

PLANNING/CAPACITY/BUILDING PROJECT
FOR
THE CITY OF NEW WAVERLY, TEXAS

2017- 01

Subdivision Ordinance

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CITY OF NEW WAVERLY
SUBDIVISION ORDINANCE

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SUBDIVISION REGULATIONS

Introductory Notes

Land subdivision occurs in every city and is the process by which developers divide land and through which land ownership changes. Because land subdivision is the process by which communities are built, it is necessary that the City establish controls over the subdivision of land within its boundaries and its extraterritorial jurisdiction (ETJ).

The Standard City Planning Enabling Act, enacted in 1928, made subdivision regulation a part of a comprehensive and continuing program of planning and guiding the growth of cities rather than an independent, unrelated tool. Responsibility for administering the regulations was transferred to the local planning commission and its staff. Texas likewise, in giving its cities the authority to regulate land subdivision, requires that land be subdivided in conformance with the City's most current Comprehensive Plan, particularly its major street or circulation plan.

Purposes: The overall goal of subdivision regulation is to regulate the conversion of raw land into building sites. In doing this, subdivision regulations serve a multiplicity of public interest purposes including:

1. insuring that new residential developments have a safe water supply and sewage disposal system;
2. insuring proper drainage;
3. securing adequate records of land titles for city records;
4. assuring safe design and construction of streets, utilities and drainage systems;
5. recording the location of underground utilities;
6. providing safe, efficient water systems adequate for fire fighting;
7. preservation of lands for school sites;
8. protecting the buyer through regulation of the facilities, construction, etc; .and
9. coordinating the plans of all developers.

Through these assurances a desirable environment, as proposed in New Waverly's most current Comprehensive Plan, can be attained. The close relationship of New Waverly's Plan to its subdivision regulations is not only a practical but also a legal necessity. Practically, the regulations are a tool through which implementation of the Plan is guided and coordination of

development is ensured. Legally, the Plan documents the fact that the requirements of the subdivision regulations are neither arbitrary nor discriminatory.

Subdivision regulations, to achieve maximum efficiency, must be used in close coordination with other local policies, ordinances and activities. For example, requirements of the building codes should be a consideration in the process of reviewing a proposed subdivision. Planning tools such as zoning and subdivision regulations must be administered in order to improve the quality of the urban environment. In addition, policies to support the administration of these tools must be either stated or implied. Examples of such policies are the following:

1. Under what conditions will the City extend water and other utilities beyond its City's limits?
2. Has the City adopted a general or most current Comprehensive Plan for development?
3. Has the City adopted a Circulation Plan as part of the most current Comprehensive Plan?
4. Will the City assist or discourage costly development outside the city limits by furnishing or withholding City services?
5. What is the City's policy on annexation?
6. Has the City adopted a program or schedule of capital improvements which sets priorities for extension of utilities and streets?
7. What are the construction standards and who will bear the cost of the improvements?

The formulation and publication of these policies in answer to these matters in advance of the inquiry by the developer may reduce the controversy and permit consistent treatment of the questions when they arise.

Expertise will often be necessary during administrative phases to evaluate the adequacy of access to subdivision sites, proposed filling to prepare flood-free building sites, plans for flood protective works, and plans for flood-proofing of individual uses. This expertise may be supplied by a community engineering department, state or federal agency and/or consulting engineer.

This ordinance is designed to assure, among other objectives, that subdivided land is suitable for its intended use, that innocent purchasers will not be damaged by erosion or flood, and that the community will not be forced to bear extraordinary costs for protection of flood hazard areas, erosion control, and extension of facilities such as roads, sewer and water into such areas. Facilities, when damaged, must be repaired at public expense. To achieve these objectives, the subdivider is required to submit a detailed plat which must be approved by a plat review agency. He must show that the land can be used for its intended purposes and must install necessary facilities.

Evaluation of the proposed subdivision is a two-step procedure. First, the subdivider must submit a tentative plat showing the most current Comprehensive Plan of the subdivision and other detailed data which will permit the evaluation of flood hazards and the adequacy of adjustments to the hazards. Initial detailed engineering evaluations and planning analysis are necessary at this stage. Once the tentative plat is approved, the subdivider must submit a final plat including much of the basic information contained on the preliminary plat with some deletions and additions. The subdivider must either construct necessary improvements prior to final plat recordation or must post a performance bond to assure that the improvements will be constructed as promised.

Those responsible for plat review will approve the plat subject to appropriate conditions only if it complies with all the requirements of this ordinance and other applicable state and local laws such as building codes. The ordinance applies to residential, commercial, industrial and other types of land subdivision. It is drafted to provide the developer with a range of alternative methods for adjusting use to flood hazards.

