subdivision or a part of the subdivision covered by the preceding plat if:
    (1) The changes do not affect applicable zoning and other regulations of the City;
    (2) The amendment does not attempt to remove or modify recorded covenants or restrictions or easements; and
    (3) The City Council approves the changes, after holding a public hearing.

4.7.5 Presentation to P&Z and City Council. The City may, at the administrator's discretion and for any reason, elect to present the amended plat to the P&Z and City Council for consideration and approval.

4.7.6 Other Process. Other than noted above, the procedure for approval of plat amendment(s) shall be the same as for replatting. The procedure for filing an appeal of an administrative denial shall be the same as for a Minor Plat.

4.7.7 Notice and Hearing. Notice, a public hearing, and the approval of other lot owners are not required for the approval and issuance of an amended plat.

4.7.8 Effect; Recordation; Expiration. Upon approval by the City or the City Council an amending plat may be recorded and is controlling over the recorded plat without vacation of that plat. The amended plat shall be filed at the County Clerk in the same manner as prescribed for a final plat, and approval of an amended plat shall expire if all filing materials are not submitted to the City Secretary or Clerk, and if the plat is not filed at the County within the time periods specified for a final plat.

4.8 PLAT VACATION

4.8.1 By Property Owner. The property owner of the tract covered by a plat may vacate, upon review by the P&Z and approval by the City 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. The property owner shall submit an application which shall be accompanied by:

(a) the required number of copies of the plat;
(b) a completed written application form that bears the original notarized signature(s) of the property owner(s) of the subject property;
(c) the required application fee;
(d) a certificate or other satisfactory evidence from the County Central Appraisal District showing that all taxes have been paid on the subject property, and that no delinquent taxes exist against the property. Documentation shall also be included that shows no delinquent assessments, fees, or other debts or obligations to the City and which are directly attributable to the subject property. One copy of the tax status certificate shall be submitted to the City in order for the application to be deemed complete; and
(e) any other reasonable and applicable information and materials required by subsection 3.6, the City Engineer or City.

4.8.2 By All Lot Owners. If some or all of the lots covered by the plat have been sold, the plat, or any part of 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.

4.8.3 Record of Notice. If the City Council approves vacating a subdivision or addition plat, the City Secretary or Clerk shall record a copy of the plat vacation instrument in the office of the County Clerk of County along with an exhibit showing a drawing of the area or plat vacated. The County Clerk shall write legibly on the vacated plat the word "vacated" and shall enter on the plat a reference to the volume and page at which the vacating instrument is recorded. If the City Council vacates only a portion of a plat, it shall cause a revised final plat drawing to also be recorded which shows that portion of the original plat that has been vacated and that portion that has not been vacated. On the execution and recording of the vacating instrument the plat that has been vacated as a result of this instrument (or the vacated portion of the plat) has no effect.

4.8.4 Criteria. The P&Z shall review, and the City Council may approve, in accordance with the procedures provided in subsection 3.13, the application for vacation on such terms and conditions as are in accordance with Section 212.013 of the Texas Local Government Code, as amended, and subsection 4.8.3.1, and as are reasonable to protect the public health, safety and welfare. As a condition of vacation of the plat, the City Council may direct the applicants to prepare and seek

approval of a revised final plat in accordance with this Ordinance such that the property does not become "unplatted".

4.8.5 Effect. On the execution and recording of the vacating instrument, the plat that has been vacated as a result of this instrument shall have no effect. Regardless of the P&Z's and City Council's action on the application, the property owner 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.

ARTICLE III. PERFORMANCE AND ACCEPTANCE

SECTION 5. CONSTRUCTION PLANS; MAINTENANCE BONDS

5.1 CONSTRUCTION IMPROVEMENT PLANS AND BONDS

5.1.1 Purpose. The purpose of construction plans is to assure that public improvements required to be installed in order to serve a subdivision or a development are constructed in accordance with all standards of this Ordinance.

5.1.2 Application Contents. The construction plan shall be in accordance with the Final Plat, as approved, and shall incorporate all applicable conditions, changes, directions and additions imposed by the P&Z and City Council upon the Final Plat. The final improvement plans, including paving and stormwater engineering, shall be submitted in one package and be approved or approved with conditions prior to the final plat recordation in accordance with this Ordinance. The subdivider shall provide and the subdivision improvement plans shall contain all applicable improvements required by this Ordinance and the DSC, including, but not limited to, the following details:

(a) Grading and slope stabilization;
(b) Drainage facilities, including provisions for drainage way protection (if applicable);
(c) Water and wastewater plans approved by the utility provider;
(d) Streets, sidewalks, curb ramps, and other rights-of-way;
(e) Bikeway and transit improvements (where applicable);
(f) Survey monuments;
(g) Street lights;
(h) Traffic control signs, pavement markings, and traffic signalization; traffic calming devices (where applicable);
(i) Landscaping; and;
(j) Parkland and open space.

It is the developer and his engineer's responsibility to put the plans together into one package and follow-up on their review.

5.1.3 Approval. The construction plan shall be submitted prior to approval of the Final Plat. The construction plan shall be approved by the City within 15 days after submission and a determination of completeness of the plans unless an extension is granted by the City.

5.1.4 Standards for Approval. No construction plan shall be approved by the City unless the following standards have been met:

(a) The plan substantially complies with the approved Preliminary Plat and other studies and plans, as applicable; and
(b) The plan conforms to applicable zoning, subdivision and any other applicable codes or ordinances of the City that are related to development of a land parcel.

5.1.5 Construction Bond or Letter of Credit. Before any construction on improvements is commenced in a given subdivision and prior to the recording of the associated final plat, the applicant shall file with the City a corporate surety bond or letter of credit in favor of the City, in an amount equal to the cost of the construction costs and installation expenses, as estimated by the project engineer and approved by the City Engineer, to guarantee performance and completion of all such installations. Such bond or letter of credit shall be conditioned upon the applicant's compliance with this Ordinance and other ordinances of the City and shall secure and may be used for the payment of any and all damages to persons or property which damages arise from, or are caused by, any act or conduct of or authorized by the applicant upon which any legal judgment results. No work may commence on any such installations until such performance bond or letter of credit has been posted and approved by the City and a permit has been issued.

5.1.6 Cash in Lieu. The City may also accept cash in lieu of a surety bond or letter of credit. Payment to the City shall be deposited in an interest-bearing account established by the City with all earned interest retained by the City.

5.1.7 Construction Procedures. A site development permit is required from the City prior to beginning any site development related work in the City or its extraterritorial jurisdiction that affects erosion control, storm drainage, vegetation or tree removal, or a flood plain.

5.1.8 Design.

5.1.8.1 Compliance. All aspects of the design and implementation of public improvements shall comply with the City's current design standards and any other applicable City codes and ordinances, including preparation and submittal of engineering plans and construction inspection. The construction of all of the improvements required in this Ordinance shall conform to the latest edition of the City's TCSS, as may be amended, and to any other applicable City standards.

5.1.8.2 Changes or Amendments to the TCSS and Other Construction or Design Documents. The TCSS will, from time to time, require revisions and updates to allow for changing construction technology. When changes are required, the TCSS may be amended by separate ordinance. It is the applicant's responsibility to be aware of, and to conform with, all TCSS requirements (including amendments) that are in place as of the time a complete application for a Plat (including required engineering/construction plans) is received by the City.

5.1.9 Inspection. Periodic construction inspections as required by the City shall be conducted by an independent, duly qualified firm approved by the City and engaged by the property owner. Said inspections shall ensure that construction is in accordance with the approved construction plans and the TCSS of the City (and other applicable codes and ordinances). Upon completion of each inspection, a written report shall be forwarded to the City that fully documents the inspection conducted, the tests completed, specific items that are in compliance or noncompliance, actions that must be taken to bring the construction into compliance, and any other information required by the City Engineer. The City may either require reinspection by the applicant's independent firm or conduct its own independent inspection as required by the City Engineer. The owner or developer shall pay for all costs for inspections under this section to include but not be limited to reimbursing the City for any inspection costs it incurs. All reimbursements to the City must be paid prior to the City's acceptance of the improvements.

5.1.10 Remedies. In addition to all other remedies authorized in this Ordinance, where security required in this section has been posted, but required public improvements have not been installed in accordance with the terms of this Ordinance, the City may:

(a) Declare the subdivision project to be in default and require that all the public improvements be installed regardless of the extent of completion of the development at the time the subdivision project is declared to be in default;
(b) Obtain funds under the security and complete the improvements itself or through a third party;
(c) Assign its right to receive funds under the security to any third party, including a subsequent owner of the development in exchange for the subsequent owner's posting of security to complete the public improvements serving the tract; or
(d) If no lots have been sold, the City may initiate proceedings to have the plat vacated.

5.2 MAINTENANCE BOND

5.2.1 Financial Security (Bond Requirement). At the time that any improvements are accepted by the City, and prior to recording of the final plat if applicable, the subdivider shall provide to the City a two-year maintenance bond (warranty) or other financial guarantee as security against damages or defective work occurring during the two (2) year maintenance period to begin on the date of acceptance of the improvements by the City.

5.2.2 Purpose. The maintenance bond shall bind the subdivider or contractor to correct any defects in materials, workmanship (including utility backfills), or design inadequacies, or damages, which may be discovered within said two (2) year maintenance period. The owner shall correct or cause the contractor to correct at his own expense, such damage or defects within 30 days after receiving written notice of such defects from the City. If the owner fails or refuses to correct such defects within the said 30-day period or to provide acceptable assurance that such work shall be completed within a reasonable time thereafter, the City may decide to correct or cause to be corrected any such damages or defects and call down the maintenance bond.

5.2.3 Amount of Bond. The maintenance bond shall be equal to 20% (twenty percent) of the original construction security and shall remain in place for the maintenance performance period. The bond shall provide that should it be deemed unenforceable as a statutory bond, the subdivider shall be bound by the contract as a common law obligation.

5.2.4 Bond Requirements. A maintenance bond or financial guarantee such as a letter of credit shall meet the following requirements:

(a) be made payable to the City;
(b) shall be in an amount determined by the City to be adequate to ensure proper construction or installation of the roads and streets, drainage improvements, public or non-public water facilities, and wastewater facilities to service the subdivision, including reasonable contingencies
(c) shall be conditioned upon construction or installation of roads, streets, drainage improvements and water and wastewater facilities meeting the criteria established by these regulations and upon construction of facilities within the time stated on the plat, or on the document attached to the plat for the subdivision, or within any reasonable extension of time granted by the City Council;
(d) must be in a form acceptable to the City;
(e) for performance bonds, must be executed by such sureties as are authorized to do business in the State of Texas as a surety;

(f) must be signed by an agent, and must be accompanied by a certified copy of the authority for him or her to act; and
(g) for performance bonds, must be obtained from surety or insurance companies that are duly licensed or authorized in the State of Texas to issue performance bonds for the limits and coverage required and approved as per ratings of the Texas Department of Insurance, or a successor agency;
(h) for a letter of credit, be irrevocable;
(i) for a letter of credit, be for a term sufficient to cover the completion, maintenance and warranty periods, but in no event less than two (2) years; and
(j) for a letter of credit, require only that the City present the issuer with a sight draft and a certificate signed by an authorized representative of the City certifying the City's right to draw funds under the letter of credit.

5.2.5 Inspections. Periodic inspection of all improvements for which the maintenance bond is held will be made by the City during the period of liability covered by the maintenance bond.

5.2.6 Extended Street Warranty. In the event of the maintenance or repair of a defect in the roadway improvement for any accepted street classification during the initial guarantee period, the subdivider shall provide a one-year extended maintenance guarantee in favor of the City, as applicable, for the entire station(s) of the defect area, such one-year period to commence upon completion of the subject maintenance or repair. Such extended maintenance guarantee procedure shall be repeated until the defect with the affected station(s) has been remedied.

5.2.7 Bankruptcy or Insolvency. If the surety on any performance bond furnished by the applicant is declared bankrupt, or becomes insolvent, or its right to do business is terminated in the State of Texas, or the surety ceases to meet the requirements listed in Circular 570, the developer shall, within twenty (20) days thereafter, substitute another performance bond and surety, both of which must be acceptable to the City.

5.2.8 Governmental Units. The City Council may accept from governmental units in lieu of a security, a certified resolution or ordinance from officers or agents authorized to act in their behalf agreeing to comply with the provisions of this Ordinance.

5.2.9 Bond Release. Upon the expiration of the two (2) year maintenance performance period, or the period of an extended street warranty, the City shall release the fiscal security/maintenance bond, provided that all damages or defects identified to the owner by the City Engineer or code official have been corrected.

SECTION 6. ACCEPTANCE OF IMPROVEMENTS

6.1 ADEQUATE PUBLIC FACILITES POLICY

Wherever the subject property adjoins undeveloped land, or wherever required by the City to serve the public good, easements shall be extended to adjacent property lines to allow connection of these utilities by adjacent property owners when such adjacent property is platted and/or developed.

6.2 ACCEPTED PUBLIC IMPROVEMENTS

Public improvements that are required by the City for the acceptance of the subdivision by the City include, but are not limited to, the following:

(a) Water and wastewater facilities (by Utility provider, private wells, OSSF);
(b) Stormwater drainage, collection and conveyance facilities;
(c) Water quality, erosion and sedimentation controls;
(d) Streets;
(e) Streetlights;
(f) Street signs, pavement markings;
(g) Sidewalks;
(h) Screening and/or retaining walls;
(i) Traffic-control devices or treatments required as part of the project; and
(j) Appurtenances to the above, and any other public facilities required as part of the proposed subdivision.

6.3 ACCEPTANCE OF PUBLIC IMPROVEMENTS

6.3.1 Acceptance of the development shall mean that the developer has transferred all rights to all the public improvements to the City, and/or Hays Caldwell County, municipal utility district, utility provider for use and maintenance. The City Council may, at its option, accept dedication of a portion of the required public improvements if the remaining public improvements are not immediately required for health and safety reasons, and if the property owner has posted a performance bond, letter of credit or cash bond in the amount of one hundred twenty-five percent (125%) of the estimated cost of those remaining improvements for a length of time to be determined by the City Council.

6.3.2 Acceptance of formal offers for the dedication of streets, public areas, easements or parks shall be by authorization of the City. The approval by the City Council of a final plat shall not, in and of itself, be deemed to constitute or imply the acceptance by the City of any street, public area, easement or park shown on the plat. The City may require the plat to be endorsed with appropriate notes to this effect.

6.3.3 Prior to acceptance of the improvements, the property owner, developer or contractor shall submit a letter stating that the construction of the improvements is in compliance with the construction plan standards of this Ordinance, together with a letter bearing sealed certification by an engineer that all public improvements have been constructed in compliance with all city construction standards.

6.3.4 The City will not deem required public improvements satisfactorily completed until the applicant's engineer has certified to the City Engineer, through submission of detailed sealed record drawings of the property which indicate all public improvements and their locations, dimensions, materials and other information required by the City Engineer, and until all required public improvements have been completed. The record drawings shall be sealed drawings of the paving, drainage, water, sanitary sewer and other public improvements, showing that the layout of the lines and grades of all public improvements are in accordance with engineering plans for the plat, and showing all changes made in the plans during construction, and containing on each sheet a "record drawing" stamp bearing the signature and seal of the licensed professional engineer and the date. One reproducible drawing of the utility plan sheets containing the as-built information shall also be submitted. The engineer or surveyor shall also furnish the City with a copy of the approved final plat and the engineering plans, if prepared on a computer-aided design and drafting (CADD) system, in such a digital format (on disk) that is compatible with the City Engineer's CADD system.

6.3.5 Upon submission of an engineer's letter meeting the requirements of subsection 6.3.4 of this Ordinance to the City, the City Engineer shall thereafter make a recommendation to the City for

consideration of satisfactory completion of the public improvements and their acceptance by the City.

6.3.6 Once the City accepts the public improvements, the Developer shall provide the Maintenance Bond. Once this maintenance bond is provided, the City will issue a letter of satisfactory completion and acceptance of the improvements to allow for release of the construction bond and will provide a copy of such letter to the developer or subdivider within 10 days.

6.4 WITHHOLDING OF SERVICES AND PERMITS UNTIL ACCEPTANCE

The City may refuse to grant final acceptance of a subdivision that does not fully and completely comply with all terms and conditions of this Ordinance. Until full compliance, the City may withhold all City services and improvements of whatsoever nature, including the maintenance of streets and the furnishing of all other City services from any subdivision or property until all of the street, utility, storm drainage and other public improvements, as well as lot improvements to include retaining walls, grading, and installation of improvements required for proper lot drainage and prevention of soil erosion on the individual residential lots, are properly constructed according to the approved engineering plans and to City standards. In addition, without limiting the type or number of approvals the City may withhold, the City may refuse to grant development, construction, or occupancy approvals for improvements, including site development permits, building permits, utility connections, and certificates of occupancy.

ARTICLE IV. MINIMUM SUBDIVISION STANDARDS

Specifications for improvements contained in this Ordinance and applicable ordinances and regulations shall be drawn and construction performed in accordance with the TCSS, and relevant construction standards and codes that are in effect at the time the Preliminary Plat application is officially submitted and deemed a complete application.

SECTION 7. STREET STANDARDS; DESIGN

7.1 TRAFFIC IMPACT ANALYSIS

7.1.1 Requirement. A traffic impact analysis (TIA) is required of a proposed development project or plat involving a significant change to a proposed roadway alignment from that shown on the City of Uhland Transportation Plan, on adoption, or involving a development generating 100 or more "trips per day. A TIA worksheet will be required of all developments to determine the number of trips generated. A proposed roadway alignment change shall also be preceded by or simultaneous with an amendment to the City's Transportation Plan, on adoption, showing the new proposed alignment. Failure to provide for such approvals prior to submission of a Preliminary Plat or concurrently with the Preliminary Plat application shall be grounds for denial of the plat application.

7.1.2 Exceptions. An applicant may request that the TIA be waived. The requirement for a TIA may be waived under the following criteria:

(a) Based on a review of a Traffic Impact Analysis Worksheet, the City determines that a TIA is not needed; or

(b) Improvements are already, constructed that will serve and support the new development.

7.1.3 Required Analysis Components. A TIA shall include the following elements:

(a) General Site Description. A detailed description of the roadway network \shall include the following items: (1) all major intersections; (2) all proposed and existing ingress and egress locations; (3) all existing roadway widths and rights-of-way; (4) all existing traffic signals and traffic-control devices; and (5) all existing and proposed public transportation services.

(b) Proposed Capital Improvements. A listing of any changes to the roadway.

(c) Study Area. A map(s) delineating the TIA study area and all existing and planned streets contained therein.

(d) Existing Zoning and Land Uses. A description of the existing zoning and land uses in the area for which a development is proposed.

(e) Proposed Development. A description of the proposed development including land area by proposed land use and density.

(f) Thoroughfare Network. A description of roadway development for a twenty-year planning horizon for the entire study area and base volumes of thoroughfares within the study area.

7.1.4 Roadway Impact Analysis. The TIA will describe the volume/capacity for all thoroughfares as shown on the City's Transportation Plan, on adoption, and delay projections for intersections in the studied area to determine if level of service cooperation is maintained. The analysis shall contain the following minimum information:

(a) Trip Generation.
(b) Trip Distribution.
(c) Existing Trip Generation.

7.1.5 Effect of Adequacy Determination. If the adequacy determination for roadways and intersections indicates that the proposed development would cause a reduction in the level of service for any roadway or intersection within the study area that would cause the roadway to fall below the level of service required hereto, the proposed development shall be denied unless the developer agrees to one of the following conditions:

(a) The deferral of building permits until the improvements necessary to upgrade the substandard facilities are constructed;
(b) A reduction in the density or intensity of development;
(c) The dedication or construction of facilities needed to achieve the level of service required herein; or
(d) Any combination of techniques identified herein that would ensure that development will not occur unless the levels of service for all roadways and intersections within the traffic impact analysis study are adequate to accommodate the impacts of such development.

7.2 TCSS; CONSTRUCTION REQUIREMENT

The arrangement, character, extent, width, grade and location of all streets shall conform to the City's TCSS and shall be considered in their relation to existing and planned streets or driveways, whether within the City of Uhland, within its ETJ area, or within adjacent municipal or County areas, to topographical conditions, to public safety, and in their appropriate relation to the proposed uses of the

land to be served by such streets. Reserve or residual 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 improvements shall not be permitted in any subdivision unless such are required by the City in the public interest, such as to enhance public safety or other public interest. Streets will be constructed in accordance with the City's TCSS and construction standards that are in effect at the time the Preliminary Plat application is officially submitted and deemed a complete application.

7.3 ADEQUACY AND ACCESS REQUIREMENTS

7.3.1 Approach Roads and Access. All residential subdivisions with more than 30 dwelling units must have at least two (2) points of emergency vehicular access and must be connected via improved roadways to the improved thoroughfare and street system (City, County and State, as may be applicable) by one or more approach roads of such dimensions and improved to such standards as are hereinafter set forth. Requirements for dedication of right-of-way and improvement of approach roads may be increased depending upon the size or density of the proposed development, or if such need is demonstrated by traffic impact analysis. This requirement shall be waived by the City upon demonstration by the Applicant that the required access points are prohibited by TxDOT or that the property is otherwise land locked.

7.3.1.1 "Two (2) points of vehicular access" shall be construed to mean that the subdivision has at least two (2) improved roads accessing the subdivision from the improved thoroughfare system, and the subdivision has at least two (2) road entrances. The City Council may, at its discretion and upon a finding that such will not compromise public safety or impede emergency access, accept a single median-divided entrance from the City's improved thoroughfare system provided that the median extends into the subdivision for an unbroken length of at least two hundred feet (200') to an intersecting internal street which provides at least two (2) routes to the interior of the subdivision. For example, the entrance street is not a dead-end or cul-de-sac, and it does not create a "bottleneck" allowing only one emergency route into the interior of the subdivision. A perimeter street for which only half of the right-of-way is dedicated and improved pursuant to subsections 7.5.1 and 7.5.2 shall not qualify to serve as one of the required points of access.

7.3.1.2 At the discretion of the City Engineer, the second access point may take the form of an unimproved dedicated public right-of-way without requiring improvement. The City Engineer may waive the requirement for a second access point if justified by the presence of a multiple-lane entrance and exit, the width of the single access point, and any geographical or topographical considerations.

7.4 OFF-SITE IMPROVEMENTS

Where a traffic impact analysis (TIA) demonstrates the need for such facilities, or where the City believes public safety is at risk, the property owner shall make such improvements to off-site collector and arterial streets and intersections as are necessary to mitigate traffic impacts generated by the development or in conjunction with related developments. The City may participate in the costs of oversize improvements with the property owner as set out herein, and subject to the City's cost participation policies on oversized improvements. The extent of the public exaction for off-site improvements, and the City's level of participation in cost-sharing, may be established through an agreement.