Any amendments or updates to the City's subdivision ordinance do not affect subdivisions which were approved and/or constructed under the present ordinance. Rather they establish processes, procedures and standards which will be required of future subdivision of land.

The City's subdivision ordinance establishes a process through which proposed developments should be reviewed and considered. It sets standards which such developments, as a minimum, must meet. The ordinance provides a means for granting variances from the requirements in cases of hardship. It should be remembered that while there are practical, legitimate cases in

which a variance might be granted without any adverse effects, each time a variance is granted allowing a substandard condition, it weakens, to some degree, the overall legal position of the approving agency (City Council) in the event that the council should be called upon to defend the general standards.

SECTION 2. PURPOSE

The purpose of this Ordinance is to provide for the orderly, safe, and healthful development of the area within the city and within the area of extraterritorial jurisdiction surrounding the City, and to promote the health, safety, morals, and general welfare of the community. Such purpose is to be promoted by provisions designed to:

- 2-1. Restrict or prohibit the subdivision of lands for uses which are dangerous to public health, safety or welfare; or which would jeopardize property in times of flood; or which, with reasonably anticipated improvements, would cause excessive increases in flood heights or velocities.
- 2-2. Protect individuals from buying lands which are unsuitable for intended purposes because of flood hazards by prohibiting the subdivision of unprotected flood hazard lands, requiring that flood hazard areas be delineated on the final plat, and areas not suitable for development be subject to deed restrictions.
- 2-3. Guide and assist subdivider/developers in correct, expeditious procedures to be followed and to inform them of the general standards which shall be required.
- 2-4. Protect the public interest by controlling the location, design, class and type of streets, sidewalks, utilities and other essential services required in the public interest and/or necessity.
- 2-5. Provide for the public welfare in those essential areas required for living, educational, recreational, industrial and commercial purposes.

SECTION 3. GENERAL PROVISIONS

3-1. CONFORMANCE TO MOST CURRENT COMPREHENSIVE PLAN

No plat or subdivision of land within the City and its extraterritorial jurisdiction as determined by Article 974A, V.A.C.S., shall be approved unless it conforms to the most current Comprehensive Plan of said city and its streets, alleys, easements, parks, playgrounds, and public utility facilities, including those which have been or may be laid out, and to the most current Comprehensive Plan for the extension of said city and of its roads, streets, alleys, easements, and public highways, regard being had for access to public utilities.

3-2. INTERPRETATION

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by State statutes.

3-3. PLANNED UNIT DEVELOPMENT

Upon application by a developer-subdivider, upon review and comment by the city staff as hereafter provided for, and upon review by the Commission, the Governing Body may modify or waive design standards set forth in this Ordinance when such developer-subdivider intends and formally applies to utilize the "planned unit (or clustered) development" concept for the development of a parcel(s) of land. The granting of a waiver or modification under this Section shall not violate the purpose or objectives of this Ordinance and shall not be considered as a variance as covered in Section 6. The minimum size for a planned unit development project shall be five (5) acres.

SECTION 4. DEFINITIONS

For the purpose of this Ordinance, the following terms, phrases, words, and their derivations shall have the meaning ascribed to them in this section.

4-1. SUBDIVIDER

Any person or any agent thereof, dividing or proposing to divide land so as to constitute a subdivision as that term is defined herein. In any event, the term "subdivider" shall be restricted to include only the owner, equitable owner, or authorized agent of such owner or equitable owner, of land sought to be subdivided.

4-2. SUBDIVISION

The division of a lot, tract or parcel of land (situated either within the corporate limits or within the City's statutory extraterritorial jurisdiction) into two or more parts, lots or sites for the purpose, whether immediate or future, of sale, division of ownership or building development. Subdivision includes that property-related action legally described by metes and bounds, lot and block number, or other comparable method and includes the re-subdivision of land or lots which are part of a previously recorded

subdivision, but it does not include the division of land for agricultural purposes in parcels or tracts of five (5) acres or more and not involving any new street, alley, or easement of access.

4-3. ADMINISTRATOR

The person designated by the Mayor to administer and coordinate the provisions of this ordinance.

4-4. ALLEY

A way which extends only secondary means of access to abutting property; a minor public right-of-way, not intended to provide the primary means of access to abutting lots and which is used primarily for vehicular service access to the back or sides of properties otherwise abutting on a street.

4 - 5. BLOCK

A piece or parcel of land composed of two or more lots with each lot having access to a public street, road, railroad right-of-way, or a combination thereof.

4-6. BUILDING SETBACK LINE

The line within a property defining the minimum permissible horizontal distance between a building and the adjacent street right-of-way line.

4-7. CITY

The City of New Waverly, Texas.

4- 8. COMMISSION

The Planning Commission of the City of New Waverly, Texas. In lieu of a Planning Commission, the City Council shall serve as the Planning Commission.

4-9. MOST CURRENT COMPREHENSIVE PLAN

The most current Comprehensive Plan is a statement of official public policy containing the goals and objectives of the community, the capital improvements program, plan for public utilities systems, the land use plan, the major thoroughfare plan, the community facilities plan, flood management program, the subdivision and zoning regulations, and other development codes, ordinances, policies, and plans promulgated by the City Council for the quality and orderly growth of the community.

4-10. CROSSWALK WAY

A public right-of-way, 6 feet or more in width between property lines, which provides pedestrian circulation.

4-11. CUL-DE-SAC

A street having but one outlet to another street, and terminated on the opposite end by a vehicular turnaround.

4-12. DEAD-END STREET

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

4-13. EASEMENT

A grant by the property-owner to the public, a corporation, or persons of the use of a strip of land for specific purpose.

4-14 FENCE

Any barrier constructed for the purpose of separating parcels of land.

4-15. ENGINEER

A person duly authorized under the provisions of the Texas Engineering Registration Act, as heretofore or hereafter amended, to practice the profession of engineering.

4-16. CITY ENGINEER

The person designated or retained by the City to perform the duties of City Engineer.

4-17. GOVERNING BODY

The City Council of the City of New Waverly, Texas.

4-18. LOT

An undivided tract or parcel of land smaller than five (5) acres having its principal frontage on a public street or officially approved open space, and which is, or in the future may be, offered for sale, conveyance, transfer or improvement; which is designated as a distinct and separate tract and which is identified by a tract or lot number or a symbol in a duly approved subdivision plat which has been properly filed on record.

4-19. PAVEMENT WIDTH

The portion of a street available for vehicular traffic; where curbs are laid, it is the portion between the back of the curbs.

4-20. PERSON

Any individual, partnership, association, firm, corporation, governmental agency, or political subdivision.

4-22. SETBACK (or BUILDING) LINE

A line on a plat parallel, or nearly so, to the street right-of-way, indicating the limit beyond which buildings, structures or fences may not be erected.

4-23. SHALL, MAY

The word "shall" is always mandatory. The word "may" is directory.

4-24. STREET

Any public thoroughfare or right-of-way, dedicated to the public and not designated as an alley, which provides vehicular access to adjacent land.

- A. An arterial street primarily provides movement and vehicular circulation to various sections of the City.
- B. A collector street primarily provides both movement and access, carrying traffic from local streets to arterial streets or carrying traffic through or to adjacent commercial or industrial areas.
- C. A local street is one which is used primarily for access to abutting properties.
- D. A marginal access street is a street which is parallel to and adjacent to an arterial street or highway and primarily provides access to abutting properties and protection from through traffic.

4-25. STRUCTURE

Anything constructed or erected on the ground including but without limitation to buildings, factories, sheds, cabins, mobile homes, open carports and other similar items.

4-26. SURVEYOR

A licensed State Land Surveyor or a Registered Public Surveyor, as authorized by the State statutes to practice the profession of surveying.

4-27. Any office referred to in this Ordinance by title means the person employed or appointed by the City in that position, or his duly authorized representative(s).

4-28. Definitions expressly prescribed herein are to be constructed in accordance with the Planning Ordinance, if any, or other applicable ordinance of the City, or in the absence of such Ordinances, then in accordance with customary usage in municipal planning and engineering practices.

SECTION 5. POLICIES AND SPECIAL PROVISIONS

- 5- 1. No permit shall be issued by the City for the installation of septic tanks upon any lot in a subdivision unless such septic tank system meets requirements applicable to State law applied to local conditions
- 5- 2. No building, repair, plumbing, electrical or similar permit shall be issued by the City for any structure on a lot in a subdivision for which a final plat has not been approved and filed for record, nor for any structure on a lot within a subdivision in which the standards contained herein have not been complied with in full, except as provided for in Section 6 of this ordinance.
- 5- 3. The City shall not repair, maintain, install or provide any streets or public utility services in any subdivision for which a final plat has not been approved and filed for record, nor in which the standards contained herein or referred to herein have not been complied with in full.
- 5- 4. The City shall not sell or supply any water or sewerage service within a subdivision for which a final plat has not been approved or filed for record, nor in which the standards contained herein or referred to herein have not been complied with in full.
- 5-5. In behalf of the City, the City Attorney shall, when directed by the Governing Body, institute appropriate action in a court of competent jurisdiction to enforce the provisions of this Ordinance or the standards referred to herein with respect to any violation thereof which occurs within the extraterritorial jurisdiction of the City as such jurisdiction is determined under the Municipal Annexation Act, or within any area subject to all or a part of the provisions of this Ordinance.
- 5- 6. If any subdivision exists for which a final plat has not been approved or in which the standards contained herein or referred to herein have not been complied with in full, the Governing Body of the City shall pass a resolution reciting the fact of such non-compliance or failure to secure final plat approval. Said resolution shall recite the fact that the provisions of paragraphs 5-1 to 5-4 of this Section apply to the subdivision and the lots therein.