7.5 STREET DEDICATIONS

7.5.1 Dedication of Right-of-Way. The property owner shall provide all rights-of-way required for existing or future streets, and for all required street improvements, including perimeter streets and approach roads, as shown in the Transportation Plan, on adoption, and as required by the TCSS or by other valid development plans approved by City Council. In the case of perimeter streets, half of the total required right-of-way width for such streets shall be provided unless the proposed development is on both sides of the street, in which case the full right-of-way width shall be provided, or unless there is some other compelling reason to require more than half of the right-of-way width (to include avoiding the infringement upon or demolition of existing structures, avoiding crossing a creek, floodplain or some other obstacle, or other similar circumstance). In some instances, more than half of the required width shall be required when a half-street is impractical or unsafe and depending upon the actual or proposed alignment of the street, such as in the case of a curved street, as may be required by the City Council.

7.5.2 Perimeter Streets. Where an existing half-street is adjacent to a new subdivision or addition, the other half of the street shall be dedicated, and an appropriate amount of the street shall be improved, by the developer of the new subdivision or addition. Construction of a half-street shall be as provided in subsection 7.18.

7.5.3 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.

7.6 STREET PAVING

All streets and thoroughfares shall be paved to City standards and within rights-of-way as required by the Transportation Plan, on adoption, and this Ordinance, and in accordance with the TCSS and other City standards as may be from time to time amended or adopted. The City Council may approve alternate paving designs for residential subdivisions in accordance with the TCSS Manual.

7.7 INTERSECTIONS; TRAFFIC CONTROL DEVICES

Intersection improvements and traffic-control devices shall be installed as warranted in accordance with the traffic impact analysis required by this Ordinance, or as may be required by the City for traffic safety and efficiency. Construction and design standards shall be in accordance with City standards and the TCSS.

7.8 PHASED DEVELOPMENT

Where a subdivision is proposed to occur in phases, the applicant shall provide a proposed schedule of development which sets forth the planned development and dedication of rights-of-way for streets and street improvements, whether on-site or off-site, intended to serve each proposed phase of the subdivision. The City Engineer shall determine whether the proposed streets and street improvements are adequate as required by this Ordinance and other applicable ordinances and regulations. The City Council may require that a traffic impact analysis be submitted for the entire project or such phases as necessary.

7.9 PRIVATE STREETS

Private streets may be established pursuant to this Ordinance of any other ordinances or guidelines for private street developments as may be adopted for use by the City. All private streets shall be designed and constructed in accordance with the City's standards for publicly dedicated streets. The term "private street" shall be inclusive of alleys, if such are to be provided within the subdivision.

7.9.1 Subdivision Eligibility Criteria. Private streets shall be allowed only within a subdivision satisfying each of the following criteria:

(a) The streets will be restricted to private use to access areas within the subdivision and are not intended for regional or local through-traffic circulation;

(b) A mandatory property owners' or homeowners' association, which includes all property to be served by the private streets, will be formed; and

7.9.2 Access onto Public Thoroughfare. A private street subdivision shall provide a minimum of eighty feet (80') of access frontage on a public collector or arterial street for subdivision entrances in order to accommodate a median-divided entrance with appropriate vehicle stacking, queuing and turnaround area private street subdivision shall provide a minimum of eighty (80) feet queuing distance between edge of pavement of public roadway and subdivision gate. As an alternative to the queuing distance the applicant may dedicate and promptly construct deceleration/acceleration turning lanes.

7.9.3 Property Owners' or Homeowners' Association. Subdivisions developed with private streets shall have a mandatory property owner association which includes all property and lots served by the private streets. The association shall own and be responsible for the maintenance of private streets and appurtenances. The association documents shall be reviewed and approved by the City and the City Attorney to ensure that they conform to these and other applicable City rules and regulations. The documents shall be filed of record at the County prior to final plat approval in order to ensure that there is an entity in place for long-term maintenance of private streets and appurtenances. The association may not be dissolved without the prior written consent of the City Council. No portion of the association documents pertaining to the maintenance of private streets and alleys, and assessments therefor, may be amended without the written consent of the City Council.

7.9.4 Private Street Lot. Private streets must be constructed within a separate lot owned by the property owners' association. This lot must conform to the City's standards for public street rights-of-way. An easement covering the street lot shall be granted to the City providing unrestricted access to and use of the property for any purpose deemed necessary by the City. This right shall also extend to all utility providers operating within the City and to other necessary governmental service providers, to include the U.S. Postal Service. The easement shall also permit the City to remove any vehicle or obstacle within the street lot that may impair emergency access.

7.9.5 Construction and Maintenance Cost. The City shall not pay for any portion of the cost of constructing or maintaining a private street.

7.9.6 Infrastructure and Utilities. Any public water, sewer and drainage facilities, streetlights, and traffic-control devices to include traffic signs, placed within the private street lot shall be designed and constructed to City standards, and shall be accepted by the City prior to filing the record plat for the subdivision. All private traffic-control devices and regulatory signs shall conform to the "Texas Manual of Uniform Traffic Control Devices", as amended, and to City standards. 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.

7.9.7 Restricted Access. The entrances to all private streets shall be clearly marked with a sign, placed in a prominent and visible location, stating that the streets within the subdivision are private, and that they are not maintained nor regularly patrolled by the City. All restricted access entrances must provide a reliable means of ensuring City and emergency access to the subdivision by the City and other utility or public service providers, to include postal carriers and utility companies, with appropriate identification. If the association fails to maintain reliable access as required herein, the City may enter the subdivision and remove any gate or device that is a barrier to access at the sole expense of the association. The association documents shall contain provisions in conformity with this section which may not be amended without the written consent of the City Council.

7.9.8 Restricted Access Entrance Design Standards. Any private street (and any other type of gated entrance) which has an access control gate or cross-arm must have a minimum uninterrupted pavement width of twenty-four feet (24') at the location of the gate or access control device, both ingress point and egress point, regardless of the type of device used. All gates and cross-arms must be of a breakaway design. A minimum vehicle stacking distance of forty feet (40') shall be provided from the right-of-way line of the public road from which the private street subdivision is accessed to the first vehicle stopping point. Adequate distance shall be provided between the access request point(s) and the entry barrier, or gate, to accommodate a vehicle turnaround as described below.

7.9.9 Private Streets: Application to Convert to Public Streets. The property owners' association documents shall contain provisions that describe how the association may make application to the City to accept private streets and any associated property as public streets and right-of-way upon written notice to all association members and upon the favorable vote of a majority of the membership. However, in no event shall the City be obligated to accept said streets as public. Should the City elect to accept the streets as public, then the City has the right to inspect the private streets and to assess the lot owner for the expense of needed repairs concurrent with the City's acceptance of the streets. The City shall be the sole judge of whether repairs are needed. The City may also require, at the association's or the lot owners' expense, the removal of any guard houses, access control devices, landscaping or other aesthetic amenities located within the street lot or within any other common area. The association documents shall provide for the City's right to such removal and assessment. Those portions of the association documents pertaining to the subject matter contained in this section shall not be amended without the written consent of the City Council.

7.9.10 Hold Harmless. The subdivision final plat shall contain language whereby the property owner's association, as owner of the private streets and appurtenances, agrees to release, indemnify, defend and hold harmless the City, any other governmental entity, and any public utility entity for damages to the private streets that may be occasioned by the reasonable use of the private streets by same, and for damages and injury (including death) arising from the condition of the private streets, out of any use of access gates or cross-arms, or out of any use of the subdivision by the City or governmental or utility entity.

7.10 STREETS NOT ON TRANSPORTATION PLAN

For streets that are not shown on the City's Transportation Plan, on adoption, such as local residential streets, the arrangement of such streets within a subdivision shall:

(a) Provide for the continuation or appropriate projection of existing streets from or into surrounding areas;
(b) Provide for future access, such as by stubbing streets for future extension to adjacent vacant areas which will likely develop under a similar zoning classification or for a similar type of land use; and
(c) Not conflict with existing or proposed driveway openings.

7.11 RESIDENTIAL COLLECTOR STREETS

Residential collector streets and minor residential streets shall be laid out such that their use by through traffic will be discouraged, but such that access is provided to adjacent subdivisions or other areas of established residential development.

7.11.1 Wherever the right-of-way width of a collector or residential street must transition to a greater or lesser width, such transition shall occur along the front, side or rear lot lines of adjacent lots (for a reasonable distance) and shall not occur within the street intersection itself. The right-of-way width shall be the same on both sides of the street intersection.

7.11.2 To the greatest extent possible, the number of lots fronting along residential collector streets shall be minimized in order to ensure adequate traffic safety and efficiency. No more than twenty percent (20%) of the total centerline length of a collector street may have residential lots fronting onto the collector on each side of the street.

7.12 RELATION TO ARTERIAL

Where a subdivision abuts or contains an existing or proposed arterial street, the City Council may require marginal access streets, reverse frontage (lots which back onto the arterial), deep lots with rear service alleys, or such treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

7.13 RESERVE STRIPS

Reserve strips controlling access to streets shall be prohibited except where their control is required by the City and approved by the City Council.

7.14 INTERSECTING STREETS

Intersecting, undivided streets with centerline offsets of less than 150 feet shall be avoided. Intersecting streets onto an existing or future divided roadway must be configured such that the centerline offset will accommodate the appropriate median opening and left turn lanes with required transition and stacking distances on each divided roadway and shall be aligned with any existing or proposed streets or driveways on the opposite side of the divided roadway in order to share the median opening.

7.15 INTERSECTIONS WITH MAJOR THOROUGHFARES

A street intersection with a major thoroughfare shall be at a ninety-degree (90°) angle and shall be tangent to the intersecting street for at least one hundred feet (100'). All other street intersections shall be laid out so as to intersect as nearly as possible at a ninety-degree (90°) angle or radial to the centerline of the intersecting street for the full right-of-way of the intersecting street, and tangent to the intersecting street for at least fifty feet (50'). No street shall intersect at an angle that is less than eighty-five degrees (85°).

7.16 RIGHTS-OF-WAY

Street right-of-way widths shall be as shown on the Transportation Plan, on adoption; and as defined by the corresponding roadway cross-sections in the Transportation Plan, on adoption, and in the City's TCSS Manual.

7.17 HALF-STREETS

7.17.1 Prohibition. Construction of half-streets shall be prohibited, except when essential to the reasonable development of the subdivision in conforming with the other requirements of this Ordinance and the Transportation Plan, on adoption, and where the City Council makes a determination that there is no immediate benefit to be gained by constructing the full street section since no access from the street will be needed by the subdivision in question. The City Council may also find that it would be more practical, or cost effective, to delay construction of the other half of a street until when the adjoining property is developed.

7.17.2 Owner's Responsibility. If the property owner is responsible for one-half (1/2) of the street, then the property owner shall either construct the facility along with the development or shall provide escrow for the construction cost of his or her share of the facility (including all applicable street appurtenances to include median openings, left turn lanes into the development, sidewalks with barrier-free ramps, drainage structures, etc.) unless the City participates in the construction of the facility. Whenever a partial street has been previously platted along a common property line, the other portion of the street right-of-way shall be dedicated such that the right-of-way is increased to the street's ultimate planned width. Improvements shall be made to all on-site facilities.