The City Secretary shall, when directed by the Governing Body, cause a certified copy of such resolution under the corporate seal of the City to be filed in the Deed Records of the county or counties in which such subdivision or part thereof lies. If full compliance and final plat approval are secured after the filing of such resolution, the City Secretary shall forthwith file an instrument in the Deed Records of such county or counties stating that paragraphs 5-1 to 5-4 no longer apply.

- 5- 7. PROVIDED, however, that the provisions of this Section shall not be construed to:
- A. prohibit the issuance of building, repair, plumbing, or electrical permits with respect to any lots or building tract;
 - B. prohibit the repair, maintenance, or installation of any street or building;
 - C. prohibit the repair, maintenance, or installation of any street or public utility service; for, to, or abutting any lot, in these instances: where the last recorded conveyance of such lot or tract prior to passage of this Ordinance was by metes and bounds; or where a building is in existence on said lot prior to passage of this Ordinance; or where such subdivision, whether by recorded plat or by actual occupancy and use, was in existence prior to the passage of this Ordinance.

5- 8. LAND SUITABILITY

- A. No land shall be subdivided which is held unsuitable for its intended use by the City for reason of flooding, inadequate drainage, soil and rock formations with severe limitations for development, susceptibility to mudslides or earthslides, severe erosion potential, unfavorable topography, inadequate water supply or sewage disposal capabilities or any other feature harmful to the health, safety or welfare of the future residents of the proposed subdivision or community.
- B. However, the Governing Body may approve the preliminary and final plats if the subdivider improves the land consistent with the standards of this and other applicable ordinances to make the area, in the opinion of the Governing Body suitable for its intended use. The Governing Body may also approve the preliminary and final plats if the subdivider agrees, in writing, to make suitable improvements and places a sum in escrow pursuant to Section 11 of this Ordinance to guarantee performance.
- C. In determining the appropriateness of land subdivision at the site, the Governing Body shall consider the stated purpose and objectives of this Ordinance, and
 - (1) The danger to life and property due to the increased flood heights or velocities caused by subdivision fill, roads, and intended uses.
 - (2) The danger that intended uses may be swept on to other lands or downstream to the injury of others.
 - (3) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions including flood conditions.

- (4) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
- (5) The importance of the services provided by the proposed facility to the community.
- (6) The availability of alternative locations not subject to flooding for the proposed subdivision and land use.
- (7) The compatibility of the proposed uses with existing development and development anticipated in the foreseeable future.
- (8) The relationship of the proposed subdivision to the most current Comprehensive Plan and flood plain management program for the area.
- (9) The safety of access to the property in times of flood and other natural disasters and emergencies for emergency vehicles.
- (10) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site.

5-9. APPROVAL REQUIRED

All plans, plats or re-plats of land laid out in building lots and for streets, alleys, or other portions of the same intended to be dedicated for public use, or for the use of purchasers or owners of the lots fronting thereon or adjacent thereto, and plans and descriptions of all streets, alleys, or public ways intended to be deeded or dedicated for public use, or for the use of purchasers or owners of the land fronting thereon or adjacent thereto, which is not intended to be platted into lots or other designated tracts, and any addition or plan of streets or public ways, located outside the City limits, within Walker County and entirely or in part within the statutory extraterritorial jurisdiction of the City of New Waverly shall be submitted to the Commission for their consideration with relation to the most current Comprehensive Plan. Said Commission shall submit their recommendation on the above items to the Governing Body for their official consideration and action. No such plat or re-plat or dedication or deed of street or public way shall be filed with the County Clerk as provided by law until such plat or re-plat or dedication or deed shall have endorsed on it the fact that it has first been submitted to the Commission and to the Governing Body, and by said Governing Body been duly approved.

5-10. A Preliminary Plat of any proposed subdivision shall be submitted to the Commission and Governing Body for approval before the subdivider proceeds with the preparation of the Final Plat for record.

5-11. All construction work, such as street paving, storm sewers, curb and/or gutter work, sanitary sewers, water mains, and electrical construction performed by the owner, developer or contractor, shall be subject to inspection during construction by the proper authority of the City and shall be constructed in accordance with appropriate provisions of this and other applicable Ordinances and public engineering standards.