7.18 BLOCK LENGTH

The following applies to subdivision block or street segment design, including a looped street, as measured along the street centerline and between the point(s) of intersection with other through streets, but does not include blocks with cul-de-sacs or dead-ends:

(a) Maximum Length. Residential blocks in an urban subdivision shall not exceed one thousand two hundred (1,200) feet between the centerlines of street intersections; however, if blocks are parallel to and adjacent to an arterial road as defined by the County, such blocks shall not exceed one thousand six hundred (1,600) feet between the centerlines of street intersections. Commercial and industrial blocks in areas zoned for each shall not exceed two thousand (2,000) feet between the centerlines of street intersections.

(b) Minimum Length. The minimum block length is four hundred (400) feet.

7.19 CUL-DE-SAC

7.19.1 General. A cul-de-sac street not longer than 500 feet, and at the closed end shall have a minimum street width of 20 feet and a turnaround bulb with an outside pavement diameter of at least 96 feet. A cul-de-sac between 500 feet and 750 feet shall have a minimum street width of 26 feet and a turnaround bulb with an outside pavement diameter of at least 96 feet. A cul-de-sac street longer than 750 feet requires a waiver. The length of a cul-de-sac shall be measured from the centerline of the intersecting street to the centerline of the cul-de-sac bulb.

7.19.2 Waivers. The P&Z may recommend, and the City Council may approve, waivers for under or over-length streets or cul-de-sacs, whether temporary or permanent, upon considering the following:

(a) Alternative designs which would reduce street or cul-de-sac length;
(b) The effect of over-length streets upon access, congestion, delivery of municipal services, and upon convenience to residents of the subdivision in traveling to and from their homes;
(c) Means of mitigation, including mid-block street connections, limitation on the number of lots to be served along an over-length street segment or cul-de-sac, temporary (or permanent) points of emergency access, and additional fire protection measures; and
(d) The provisions set forth in subsection 13.2 of this Ordinance.

7.20 DEAD-END STREETS

Except in unusual cases, no dead-end streets will be approved unless such dead-end streets are provided to connect with future streets on adjacent land. The City Engineer may authorize the use of asphalt or other durable paving material than concrete for the arc, or "wing", portions of the temporary turnaround bulb in order to minimize the cost of removing those portions later on. A note shall be placed on the final plat clearly labeling any temporary dead-end streets, if any, that will at some point be extended into the adjacent property, and signage shall be placed at the end of the constructed street stub such as on the barricade, also stating that the street will be extended in the future. Signage and lettering must be large enough to be legible by a person with normal vision at a twenty-foot distance. Any required temporary turnaround easements shall be shown on the final plat along with their appropriate recording information, if they are off-site or established by separate instrument.

7.21 EXTENSION OF EXISTING STREETS

New streets which extend existing streets shall bear the names of the existing streets and shall be dedicated at equal or greater right-of-way widths than the existing streets for an appropriate transition length, if applicable.

SECTION 8. STREETLIGHTS

8.1 STANDARDS

The subdivider shall furnish and install streetlights along all public and private streets, whether within the corporate limits or within the extraterritorial jurisdiction. Such streetlights shall comply with the requirements of this Ordinance, the City lighting ordinance and with the requirements of the DSC. Street lighting shall be of a design that casts light downward to the greatest extent possible and shall minimize light overspill onto adjacent properties. The standards shall apply in determining the number of streetlights required and are based on approved standards of the American National Standards Institute and the Illuminating Engineering Society of North America.

8.2 INSTALLATION

8.2.1 Streetlights shall be installed in accordance with the DSC by the developer:

(a) Placement. Streetlights shall be placed in accordance with the placement criteria in this section. Streetlights shall be located as follows:

(1) At the intersection of two arterial streets, an arterial and a collector street, and at the intersection of two collector streets;

(2) At any intersection where the traffic count is projected to 7,000 vehicles per day;

(3) In the turnaround of cul-de-sac where the cul-de-sac length is longer than 300 feet;

(4) Pursuant to a street lighting plan submitted and approved in conjunction with application for subdivision plat approval pursuant to this chapter; which plan shall, generally, provide not less than one streetlight for each 500 linear feet of streets within or abutting the subdivision.

(b) Safety considerations. Streetlights shall, additionally, be placed to illuminate street curves, significant topographic conditions, and other safety hazards.

(c)Spacing. Streetlights shall be placed in accordance with the following spacing requirements:

(1) Typical spacing of lights shall be one per intersection;

(2) Lights shall be provided along arterial and collector streets, with a maximum spacing between lights of 300 feet;

(3) If the block length is over 600 feet but less than increments of 300 feet, the light shall be placed in mid-block to the degree practical;

(4) In a cul-de-sac turnaround, if the cul-de-sac length is longer than 300 feet;

(5) Streetlights shall be placed in the subdivision in compliance with the finally approved lighting plan.

(d) Light size.

Street Type	Light Size/Lumens
Thoroughfare (heavy traffic)	400w/50,000
Arterial (medium traffic)	250w/27,000
Collector	175w/7,000
Residential (low traffic)	100w/9,500

8.2.2 Exceptions. Exceptions or reductions to the streetlight spacing requirements for local streets may be authorized by the P&Z at the request of the developer at the time of plat approval:

(a) On local streets in existing single-family residential neighborhoods where streetlights are not present or have reduced coverage and have not historically complied;

(b) On local streets within an approved subdivision where all the lots have a minimum one-half acre lot area and the adjoining properties have reduced streetlighting; or

(c) Streetlighting shall be provided at all intersections regardless of other exceptions or reductions that may be granted.

8.3 COSTS; DEDICATION

8.4.1 Responsible Party. The subdivision developer shall be responsible for the cost of street lighting materials and installation, including the cost of service lines to supply electricity to the street lights and all engineering costs. Electric energy to power the street lights shall be provided by the electric utility providing service to the area. The City, at its discretion, may permit solar powered lights.

SECTION 9. STREET NAMES; SIGNS; ADDRESSES

9.1 APPROVAL OF STREET NAMES

9.1.1 New streets in a subdivision shall be named in a way that will provide continuity of street names and prevent conflict or confusion with existing street names in the City, in the City's extraterritorial jurisdiction or in a neighboring jurisdiction, subject to the approval of the City for subdivisions located within the city limits, or by the county engineer within the extraterritorial jurisdiction.

9.1.2 Street names and addressing schemes must be submitted by the subdivider or developer to the City and to the County 9-1-1 District for review and approval in accordance with this Ordinance and any established guidelines for the naming of streets and creation of addressing schemes. The District will review for continuity and the prevention of conflict or confusion with existing street names and to ensure that the addressing scheme is appropriate and is compatible with their database. Proposed street names shall be submitted for review along with and as a part of the Preliminary Plat application and shall become fixed at the time of approval of the Preliminary Plat and shown on the Final Plat.

9.1.3 On the final plat, street names shall not be changed from those that were approved on the Preliminary Plat unless special circumstances have caused the major realignment of streets or a proposed street name(s) is discovered to have already been used elsewhere in the City or some other similar eventuality. If additional street names are needed for the final plat, then they must be submitted for review and approval by the City and the County 9-1-1 District, and if needed, the U.S. Postal Service and applicable emergency service providers, along with the final plat application.

9.1.4 A fee may be established by the City for the changing of street names after approval of the Preliminary Plat.

9.2 INSTALLATION GUIDELINES

9.2.1 Street name signs shall be installed in accordance with the City's TCSS before issuance of a building permit for any structure on the streets approved within the subdivision.

9.2.2 The developer shall provide the City with documentation evidencing that the street signs were installed.

9.3 ADDRESSES

9.3.1 All addresses must be approved by the City and the County 911 District prior to submission of the final plat for acceptance.

9.3.2 Each lot created must be assigned a distinct address. New addresses shall progress sequentially along each street. The block numbers shall follow the existing block plan for the City. Any lot that may be so configured as to have the possibility of either of two sides being a front property line, by way of being on a corner, shall have two addresses assigned.

9.3.3 A premise must be identified with legible and placed in a position that is visible from the street for road fronting the property. Address characters shall contrast with their background. Numbers shall be Arabic numbers or alphabetical letters. Numbers shall not be spelled out. Each character shall be not less than 4 inches high with a minimum stroke width of 18/2 inch.

9.3.4 A property not requiring a subdivision shall have frontage on a dedicated public or private street before an official street address may be assigned to it. Addresses shall not be assigned to landlocked or illegally subdivided properties.

9.3.5 As adjacent territory is annexed into the City, the existing street names and addresses in the newly annexed areas shall be reviewed by the City and modified as necessary to eliminate duplication of street names already existing within the City, and to ensure that all addresses follow the numbering sequence existing in the City.

SECTION 10. STREET AND ALLEY IMPROVEMENTS

10.1 RESPONSIBILITY OF DEVELOPER

All on-site street improvements shall be constructed by the developer at the developer's expense, unless otherwise allowed by this Ordinance. If the subdivision is adjacent to a planned or future or substandard arterial or collector street, as shown on the City's Transportation Plan, on adoption, and derives access, whether direct or indirect, from said roadway, then the developer shall be required to design and construct a reasonable portion of the roadway as well as any required median openings and left turn lanes needed to serve his or her subdivision. The City Council may, at its option, accept escrow funds, as described in this Ordinance, in lieu of immediate roadway construction if the subdivision derives principal access from another improved roadway and if delaying construction or improvement of the road will not harm or otherwise inconvenience neighboring property owner or the general public.

10.2 CONSTRUCTION REQUIREMENTS

10.2.1 All streets and alleys shall be constructed using the materials, products and procedures outlined in the specifications of the TCSS.

10.2.2 The minimum street and alley paving standards are those contained in the TCSS.

10.3 BARRIER-FREE RAMPS

Barrier-free ramps for physically challenged persons shall be constructed at all street corners, driveway approaches, appropriate mid-block crosswalks, and in locations where accessible parking spaces are provided. All barrier-free ramps and other accessibility considerations shall comply with Section 228 of the Highway Safety Act, as amended, and with the Americans with Disabilities Act (ADA), as amended.

10.4 SIGNS AND BARRICADES

All signs and barricades shall be in conformity with ADA standards, and with specifications for uniform traffic-control devices, as adopted by the City, by County, by the Texas Department of Transportation, and by the Texas Department of Public Safety, as applicable.

10.5 DRIVEWAY CONNECTIONS

Approval is required prior to the installation of any driveway connecting to a public street. Shared access driveways are encouraged for non-residential use. The minimum distance, as measured from the edge or curb to the edge or curb of driveways (not from the centerlines of the driveways) between driveway openings for multifamily and nonresidential developments shall be as set forth in the TCSS Manual. Driveways shall not be within the transition or stacking portion of a right turn lane and shall be no closer than one hundred feet (100') to an intersecting thoroughfare or arterial and no closer than fifty feet (40') to an intersecting residential or collector street.

10.6 ADJACENT (PERIMETER) STREETS

10.6.1 The developer's share of improvements to a substandard perimeter road shall be 50% of roadway and drainage conveyance requirements as established in the Drainage and Transportation Ordinance on adoption, if any along the entire front footage of the subdivision, unless the traffic impact analysis, if required, indicates that some other pavement width is needed to achieve and maintain an acceptable level of service on the roadway.

10.6.2 If the subdivision is to be located on both sides of the roadway, 18 feet of pavement shall be constructed by the developer on each side of the road along the entire front footage of the subdivision on each respective side of the road, unless the traffic impact analysis determines otherwise. Design and construction of the roadway shall be in accordance with the City's Transportation Plan, on adoption, on adoption, with respect to right-of-way width and general location, the TCSS Manual, and with any other applicable City codes and ordinances. Depending upon the specific roadway in question, and upon the traffic impact analysis results, any oversizing above the 18-foot width shall be borne by the City, the County, the State or other entity.

10.6.3 The City may permit the developer to post fiscal surety in lieu of construction where construction is not deemed as imminent. The surety shall be held by the City for a period of ten years. If the

road construction has not been completed with the ten-year period, the fiscal surety shall be released.

SECTION 11. ALLEYS; EASEMENTS

11.1 ALLEYS

11.1.1 Service alleys in nonresidential areas, if provided or constructed by the developer, shall be a minimum right-of-way width of 30 feet and a pavement width of 24 feet.

11.1.2 Residential alleys shall be permitted in residential areas within the City and its ETJ under the following standards:

(a) In residential areas, alleys shall be parallel, or approximately parallel, to the frontage of the street, and to the rear of the lot, but not adjacent to any street.

(b) Alleys in residential areas shall provide for one-way alleys a minimum of 15 feet of right-of-way and 10 feet of pavement and for two-way alleys a minimum of 30 feet of right-of-way and 24 feet of pavement.

11.1.3 General Alley Design Standards

11.1.3.1 Alleys shall be paved in accordance with the City TCSS and construction standards that are in effect at the time the Preliminary Plat or replat application is officially submitted and deemed a complete application.

11.1.3.2 Where the deflection of alley alignment occurs, the design of the paving and property line shall be as established by the TCSS.

11.1.3.3 Dead-end or "hammerhead" alleys shall not be allowed. Alleys must have adequate turnouts and street entrances such that vehicular traffic flow is continuous and efficient. Where a temporary dead-end alley situation is unavoidable, a temporary turnaround bulb or turnout onto a street, either of which will need a temporary easement for street or alley purposes, shall be provided as determined by the City Engineer.

11.1.3.4 Alleys may not exceed a maximum length of 1,600 feet, as measured along the centerline of the alley and between intersections with other alleys or entrances onto streets at the right-of-way line of the street at the alley entrance. The P&Z may recommend, and the City Council may approve, waivers for over-length alleys upon consideration of the following:

(a) Alternative designs which would reduce alley length;

(b) The effect of over-length alleys upon access, congestion, delivery of municipal services, and upon convenience to residents of the subdivision in accessing rear driveways and in driving around to the front of their homes; and

(c) Means of mitigation, including but not limited to additional mid-block alley turnouts, limitation on the number of lots to be served along a single alley segment, temporary points of access, and additional fire protection measures.

11.2 EASEMENTS

11.2.1 The width of easements for utility and service providers, to include for water, sewer, gas, electric, telephone or cable television, shall be as required by that particular entity. The City Engineer is authorized to establish the requirements under this section for a City utility, drainage, or service easement. It shall be the applicant's responsibility to determine appropriate easement widths required by utility companies and service providers. Wherever possible, easements shall be centered or along front or side lot lines rather than across the interior or rear of lots, particularly where no alleys will be provided behind the lots.

11.2.2 Where a subdivision is traversed by a watercourse, drainageway, or channel, there shall be provided a storm drainage easement or right-of-way conforming substantially with the 100-year floodplain of such course and of such additional width as may be designated by the City Engineer, subject to determination according to proper engineering considerations. The required width shall conform to the requirements set forth by the Federal Emergency Management Agency (FEMA), the U.S. Army Corps of Engineers, and/or the City. Parallel streets or parkways shall be required adjacent to certain portions of creek[s] or drainageways to provide maintenance access and/or public access and visibility into public open space or recreation areas. The number of lots that back or side onto creeks, drainageways, public parks and open spaces, and public-school sites shall be limited, and such that public access, visibility, safety and security within these areas are maximized. Other utilities may be permitted within a drainage or floodway easement only if approved by the City Engineer and any other applicable entity requiring the drainage or floodway easement.

11.2.3 A lot's area shall be computed inclusive of all easements. However, there shall be a minimum buildable area, exclusive of required easements, buffer zones and setbacks for each lot. The minimum buildable area shall be an area one-half of the required minimum lot size. If the City disputes the buildable area of any lot, the applicant shall submit verification in writing that the buildable area is adequate for the type of housing product (or nonresidential building) proposed for that lot. Final approval of the allowed buildable area for any lot shall be by the City.

11.2.4 Where alleys are not provided in a residential subdivision, a minimum 10-foot-wide utility easement shall be provided along the front of all lots, adjacent to and flush with the street right-of-way line for the potential placement of utility facilities.

11.2.5 For new development, all necessary on-site easements shall be established on the subdivision plat and not by separate instrument, and they shall be labeled for the specific purpose, and to the specific entity if other than the City, for which they are being provided. Examples include, but are not limited to, the following: a water, sanitary sewer or drainage easement, which is dedicated to the City or to the water or sanitary sewer line or for a drainage structure; an access easement, which is dedicated to the public for unrestricted access purposes; a fire lane easement, which is dedicated to the City and the ESD for fire suppression and emergency medical service access purposes; an electrical, gas, cable TV or telephone easement, which is dedicated to the specific utility provider that requires the easement; and so on.

SECTION 12. SIDEWALKS

12.1 REQUIREMENTS

These requirements shall apply to all development within the City and its ETJ:

(a) Improvements must comply with the Texas Department of Licensing and Regulation standards and review.

(b) Pedestrian concrete walkways (sidewalks) not less than four feet (4') wide shall be required within a residential subdivision on both sides of collector and arterial streets without open ditch drainage.
(c) Sidewalks not less than five feet (5') wide shall be provided within all nonresidential developments, as set forth in the TCSS Manual and in applicable state standards.
(c) Barrier-free ramps shall be constructed at all street intersections and at any other locations deemed appropriate by the City due to anticipated pedestrian travel patterns.

12.2 ROADWAY ARTERIALS

All sidewalks along a perimeter roadway or arterial are considered part of the overall developments required public improvements and shall be installed prior to acceptance of the subdivision by the City and prior to final plat approval, unless security or other form of financial guarantee in accordance with this Ordinance is provided. In any event, a Certificate of Occupancy will not be issued for any lot within the subdivision until the required sidewalks are in place or appropriate security or guarantee is provided.

SECTION 13. BLOCKS

13.1 LENGTH, WIDTH AND SHAPE

The length, width and shapes of blocks shall be determined with due regard to:
(a) Provision of adequate building sites suitable to the special needs of the type of use contemplated;
(b) Zoning requirements as to lot sizes, setbacks and dimensions (if within the City's city limits);
(c) Needs for convenient access, circulation, control and safety of street traffic and for pedestrians or bicyclists traveling to a public park or school site or other facility within or close to the neighborhood; and
(d) The provisions set forth in subsections 7.19. 7.20, 7.21 and 7.22 and any other applicable provision of this Ordinance.

13.2 INTERSECTING STREETS

13.2.1 Residential intersecting streets, which determine the lengths and widths of blocks, shall be
provided at such intervals as to serve cross-traffic adequately, to provide adequate fire protection, and to conform to customary subdivision practices. Where no existing subdivision or topographical constraints control, the block lengths shall not exceed one thousand two hundred feet (1,200') in length. Where no existing subdivision or topographical constraints control, the blocks shall not be less than four hundred feet (400') in length; however, in cases where physical barriers or property ownership creates conditions where it is appropriate that these standards be varied, the length may be increased or decreased (through issuance of a waiver by the City Council with plat approval) to meet the existing conditions having due regard for connecting streets, circulation of traffic and public safety.

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provided at such intervals as to serve cross-traffic adequately, to provide adequate fire protection, and to conform to customary subdivision practices. Where no existing subdivision or topographical constraints control, the block lengths shall not exceed one thousand two hundred feet (1,200') in length. Where no existing subdivision or topographical constraints control, the blocks shall not be less than four hundred feet (400') in length; however, in cases where physical barriers or property ownership creates conditions where it is appropriate that these standards be varied, the length may be increased or decreased (through issuance of a waiver by the City Council with plat approval) to meet the existing conditions having due regard for connecting streets, circulation of traffic and public safety.

13.2.2 Arterial intersecting streets, where no existing subdivision or topographical constraints control, the block lengths shall not exceed two thousand six hundred thirty feet (2,630') in length. In cases where physical barriers or property ownership creates conditions where it is appropriate that these standards be varied, the length may be increased or decreased (through issuance of a waiver by the City Council with plat approval) to meet the existing conditions having due regard for connecting streets, circulation of traffic and public safety.

SECTION 14. LOTS

14.1 LOT SIZE REQUIREMENTS

14.1.1 Within City Limits. Lots within the city limits shall conform to the minimum requirements of the established zoning district contained in the City's Zoning Ordinance.

14.2 FRONTAGE

Each lot on a subdivision plat shall front onto a dedicated, improved public street unless platted as an approved private street subdivision in accordance with this Ordinance. Lot width and access shall conform to the provisions of the City Zoning Ordinance (if within the city's limits), comprehensive plan, on adoption, and any other applicable City code or ordinance.

14.3 IRREGULAR SHAPED LOTS

Irregular-shaped lots shall have sufficient width at the building line to meet lot width and frontage requirements of the appropriate zoning district (if within the City’s city limits) and shall provide a reasonable building pad without encroachment into front, side or rear yard setbacks or into any type of easement. Also, the rear width shall be sufficient to provide access for all necessary utilities, including access for driveways and solid waste collection when alleys are present (minimum 20-foot alley frontage). In general, triangular, severely elongated or tapered, “flag” or “panhandle” lots shall be avoided, and the City reserves the right to disapprove any lot which will not be suitable or desirable for the purpose intended, which is an obvious attempt to circumvent the purpose and intent of lot configuration or lot width minimums, or which is so oddly shaped as to create a hindrance to the logical lot layout of surrounding properties.

14.4 SIDE LOTS

Side lot lines shall be at ninety-degree (90º) angles or radial to street right-of-way lines to the greatest extent possible.

14.5 DOUBLE FRONTAGE

Double frontage lots shall be avoided, except where they may be essential to provide separation of residential development from traffic arterials or to overcome a specific disadvantage or hardship imposed by topography or other factors. Where lots have double frontage, building setback lines shall be established for each street side, and rear yard screening shall be provided.

SECTION 15. BUILDING LINES

15.1 MINIMUM BUILDING SETBACK LINES

15.1.1 Front, rear, side and street side building lines shall be shown on a concept plan and on any type of plat for all lots and shall be consistent with the Zoning Ordinance requirements for the district in which the development is located (if subject to the City's zoning regulations) and with any other applicable City ordinance, respectively.

15.1.2 For property that is not subject to the City's zoning regulations, such as property within the City's ETJ, the minimum front building line for residential and nonresidential lots shall be thirty feet (30'), the minimum side building lines for residential and nonresidential lots shall be ten feet (10'), and the minimum rear building lines for residential and nonresidential lots shall be twenty-five feet (25').

15.1.3 Notwithstanding any provision in the Zoning Ordinance, the minimum building setback from lot boundaries adjacent to the following street rights-of-way shall be:
(a) Setback from boundary adjacent to freeway (without frontage road in place): forty feet.
(b) Setback from boundary adjacent to freeway (with frontage road in place): thirty feet.
The requirements in this section shall supersede any different provisions contained in the Zoning Ordinance and it is intended that this provision is controlling.

SECTION 16. UTILITIES

16.1 DEFINITIONS

For purposes of this section, the following meanings shall apply:

"Utility services" - The facilities of any person, firm or corporation providing water, sanitary sewer, electric, natural gas, telephone, cable television, or any other such item or service for public use approved but not provided by the City.