5-12. LARGE LOT ESTATE SUBDIVISION

Large lots with wide frontage result in less drainage and traffic demands than single-family residential developments consisting of small lots with narrow frontages and widths. Therefore, the facility requirements and public impacts of the larger, "estate-type" single-family residential developments are less intensive. Residential developments undertaken pursuant to this section 5-12 shall conform to the following provisions and are considered exempt from conflicting provisions in this ordinance.

A. DEFINITION

A large lot subdivision is defined as a subdivision in which the minimum lot size is one acre and minimum street frontage for any lot is sixty (60) feet with a minimum lot width of one hundred twenty (120) feet at the building setback line.

B. LOT STANDARDS

1. The minimum lot area shall be one (1) acre when a municipal sanitary sewer system is available to service a lot. If no municipal sanitary sewer system is provided to service a lot, the minimum lot size shall be one and one-half (1.5) acres.

2. The building setback requirements shall be forty (40) feet for the front yard, twenty (20) feet for the back yard, and ten (10) feet for the side yard.

C. UTILITIES

1. If municipal water or sewer utilities of sufficient capacity are available within two thousand (2,000) feet of the proposed site, the subdivider or developer shall be required to extend the utilities to the site and make them available to every lot in the development.

2. In all other cases, water wells and septic systems constructed in the subdivision must be in conformance with the rules and regulations of the Texas Commission on Environmental Quality, the Texas Department of Health and the County of Walker.

5-13. **APPLICABILITY OF OTHER PROVISIONS IN THIS ORDINANCE**

All other provisions of this ordinance which are not in conflict with the specific provision of this section 5-12 shall be considered applicable to large lot estate subdivisions.

SECTION 6. VARIANCES AND BOARD OF ADJUSTMENT (the BOARD)

6-1. The Commission may recommend and the Board of Adjustment may authorize a variance from this Ordinance when, in its opinion undue hardship will result from requiring strict compliance. In granting a variance, the Board shall prescribe only condition that it deems necessary or desirable in the public interest. In making the findings required herein, the Commission and Board shall take into account the nature of the proposed use of the land involved, existing uses of land in the vicinity, the number of persons who will reside or work in the proposed subdivision, and the probable effect of such variance upon traffic conditions and upon the public health, safety, convenience and welfare in the vicinity.

6-2. No variance shall be granted unless it is found that all of the following apply:

- A. There are special circumstances or conditions, including unique topography, affecting the land involved such that the strict application of the provisions of this Ordinance would deprive the applicant of the REASONABLE USE OF HIS LAND; and
- B. The variance is necessary for the preservation and enjoyment of the Legal Property Rights of its owner; and
- C. The purposes and intent of this Ordinance are observed; and
- D. There is no increase in the flood hazard or flood damage potential; and
- E. The granting of the variance will not be detrimental to the public health, safety, or welfare, or injurious to the legal rights to other property in the area; and
- F. The granting of the variance will not prevent the orderly subdivision of other land in the area in accordance with the provisions of this Ordinance. Such findings, together with the specific facts upon which such findings are based,

shall be incorporated into the official minutes of the Commission's meetings at which such variance is recommended and granted. Variance may be granted only when in harmony with the general purpose and intent of this Ordinance so that the public health, safety, and welfare may be secured and substantial justice done. Financial hardship to the subdivider, standing alone, shall not constitute undue hardship.

6 -3. BOARD OF ADJUSTMENT

- A. There is hereby established a Board of Adjustment.
- B. Purpose: The purpose of the Board is to review and act on recommended action by the Commission on variances.
- C. Board Composition: As provided by the City Charter the Governing Body shall appoint a Chairperson and four (4) members to the Board.
The Chairperson and two members shall be appointed for two (2) year terms; the other two members for one (1) year terms. All subsequent appointments shall be for two (2) year terms.
- D. Board Procedures: The Board is authorized and charged to establish written procedures for Board activities. Such procedures shall be subject to official approval of the Governing Body.
- E. Board Proceedings: All Board proceedings shall be appropriately recorded in the Board's official minutes.
- F. Governing Body. In lieu of an appointed Board of Adjustment, the Governing Body shall serve as the Board of Adjustment.

SECTION 7. PRELIMINARY CONFERENCE

Prior to the official filing of a preliminary plat, the subdivider, his planner, or representative, should consult with and present a proposed plan of subdivision to the Administrator for comments and advice on the procedures, specifications, and standards required by the City for the subdivision of land.

SECTION 8. PRELIMINARY PLAT

8- 1. GENERAL

The subdivider shall cause to be prepared a preliminary plat by a surveyor or engineer in accordance with this Ordinance; (Plat may be prepared in conjunction with a Land Planner). The utility, drainage and street plans for the subdivision (preliminary and final plats) shall be prepared and certified by a professional engineer.

8- 2. TIME FOR FILING AND COPIES REQUIRED

The subdivider shall file six (6) blue or black line copies of the plat together with a reproducible copy of the original, with the City Secretary at least fifteen (15) days prior to the date of the next regularly scheduled Commission meeting.

8- 3. FILING FEES

Such plat (both preliminary and final) shall be accompanied by a filing fee in an amount as determined by resolution of the Governing Body. No action by the Governing Body shall be valid until the filing fee has been paid. This fee shall not be refunded should the subdivider fail to make formal application for preliminary plat approval or should the plat be finally disapproved by the Governing Body.

8- 4. FORMAL APPLICATION

Formal application for preliminary plat approval shall be made by the subdivider in writing to the Governing Body at an official public meeting. (See Section 8-6, part G).

8-5. FORM AND CONTENT

A. The plat shall be drawn to a scale of 200 feet to one (1) inch or to such a scale that it can be read easily as determined by the Administrator. When more than one sheet is necessary to accommodate the entire area, an index sheet showing the entire subdivision at an appropriate scale shall be attached to the plat. The least or smallest dimension of such drawings shall not exceed 24 X 36 inches and shall include the following:.

1. Proposed name of the subdivision, which shall not have the same spelling as or be pronounced similar to the name of any other subdivision currently located within the City or within the extraterritorial jurisdiction of the City.
2. Names and land use of contiguous subdivisions, and the owners of contiguous parcels of un-subdivided land, and a statement with appropriate references as to whether or not contiguous properties are platted and how they are used.
3. Description, by metes and bounds, of the subdivision boundaries.
4. Primary control point locations shall be shown. Descriptions and ties to such control points from which all dimensions, angles, bearings, block numbers, and similar data are referenced shall be shown. Such control point designations shall meet all requirements of the appropriate State Statutes.
5. Subdivision boundary lines should be indicated by heavy lines, and the acreage of the subdivision shown.
6. Existing conditions as follows:
 - (1) The exact location, dimensions, name and description of all existing and/or recorded streets, alleys, reservations, easements, or other public rights-of-way (including both public and private utility lines) within the subdivision, intersecting or contiguous with its boundaries or forming such boundaries.
 - (2) The exact location, dimensions, description, and flow line of existing water courses and drainage structures within the subdivision or on contiguous tracts.
 - (3) Proposed land use of each subdivided parcel.
 - (4) Flood hazard areas and explanatory notes.
7. The exact location, dimensions, description, and name of all proposed streets, street grades and cross sections, alleys, drainage structures, parks, other public areas, reservations, easements, or other rights-of-way, blocks, lots and other sites within the subdivision.
8. Date of preparation; actual and graphic scale of plat; and north arrow.

9. Draft of proposed restrictive covenants (if any) to be imposed; areas subject to special restrictions shall be described and mapped.
 10. A number or letter to identify each lot or site on each block.
 11. Building setback lines on fronts of all lots and sites. Side yard building setbacks lines at street intersections and crosswalk ways.
 12. Topographic information shall include contour lines on a basis of: five (5) vertical feet in terrain with a slope of two (2) percent or more, one (1) vertical foot in terrain with a slope of less than two (2) percent, and one-half (1/2) vertical foot in terrain of less than one (1) percent.
 13. Proposed fill or other structure-elevating techniques, levees, channel modifications, and other methods to overcome flood or erosion-related hazards.
 14. Designation of all land to be reserved or dedicated for open space or recreational use.
 15. Vicinity sketch or map, at some appropriate scale, which shall clearly show existing subdivisions, street easements, rights-of-way, parks and public facilities of water, and possible storm sewer, water, gas, electric, and sanitary sewer connections by owner.
 16. Soil information which shall show characteristics for soil bearing, shrink/swell, permeability, percolation, and other pertinent aspects which could affect development of the subdivision.
 17. See requirements under Section 13.
- B. At the request of the City Staff, the Commission or the Governing Body, the subdivider may be required to provide the following additional information on the Preliminary Plat:
1. Preliminary plan of any required onsite waste disposal systems including disposal sites for lands subject to flooding or sanitary sewers with grade, pipe size, and points of discharge.
 2. Conceptual sketch of development of dedicated park sites.
 3. Conceptual sketches of structural and land use arrangement(s) proposed on the property and/or individual lots.
 4. See Section 10-3, part Q; Section 10-7, part C.