"Feeder or feeder/lateral line" - High voltage supply electric lines carrying more than 12,000 volts that emanate from substations used to distribute power through an area to an unspecified number of customers.

"Lateral lines" – Electric, telephone or cable lines used to distribute the service from a feeder line to a single subdivision. These lines are normally connected to a feeder line through a sectionalizing device such as a fuse.

"Service lines" – Electric, telephone or cable lines used to connect between the utilities' supply system or lateral lines and the end user's meter box.

16.2 PROVISION FOR UTILITY AND SIMILAR SERVICES

16.2.1 Underground Placement. All major subdivision plats and engineering plans submitted to the City for approval for residential subdivision lots less than one-half acre in size shall provide for the underground placement of utility services such as electrical, gas, telephone and cable television utility lines, including lateral and service distribution lines and wires. Feeder and major transmission lines may remain overhead within the appropriate easements. However, when the City Engineer and the City determine that there exists sufficient space or easements and the infrastructure may be modified appropriately, the City may require that feeder lines are placed away from major or minor thoroughfares or arterials, as shown on the Transportation Plan, on adoption. Unless authorized by the City, City Engineer and utility company, feeder lines which are to be placed overhead shall not be placed along both sides of the street right-of-way.

16.2.2 Easements. Verification of acceptance of easement locations and widths by the public utilities shall be provided to the City, by the applicant, prior to final plat approval by the City Council

16.2.3 Letter of Commitment. The applicant shall also, prior to final plat approval, provide a Letter of Commitment from each of the applicable utility service providers, who will serve the development that said providers will ensure the provision of necessary infrastructure and service to all portions of the proposed development within twelve (12) months following final plat approval. Failure to submit such Letters of Commitment from the providers shall constitute grounds for denial of the final plat application on the basis that there is no written assurance that the development can be served by essential utility and other services.

16.3 EASEMENTS

The locations, widths and configurations of easements for any service provider other than the City shall be determined, approved and acquired (if necessary) by the applicable service provider.

16.4 EASE OF ACCESS

Services for utilities, water and wastewater shall be made available to the property line of each lot in such a manner as will minimize the necessity for disturbing the street pavement and drainage structures when connections are made.

SECTION 17. WATER, WASTEWATER, STORMWATER

17.1 PLAT APPROVAL

No final plat shall be approved for any subdivision within the City or its ETJ until the applicant has made adequate provision for a water system and sanitary sewer system of sufficient capacity to adequately provide service to all tracts and lots, individually or collectively, within the area to be subdivided. The design and construction of the public water system and of the sanitary sewer system to serve the

subdivision shall be in conformance with the standards and regulations of the City, the utility providers and the TCSS and shall be approved by the City Engineer. The final plat shall be accompanied by an engineering report regarding the availability and methodology of providing wastewater treatment service prepared, meeting the requirements of the DSC, and bearing the signed and dated seal of a professional engineer registered in the State of Texas.

17.2 WATER

17.2.1 Public Water Supply. Public water supply for all new subdivisions shall be connected with the appropriate publicly certified water system, shall have RPZ backflow prevention installed, and shall be capable of providing water for health and emergency purposes, including fire protection. Where the water distribution system is not planned to be extended, all necessary water facilities shall be provided by and at the expense of the subdivider.

17.2.2 Individual Wells. Individual wells within the corporate city limits shall be discouraged. Individual wells may be used for irrigation purposes only and in accordance with the rules of TCEQ, County and the water district, whichever is the most stringent.

17.2.3 Alternative Water Sources. Alternative sources of water for uses other than drinking, such as rainwater collection systems, are allowed. An alternative source of water for uses other than public drinking may be used subject to City approval and provided that all appropriate permits are procured from the City, the U.S. Army Corps of Engineers, the TCEQ, USFWS, and any other applicable agency(s).

17.2.4 Minimum Standards. A water system with mains of sufficient size and having a sufficient number of outlets to furnish adequate and safe domestic water supply and to furnish fire protection to all lots shall be provided. Water lines shall extend to the property line in order to allow future connections into adjacent undeveloped property, and a box for the water meter(s) for each lot shall be installed either in the right-of-way or immediately adjacent to the right-of-way in a water meter easement.

17.2.5 Design Standards. The design and construction of water system improvements and alternative water sources shall comply with the following standards:

(a) Design and construction of water service shall be in accordance with the standards in the City's TCSS Manual, and in accordance with TCEQ, County whichever is the most stringent requirement.

(b) Design and construction of an alternative water source on the site shall be in accordance with applicable regulations of the USFWS, TCEQ, County, and the utility provider, whichever is the most stringent requirement.

(c) Design and construction of a fire protection and suppression system shall be in accordance with the standards in the TCSS Manual, and in accordance with the ESD's applicable Fire Code.

17.2.6 Where a public water system is installed, upon certification that municipal water extensions and associated facilities have been completed in conformance with applicable standards and specifications, such extensions and facilities shall be dedicated to and accepted by the utility.

17.3 WASTEWATER

17.3.1 Wastewater System. Wastewater treatment for all new subdivisions shall be served by an appropriate public wastewater collection and treatment system. The design and construction of the wastewater system improvements shall be in accordance with the standards in the City's TCSS Manual, and in accordance with TCEQ, County, and the utility provider, whichever is the most stringent requirement. The subdivider shall install and pay for all municipal wastewater extensions and associated facilities in accordance with all standards required by this title, the utility provider rules and regulations and all City ordinances,

17.3.2 Requirements. The applicant shall be responsible for:

(a) Phasing of development or improvements in order to maintain adequate wastewater services;
(b) Extensions of wastewater lines to connect to existing wastewater services, said extensions to be coordinate with respective utility providers for offsite improvements;
(c) Providing and/or procuring all necessary easements for wastewater services (whether on-site or off-site);
(d) Providing proof to the City of adequate wastewater service;
(e) Providing provisions for future expansion of wastewater services if such will be needed to serve future developments, subject to the City's oversize participation policies, if applicable;
(f) Providing all operations and maintenance of the wastewater services, or providing proof that a separate entity will be responsible for the operations and maintenance of the water and wastewater services;
(g) Providing all fiscal security required for the construction of the wastewater services;
(h) Obtaining approvals from the applicable providers if other than the City; and
(i) Complying with all requirements of the providers, including the City;
(j) Record drawings; and
(k) Replacing lines in order to comply with the water and wastewater master plans and design standards.

17.3.3 Installation. All lines and facilities shall be installed within a public right-of-way or easement designated for public utility wastewater access.

17.3.4 Extensions. Extension of wastewater lines shall be made along the entire frontage of the subdivision adjacent to a street or thoroughfare. If the subdivision is not adjacent to a thoroughfare, the extension of water and wastewater lines shall be accomplished in such a manner as to allow future connections to said utilities by new subdivisions. If new subdivisions will never be constructed beyond a developing subdivision due to physical constraints, the City Council may waive the requirement for adjacent water and wastewater line construction at the time of Preliminary Plat approval and prior to construction of the subdivision.

17.3.5 Other Wastewater Utilities. Installation, operations and maintenance of wastewater services or utilities not specifically referenced herein shall comply with regulations of the USFWS, TCEQ, County, and the utility standards, and with any other applicable State rules and regulations, whichever is the most stringent requirement.

17.3.6 Dedication. Upon certification that the wastewater extensions and associated facilities have been completed in accordance with applicable standards and specifications, such extensions and facilities shall be dedicated to the utility provider.

17.3.7 Reuse of Effluent. The City may enact programs to encourage the reuse of effluent by individual property owners on residential tracts. Any proposal for sewage collection, treatment and disposal which includes reclaimed water reuse shall meet the minimum criteria of the Texas Administrative Code (TAC).

17.4 STORMWATER AND DRAINAGE SYSTEMS

17.4.1 System Required.

(a) No subdivision shall be approved which does not make adequate provision for storm or flood water runoff. The storm water drainage system shall be separate and independent of any sanitary sewer system. Storm sewers, where required, shall be designed by such methods as are approved by the City Engineer. Inlets shall be provided so that surface water is not carried across or around any intersection, or for a distance of more than six hundred feet (600') in the gutter. When calculations indicate that curb capacities are exceeded at a point, no further allowance shall be made for flow beyond that point, and basins shall be used to intercept flow at that point.

(b) The project engineer May incorporate the flow reduction benefits of existing upstream detention facilities, following field investigations and hydrologic analysis. Previously approved construction plans of the upstream detention facilities do not suffice as an adequate analysis.

17.4.2 System Design Requirements. Drainage improvements shall accommodate runoff from the upstream drainage area in its anticipated "build-out" condition and shall be designed to prevent overloading the capacity of the downstream drainage system. The City may require the phasing of development, the use of control methods such as retention or detention, or the construction of off-site drainage improvements in order to mitigate the impact of the proposed development. Any stormwater collection system constructed shall be designed in accordance with the City's TCSS Manual and the Drainage Design Manual by a licensed professional engineer, shall be reviewed and approved by the City Engineer, and shall also be in accordance with the City of Uhland Flood Damage Prevention Ordinance, or the County Flood Damage Prevention Ordinance, as applicable. All plans submitted to the City Engineer for approval shall include a layout of the drainage system together with supporting calculations for the design of the system. In the case of a conflict between the provisions in the TCSS Manual and the Drainage Design Manual, the provisions in the TCSS Manual shall control as determined by the City Engineer.

17.4.3 Controls. All erosion and sedimentation controls shall conform to the TCSS Manual and the Drainage Design Standards.

17.4.4 Study Required for Rerouting. No person, individual, partnership, firm or corporation shall deepen, widen, fill, reclaim, reroute or change the course or location of any existing ditch, channel, stream or drainageway without first obtaining written permission of the City Engineer and any other applicable agency (such as FEMA, the U.S. Army Corps of Engineers, the County, the Plum Creek Conservation District or the utility having jurisdiction. The City Engineer may, at his or her discretion, require preparation and submission of a FEMA or flood study for a proposed development if there are concerns regarding storm drainage on the subject property or upstream or downstream from the subject property. The costs of such study, if required, shall be borne by the developer.

17.4.5 Natural Layout. In order to help reduce stormwater runoff, and resulting erosion, sedimentation and conveyance of nonpoint source pollutants, the layout of the street network, lots and building sites shall, to the greatest extent possible, be sited and aligned along natural contour lines, and shall minimize the amount of cut and fill on slopes in order to minimize the amount of land area that is disturbed during construction.

17.4.6 Drainage Flow. No cross-street flow (*i.e.,* perpendicular to traffic flow) of stormwater runoff shall be permitted unless approved by the City Engineer. When and if such drainage flow is allowed, it must be across a concrete street (*i.e.,* valley gutter) and as approved by the City Engineer.

17.4.7 Design and Construction. All stormwater retention or detention facilities (e.g. basins) shall be designed and constructed using materials and techniques as established in the City's TCSS Manual and the Drainage Design Standards or as may be required by the City Engineer.

17.4.8 Storm Sewer System. An adequate storm sewer system consisting of inlets, pipes and other underground structures with approved outlets shall be constructed where runoff of stormwater and the prevention of erosion cannot be accomplished satisfactorily by surface drainage facilities. Areas subject to flood conditions or inadvertent stormwater retention, such as standing or pooling water, as established by the City Engineer, will not be considered for development until adequate drainage has been provided.

17.4.9 Storm Water Facilities.

(a) Criteria. Drainage areas may only be diverted artificially to adjacent properties or across roadways with appropriate easements.