8- 6. PROCESSING OF PRELIMINARY PLAT

- A. The City Staff, as specified hereafter, shall check the preliminary plat as to its CONFORMITY WITH THE ADOPTED MOST CURRENT COMPREHENSIVE PLAN, major street plan, land use plan, zoning districts, and the standards and specifications set forth herein or referred to herein, or to other pertinent policies and standards of the City.
- B. Pertinent copies of the preliminary plat data shall be submitted to the City Engineer, and he shall check the same for conformity with the standards and specifications contained or referred to herein. The City Engineer, Mayor, Planning Director, Commission or Governing Body may require the applicant to submit additional topographic information, detailed plans for proposed uses and other information to determine possible flood or erosion hazards, the effect of the subdivision uses upon flood flows, and the adequacy of proposed flood protection measures. The City Engineer, Mayor, Planning Director, Commission or Governing Body may consult with expert persons or agencies for technical assistance and advice.
- C. Mandatory Referral: All proposed preliminary plats and subdivisions of land within the City and its extra-territorial jurisdiction shall be subjected to referral, review, and comment by the various governmental departments, the Independent School District, and utility service companies.
- D. In addition, as a minimum, the following checks of the preliminary plat shall be made by:
- (1) The City Engineer:
 - (a) Drainage
 - (b) Street layout and proposed street grades
 - (c) Type of paving
 - (d) Boundary lines
 - (e) Monuments & Bench marks
 - (f) Location and size of alleys
 - (g) Availability of adequate water and sewer mains to the subdivision
 - (h) Water system layout and fire hydrant locations
 - (i) Sanitary sewer easements
 - (j) Soil conditions
 - (2) The Building Inspector:

- (a) Occupancy regulations and requirements
 - (b) Building lines and setback requirements
 - (c) Lot and block numbers
 - (d) Street numbering layout
 - (e) Street names
- (5) Fire Marshall:
 - (a) Fire code regulations and requirements
- E. The City Engineer and/or Planning Director, on behalf of the City Staff shall aggregate the preliminary plat and accompanying data to the Commission and Governing Body with their recommendations as to modifications, additions, or alterations of such plat data.
- F. Within thirty (30) days after the preliminary plat is filed (as per Section 8-2 above), with the City Secretary, appropriate action shall have been taken by the Commission recommending either (1) conditionally approving or disapproving the preliminary plat or (2) conditionally approving the preliminary plat with modifications.
- G. The Commission shall certify: (1) that it has reviewed the preliminary plat and (2) as to its recommendation to the Governing Body for conditional approval, disapproval or conditional approval with modifications.
- H. Following action on the preliminary plat by the Commission, the developer may file a formal written application for preliminary plat approval (through the City Secretary, as agent for the Governing Body) at an official public meeting
- I. Within thirty (30) days of the filing of formal written application for preliminary plat, the Governing Body shall either (1) conditionally approve or

disapprove the preliminary plat or (2) conditionally approve the preliminary plat with modification.

- J. Conditional approval of a preliminary plat by the Governing Body shall be deemed an expression of approval of the layout submitted on the preliminary plat as a guide to the installation of streets, water, sewer, and other required improvements and utilities and to the preparation of the final or recorded plat.
- K. Conditional approval of a preliminary plat shall be effective for no more than six (6) months unless reviewed by the Governing Body in the light of new or significant information which would necessitate a revision of the preliminary plat. If the Governing Body should deem changes in a preliminary plat as necessary, it shall so inform the subdivider in writing.
- L. If no circumstances have occurred which would affect the proposed plat within six (6) months of the effective approval of the Preliminary Plat, the Governing Body may, upon the application of the subdivider, extend the approval for an additional six (6) months. At the end of this six month extension, the preliminary approval will be revoked (in writing by the City to the subdivider).
- M. The Governing Body shall certify the preliminary plat stating its decision to conditionally approve, disapprove or conditionally approve with modifications.

SECTION 9. FINAL PLAT

9- 1. FORM AND CONTENT

- A. The final plat and accompanying data shall conform substantially to the preliminary plat as conditionally approved or conditionally approved with modifications by the Governing Body. The plat shall incorporate any and all changes, modifications, alterations, corrections and conditions recommended by the Governing Body.
- B. The final plat shall be drawn at a scale of 200 feet to one (1) inch. Where more than one sheet is necessary to accommodate the entire area, an indexed cover sheet showing the entire subdivision at an appropriate scale shall be attached to the plat.
- C. The final plat shall be submitted in an original and four (4) copies and shall contain all of the features required for preliminary plats in Section 8 above, and

it shall be accompanied by site improvement data bearing the seal of a licensed engineer or a registered public land surveyor.