(b) Location. The subdivider shall be required by the City Engineer to carry away by pipe or open ditch any spring or surface water that may exist either previously to, or as a result of the subdivision. Such drainage facilities shall be located in the road right-of-way where feasible, or in perpetual unobstructed easements of appropriate width, and shall be constructed in accordance with City's TCSS Manual and the Drainage Design Standards.

(c) Accommodation of Upstream Drainage Areas. A culvert or other drainage facility shall in each case be large enough to accommodate potential pass through runoff from its entire upstream area, whether inside or outside the subdivision. The City Engineer shall determine the necessary size of the facility, based on the provisions of the City's TCSS Manual and the Drainage Design Standards and specifications assuming conditions of maximum potential watershed development.

17.4.10 Dedication of Drainage Easements. Where a subdivision is traversed by a watercourse, drainageway, channel, or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially to the lines of such watercourse, and of such width and construction as will be adequate for the purpose.

(a) Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within road rights-of-way, perpetual unobstructed easements at least fifteen feet (15') in width for such drainage facilities shall be provided across property outside the road lines and with satisfactory access to a road. Drainage easements shall be carried from the road to a natural watercourse or to other drainage facilities.

(b) When the proposed subdivision drainage system will carry water across private land outside the subdivision, appropriate drainage rights must be secured. Stormwater drainage from one lot onto another shall not be allowed unless such does not pose any harm or inconvenience to the downstream lot(s) and such drainage has been reviewed and approved by the City Engineer.

(c) The subdivider shall dedicate, by drainage easement, land on both sides of existing watercourses to a distance to be determined by the City Engineer.

17.4.11 Proper Operating Function. The developer shall ensure that all drainage improvements within public easements or rights-of-way are functioning properly prior to the expiration of the

maintenance bond. The developer shall be responsible for removing any significant build-up of sediment or debris from drainage improvements, with the exception of back-lot and side-lot drainage swales, at the eleventh (11th) month of the second year for the required two-year maintenance bond for the applicable facilities. The City shall inspect the improvements to determine any maintenance or correction of deficiencies at the conclusion of this period.

SECTION 18. PUBLIC SITES AND OPEN SPACES

18.1 AREAS FOR PUBLIC USE

The applicant shall give consideration to suitable and adequate sites for schools, parks, playgrounds, and other areas for public use or service so as to conform with the recommendations contained in the City's Comprehensive Plan, Park and Open Space Plan, on adoption, and other applicable plans, on adoption. Any provision for schools, parks or other public facilities shall be indicated on the preliminary and final plat and shall be subject to approval by City Council.

18.2 PROTECTION OF DRAINAGE AND CREEK AREAS

18.2.1 Preservation. All creeks, low-lying lands along watercourses subject to flooding or overflowing during storm periods, and other drainage areas shall preserve their flood carrying capacity and protect the natural condition where possible. All development adjacent to creeks and drainage areas shall be in accordance with the City's TCSS Manual, and with any other City policies or ordinances related to aesthetics or public access or enjoyment of creeks, and waterways.

18.2.2 Federal Emergency Management Agency Compliance. All development activity within the regulatory floodplain must comply with the city's and the Federal Emergency Management Agency (FEMA) floodplain management regulations.

18.2.3 Floodway Management Area (FMA). The definitions for "floodway" and "floodway fringe" shall correspond to those set forth by the Federal Emergency Management Agency (FEMA). For purposes of the National Flood Insurance Program, the concept of a floodway is used as a tool to assist the local community in the aspect of floodplain management. Under this concept, the area of the 100-year flood is divided into a floodway and floodway fringe. The floodway is the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment in order that the 100-year flood may be carried without substantial increases in flood heights as defined by FEMA. The area between the floodway and boundary of the 100-year flood is termed the floodway fringe. The floodway fringe area cannot be reclaimed (elevated, infilled) for development. For exceptions to this, refer to the City's Flood Damage Prevention Ordinance.

18.2.4 Definition. For the purposes of this section, the Floodway Management Area will correspond to the floodway, as defined by FEMA, or as may be modified pursuant to a flood study that is approved by FEMA.

18.2.5 Areas Where an FMA is Required. All drainage areas or regulated floodways as referenced on the applicable floodway and flood boundary map (*e.g.,* Flood Insurance Rate Map, or FIRM) shall be included in the FMA. If FEMA does not specify a floodway zone in any of the creeks or their tributaries, it shall be the developer's responsibility to establish and identify the FMA. The determination shall be made by a licensed professional engineer and approved by the City

Engineer. Where improvements to a drainage area are required by other ordinances of the City for the purpose of safety or other reasons related to drainage, those ordinances shall also be observed. The FMA is intended to apply to a creek or channel which is to remain open or in its natural condition. The creek shall remain in its natural state unless improvements are permitted or required by the City due to the pending development of properties adjacent to or upstream of the required improvements.

18.2.6 Ownership & Maintenance of the FMA. The area determined to be the FMA shall be designated on both the Preliminary Plat and Final Plat. Approximate locations shall be shown on zoning change requests and concept plans. Accurate locations of the FMA shall be established on the Preliminary Plat and Final Plat prior to site construction. At the City's option, the FMA shall be protected by one of the following methods:

(a) Dedicated to the City of Uhland; or

(b) Easement(s). Creeks, arroyos or drainageways on tracts which have private maintenance provisions, other than single-family or two-family platted lots, can be designated as the FMAs by an easement to the City on the Preliminary Plat with the appropriate plat language, as required by the City. Subdivisions with platted single-family or two-family lots may designate the FMA by easement provided there are adequate access and maintenance provisions (such as by a mandatory homeowner association), but no lots or portions of lots may be platted in the easement portion required for access unless specifically allowed by the City Engineer. The area designated as FMA may be identified by a tract number; or

(c) Certain recreational uses normally associated with or adjacent to flood-prone areas such as golf courses or certain types of parks, excluding structures, in the FMA. The uses allowed shall be in conformance with the Zoning Ordinance and the Parkland Dedication Ordinance, and shall be approved by the P&Z and City Council.

Prior to acceptance of any drainageway as a FMA by the City, the area shall be cleared of all debris and brush, except for mature trees, and placed in a maintainable state. Floodway management areas dedicated to the City shall be left in a natural state except those areas designated for active recreational purposes and unless storm drainage requirements do not permit this to occur.

18.2.7 Design Criteria. The following design criteria shall be required:

(a) Adequate access shall be provided for public and/or private maintenance. An unobstructed area a minimum of twenty feet (20') wide with a maximum 5:1 slope (five feet horizontal to one foot vertical), the length of the floodway, shall be provided adjacent to or within the FMA. On the opposite side of the drainage area, an unobstructed area having a minimum width of five feet (5') shall be provided.

(b) Lots in a single-family or duplex residential zoning district shall not be platted within the floodway If lots back or side onto a floodway, at least two (2) reasonable points of access to the floodway shall be provided Lots used for multifamily dwellings may be platted in a floodway easement and is maintained as open space for use by the residents and provided that access is possible.

(d) Alternate designs to facilitate equal or better access may be permitted if approved by the P&Z and City Council.

18.2.8 Drainage areas which have been altered and are not in a natural condition can be exempted from this section at the discretion of the City Council and upon recommendation by the P&Z.

18.3 PROPERTY OWNER'S OR HOMEOWNER'S ASSOCIATIONS

18.3.1 Applicability. When a subdivision contains either common open space or other improvements which are not intended to be dedicated to the City for public use, such as drainage channels, detention ponds, private streets, a private recreation facility, landscaped entry features or other private amenities, a property owners' or homeowners' association agreement consistent with State and other appropriate laws, must be submitted to and approved by the City and the City Attorney.

18.3.2 Conditions. The Conditions, Covenants and Restrictions (CCRs) and the association documents, such as the articles of incorporation and association bylaws, shall be submitted to the City for review and approval along with the final plat application, and shall be filed of record at the County simultaneously with the final plat in order to ensure that there is an entity in place for long-term maintenance of these improvements. Said documents must, include provisions which allow the City, at its discretion, to take over the maintenance of common property, including but not limited to private streets and private recreation facilities, using association funds, if such action becomes necessary due to nonperformance or inaction by the association or if the association goes defunct. Provisions shall also be included which would, convey ownership of the private streets, if any, and all other common areas to the City, and which would allow the City to remove any improvements from the common areas and sell any buildable land area to recoup the City's expenses. Any monies that remain after the City has recovered all of its expenses shall be retained for future maintenance or upgrading of the streets, common areas, if any remain, screening walls, or other improvements within the subdivision.

18.3.3 The scope of review by the City is limited to the items described in this section. Home owner dues rates, structure and day-to-day administrative prescriptions are specifically excluded from City oversight.

18.4 PARKLAND AND PUBLIC FACILITY DEDICATION

18.4.1 Sites. The applicant shall give consideration to suitable sites for parks, playgrounds and other areas for public use so as to conform with the recommendations of any City Park and Open Space Plan, on adoption. Any provision for parks and public open space areas shall be indicated on the preliminary and final plat and shall be subject to approval and acceptance by the City Council.

18.4.2 Dedication or Fee-in-lieu of. Applicants shall dedicate parkland, and/or render money in lieu of land donations, in accordance with the City's Park and Open Space Ordinance on adoption, as amended.

SECTION 19. SURVEYING MONUMENTS

19.1 PLACEMENT

The surveyor responsible for the plat shall place permanent monuments in accordance with the standards of the state board of registration for professional land surveyors.

19.2 MINIMUM

The location of monuments shall be shown on the final plat. All lot corners and street rights-of-way shall be set with a marker of a permanent nature (i.e., iron rod, pipe, etc.). All monuments shall be in place at the time of acceptance of utilities and streets.

SECTION 20. RETAINING WALL CRITERIA

20.1 REQUIREMENTS

In general, the use of retaining walls shall be minimized, wherever possible, through minimal and balanced cut and fill on property.

20.2 DESIGN AND CONTRUCTION

Any use of retaining walls or similar construction shall be indicated on the preliminary plan and the city engineer may require construction plans.

20.3 MAINTENANCE

Provision for maintenance of retaining walls shall be by the owner of the property whereon such retaining wall is located, property owners' association, or license agreement with the City.

20.4 EASEMENTS

Retaining walls shall not be constructed within any portion of a public utility, water, wastewater, drainage, or right-of-way easement, unless approved by the City Engineer and properly permitted by the City.

SECTION 21. FIRE PROTECTION

21.1 REQUIREMENTS

21.1.1 Placement. Fire protection shall be provided in accordance with this Ordinance, with the International Fire Code, the City's TCSS Manual, and with any other City policy or ordinance pertaining to fire protection or suppression. The Fire Chief shall have the authority to approve the locations and placement of all fire hydrants and fire lanes and the Chief may, at the Chief's discretion, modify fire hydrant spacing or fire lane placement based upon special design or distance circumstances.

21.1.2 Fire Lanes. All required fire lanes shall be shown as "fire lane easements" on the construction and final plats, along with the applicable fire lane language block. Vertical construction (*i.e.,* any building construction above foundation/slab level) shall not commence until all required fire lanes are properly installed and accepted by the City, nor until all fire hydrants have been installed, inspected, tested and accepted by the City or the ESD.

21.1.3 Installation of Water Facilities. The developer shall install adequate water facilities, including fire hydrants, in accordance with the current rules and regulations for public water systems of the TCEQ, the rules and regulations of the utility provider and the Emergency Services District, the firefighting standards of the Texas Board of Insurance, and the standards and specifications of the City.

SECTION 22. WAIVERS AND VARIANCES

22.1 PRESUMPTION

There shall be a presumption against waivers.

22.2 FINDINGS REQUIRED

Where the City's P&Z recommends, and the City Council finds, that undue hardships will result from strict compliance with a minimum standard provision(s) of this Ordinance, or where the purposes of these regulations may be served to a greater extent by an alternative proposal, the City Council may approve a waiver or variance from any portion of these regulations so that substantial justice may be done and the public interest is secured, provided that the action shall not have the effect of nullifying the intent and purpose of these regulations, and further provided that the City Council shall not approve a waiver or variance unless it shall make findings based upon the evidence presented to it in each specific case that:

(a) Granting will not be detrimental to the public safety, health or welfare, and will not be injurious to other property or to the owner of other property, and the waiver will not prevent the orderly subdivision of other property in the vicinity;
(b) The conditions upon which the request is based are unique to the property for which the waiver is sought, and are not applicable generally to other property;
(c) Because of the particular physical surroundings, shape and/or topographical conditions of the specific property involved, a particular hardship to the property owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out;
(d) The waiver or variance will not vary the provisions of the Zoning Ordinance or Comprehensive Plan, on adoption, or any other adopted plan(s) or ordinance(s) of the City;
(e) Public roads and easements are sufficient and adequate to service the subdivision and not adversely impact the sufficiency and adequacy of public roads or easements;
(f) The waiver or variance will not be detrimental to proper drainage;
(g) The waiver or variance will not be detrimental to emergency vehicle response time, vehicular access, and pedestrian passage; and
(h) An alternate design will generally achieve the same result or intent as the standards and regulations prescribed herein.

Such findings of the City Council, together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the City Council meeting at which a waiver or variance is considered. A waiver or variance from any provision of this Ordinance may be granted only when the public health, safety and welfare may be secured, and substantial justice done. Pecuniary or financial hardship to the applicant, property owner or developer, standing alone, shall not be deemed sufficient to constitute undue hardship.

22.3 PROCEDURES

22.3.1 The applicant shall file a petition for a waiver or variance.

22.3.1.1 The petition shall be submitted in writing by the property owner at the same time the preliminary plat application is submitted for the consideration of the P&Z. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner. The City may allow the filing of an application prior to the time of the preliminary plat application when the applicant demonstrates that a decision on the waiver is necessary for the proper completion of the preliminary plat. No vested rights accrue solely from the filing of an application for a waiver.

22.3.1.2 Where a hardship is identified during concept plan review pursuant to this Ordinance which requires issuance of a waiver or variance from a provision in this ordinance, a petition for a conditional (or temporary) waiver or variance may be submitted. The P&Z may recommend a conditional (or temporary) waiver or variance and the City Council may grant such a conditional waiver or variance from that provision in this ordinance in conjunction with concept plan. A conditional or temporary waiver or variance from this Ordinance shall receive final approval along with a preliminary plat provided that the preliminary plat conforms to the concept plan and that no new information or reasonable alternative plan exists that, at the determination of the City Council, voids the need for a waiver or variance. An applicant may elect to submit a new application at the time of the filing of the preliminary plat, rather than seek final approval of the conditional waiver or variance.

22.3.2 The application shall be submitted to the P&Z for review and recommendation to the City Council. The P&Z shall utilize the criteria for required findings in subsection 22.2 in making its recommendation.

22.3.3 The City Council shall make the final approval or disapproval of the request for a waiver or variance.

SECTION 23 - 29. RESERVED FOR EXPANSION

ARTICLE V. FEES; ENFORCEMENT; PENALTIES

SECTION 30. FILING FEES; PLAT ADMINISTRATION

30.1 FEE ORDINANCE

Fees and charges, as well as other application and submission requirements, for the submission of applications for the approval of any type of plat and for engineering review and construction observation shall be as provided by separate ordinance and may be amended from time to time. It is the applicant's responsibility to obtain and comply with the adopted fee schedule and submission requirements.

30.1.2 Fee Collection. The City shall impose and collect such fees and charges on all applications for approval of any type of plat, regardless of the action taken by the P&Z and City Council thereon. Such fees shall be collected for the purpose of defraying the costs of administrative, clerical, engineering, planning and review services necessary to properly review and investigate plats and subdivision construction. The cost incurred by the City to retain professionals to perform necessary development review, including but not limited to, the City Planner and City Engineer, may be charged directly to the applicant for the actual cost of said professional services.

30.1.3 Fee Payments. All required fees, unless specifically stated otherwise herein, shall be paid as required in this Ordinance. Inspection fees may be paid at the time the actual inspection is made of the project.

30.2 CESSATION OF PENDING STATUS

Should a development proposal or plat application lapse or expire, or should it be denied by the P&Z or the City Council, then that application ceases "pending" status and the project, and its corresponding series of development approvals and permits, shall be deemed to be ended, or "completed". Any reapplication for any type of development approval for that property shall be considered commencement of a new project, and shall be accompanied by new application materials, including new application fees, and shall conform to all applicable City ordinances in effect at the time of submission of the new application.

SECTION 31. VIOLATION; PENALTIES; ENFORCEMENT

31.1 VIOLATION

31.1.1 It shall be unlawful to violate the terms, conditions or regulations enacted in this Ordinance.

31.1.2 An offense under this ordinance is a misdemeanor.

31.2 ENFORCEMENT.

31.2.1 Actions. In the event of a violation of this ordinance, the City shall institute any appropriate action to put an end to such violation.

31.2.2 Right of Entry. Upon presentation of proper credentials at the request of the land occupier or owner, the City may enter upon any property, vacant lots, or premises in the City to perform any duty imposed by this Ordinance.

31.2.3 Stop Work. The City may issue a Stop Work Order to immediately halt work on a property that is in violation of this Ordinance.

31.2.3.1 Notice shall be given before the order shall be effective, except when the order states that it is effective immediately as being necessary to protect and preserve the public health, safety, or general welfare. Any person thereafter shall cease and desist from further development or construction material to the alleged noncompliance, until corrected by compliance and authorized by person issuing the stop work order to proceed with the work. This prohibition shall extend throughout any appeal period.

31.2.3.2 The owner or authorized agent may appeal the stop work order by giving written notice to the City and submitting a completed form as may be required by the City. The P&Z consider the appeal within fifteen (15) days after the date the completed application for appeal is received by the P&Z which shall reach a decision without unreasonable or unnecessary delay. A copy of the decision shall be delivered by certified mail or personal delivery to the applicant. The decision of the P&Z shall be final, but as may be provided by law, be adjudicated in a court of competent jurisdiction.

31.2.3.3 Such order may permit limited work to occur that is necessary to stabilize and secure the site. The City may require the placement of temporary erosion control, drainage protection or other measures by the owner or appellant in order to protect the site and the community resources during the appeal period or any subsequent litigation.

31.2.3.4 The application for each appeal must be signed and be accompanied by payment of the nonrefundable application fee in accordance with the adopted fee schedule.

31.3 PENALTIES

31.3.1 Civil and Criminal Penalties. The City shall have the power to administer and enforce the provisions of this ordinance and to seek civil and criminal penalties. A person violating this ordinance is subject to the following:

(a) Criminal Prosecution**.** A person violating any provision of this ordinance shall, upon conviction, be fined a sum not exceeding $500.00. Each day that a provision of this ordinance is violated shall constitute a separate offense. In prosecutions, it shall not be necessary to allege or prove a culpable mental state.

(b) Civil Remedies**.** Nothing in this ordinance shall be construed as a waiver of the City's right to bring a civil action to enforce the provisions of this ordinance, and to seek remedies as allowed by law including, but not limited to, the following:

(i) Injunctive relief to prevent specific conduct that violates the ordinance or to require specific conduct that is necessary for compliance with the ordinance;

(ii) A civil penalty up to one thousand dollars ($1,000.00) a day, with each day constituting a separate offense and separate violation, when it is shown that the defendant was actually notified of the provisions of the ordinance and after receiving notice committed acts in violation of the ordinance or failed to take action necessary for compliance with the ordinance; and

(iii) Other available relief, including, but not limited to, action taken by the City in law or in equity to prevent any violation of these regulations, to prevent unlawful construction, to recover damages, to restrain, correct or abate a violation and to prevent illegal occupancy of a building structure or premises.

31.3.2 Legal Fees and Costs. In any civil or criminal action commenced by the City under this Ordinance, the City shall be entitled to recover from the defendant reasonable attorney's fees, costs of suit, and any other costs of enforcement.

City of Uhland Development Services Fee Schedule

Site Development	
Pre-Application Conference Fee:	$100/hr - $100 minimum
Site Plan Review and Permit:	$500.00
Minor Projects (Less than $10,000.00):	$500.00
Small Projects ($10,000.00 - $50,000.00):	$500.00
Medium Projects ($50,000.00 to $100,000.00):	$1,000.00 and $1.5% of the estimated total construction cost of the improvements required by the Site Development Ordinance.
Large Projects ($100,001.00 to $500,000.00):	$1,500.00 and 1.5% of the estimated total construction cost of the improvements required by the Site Development Ordinance.
Mega Projects (>$501,000.00):	$2,000.00 and 1.5% of the estimated total construction cost of the improvements required by the Site Development Ordinance.
Temporary Projects (15 – 30 days):	$500.00
Site Development Permit Amendment/Engineer Adjustment Fee:	Engineering cost + 20%
Public Notice Signage ($75 deposit returned upon return of sign):	$250
Waiver / Variance Request Fee:	$500.00
Extension of Plan Approval Request Fee:	$500.00
Subdivision	
Pre-Application Conference Fee:	$100/hr - $100 minimum
Concept Plan (Major Plat) Fee:	$500.00 per plan
Preliminary Plat (Major Plat) Filing Fee:	$1000 + $75/lot
Minor Plat Filing Fee:	$500 + $20/lot
Final Plat (Major Plat) Filing Fee:	$750.00 per plat plus $20.00 per acre
Guarantee of Maintenance:	20% of the estimated costs of construction – approved plans
Vacation of Plat Fee:	$250.00 per plat
Re-Plat Fee:	$500.00 per plat plus $50.00 per lot.
Plat Amendment Fee:	$500.00 per plat
Waiver / Variance Request Fee:	$500.00 + $20/lot
Extension of Plat Approval Request Fee:	$250.00
Vacation of Easement Fee:	$250.00 per easement
Zoning	
Zoning Classification Application Fee:	$500.00
Conditional Use Permit Application Fee:	$300.00 + $3/lot
Zoning Classification Change Request Fee:	$500.00/ lot, tract, or parcel
Planned Development District Request Fee:	$1500.00 per district, plus $100.00 per acre
General Site Plan:	$400.00
Detailed Site Plan:	$400.00
Waiver / Variance Request Fee:	$400.00
Other Waiver / Variance / Special Exception Request Fee:	$750.00
Zoning Determination Letter Request Fee:	$50.00
Zoning Ordinance Amendment Request Fee:	$500.00 per request
Engineering Review Fees	Amount billed to City + 20%
Construction Inspection	Amount billed to City + 10%
Development Agreement	$5000 +$75/ac+ Consulting Fees + 20% of consulting admin fee
Publication Fees - Annexation	$250
Publication Fees – Subdivision	$200
Publication Fees – Zoning	$200
Public Improvement District Fee	$10,000 + consulting fees + 20% of fees
Traffic Impact Analysis Review	<200tpd=$1200, 200-5Ktpd=$1500, 5-10k=$2400, 10-15k=3300, 15k+=3700