- D. The final plat shall be accompanied by a filing fee established by the Governing Body. No action by the Governing Body shall be valid until the filing fee has been paid. This fee shall not be refunded should the subdivider fail to make formal application for final plat approval or should the plat be disapproved by the Governing Body.
- E. In addition to the various requirements for the preliminary plat, the final plat shall also include the following:
 - (1) The exact location, dimensions, name, and description of all existing or recorded streets, alleys, reservations, easements, or other public rights-of-way, blocks, lots, and other sites within the subdivision with accurate dimensions, bearing or deflection angles and radii, area, and central angles, degree of curvature, tangent distance and length of all curves where appropriate.
 - (2) The exact location, dimensions, description, and name of all proposed streets, alleys, drainage structures, parks, other public areas, reservations, easements, or other rights-of-way, blocks, lots and other sites within the subdivision with accurate dimensions, bearing or deflection angles and radii, area, and central angles, degree of curvature, tangent distance and length of all curves where appropriate.
 - (3) Regulatory flood elevations, boundaries of flood-prone areas, building sites (including waste disposal areas for flood-prone lands), fills, flood or erosion protective works, and areas subject to special restrictions.

F. The final plat shall also include the following:

(1) OWNER'S ACKNOWLEDGEMENT

THE STATE OF TEXAS

COUNTY OF _____

I, (WE), the undersigned, owner(s) of the land shown on this plat, and designated herein as the _____ Addition of the City of New Waverly and whose name is subscribed hereto, hereby dedicated to the use of the public forever all streets, alleys, parks, water courses ,drains, easements, and public places thereon shown for the purpose of consideration therein expressed.

Owner

Date

THE STATE OF TEXAS

COUNTY OF _____

BEFORE ME, the undersigned authority, on this day personally appeared known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the _____ day of _____ (Year).

Notary Public in and for _____ County, Texas

(2) CERTIFICATION BY THE COUNCIL

I, the undersigned, Mayor of the City of New Waverly, hereby certify that this subdivision plat conforms to all requirements of the Subdivision Regulations of this City wherein my approval is required.

Mayor

Date

(3) CERTIFICATION OF THE SURVEYOR RESPONSIBLE FOR SURVEYING THE SUBDIVISION AREA ATTESTING TO ITS ACCURACY

STATE OF TEXAS

COUNTY OF _____

I, the undersigned, a (licensed professional engineer, registered public land surveyor) in the State of Texas, hereby certify that this plat is true and correct and was prepared from an actual survey on the property made under my supervision on the ground.

Licensed Professional Engineer or Registered Public Land Surveyor

Date

(4) CERTIFICATION BY THE ENGINEER RESPONSIBLE FOR THE PREPARATION OF THE FINAL PLAT AND SUPPORTING DATA, ATTESTING TO ITS ACCURACY

STATE OF TEXAS

COUNTY OF _____

I, the undersigned, a licensed professional engineer in the State of Texas, hereby certify that proper engineering consideration has been given this plat.

Registered Professional Engineer

Date

(5) CERTIFICATION BY THE PLANNER RESPONSIBLE FOR THE PLANNING SERVICES AND DESIGN

STATE OF TEXAS

COUNTY OF _____

I, the undersigned, as a land or city planner as defined in Ordinance No. _____, hereby certify that property planning consideration has been given the design and specifications of this plat.

Planner and Professional Affiliation

Date

(NOTE: This certification phrasing shall not be construed as implying the requirement that the developer must utilize the expertise of a land or city planner.)

- A. If desired by the subdivider and approved by the Governing Body, the final plat may constitute only that portion of the approved preliminary plat which he proposes to record and develop. However, such portion shall conform to all the requirements of this Ordinance. (See also Section 13.)
- B. As soon as practical after the subdivider is notified of the approval of the preliminary plat, he or his engineer shall submit to the Governing Body at an official meeting the final plat of the subdivision or portion thereof.
- C. No final plat will be considered unless a preliminary plat has been submitted and approved.
- D. If an approved plat has been duly recorded and the subdivider wishes to increase the size of the lots by combining one lot with a portion of the adjacent lot in such manner that no portion of a lot remains smaller than the original lots, an additional preliminary plat will not be necessary,
- E. Within thirty (30) days after the final plat is formally filed with the City Secretary, the Governing Body shall approve or disapprove the plat.
- F. If the final plat is disapproved, THE GOVERNING BODY SHALL INFORM THE SUBDIVIDER IN WRITING of the reasons at the time such action was taken.
- G. After the final plat has been approved and in accordance with Section 11 of this Ordinance construction of improvements have been made or security has been filed in lieu of construction, the Governing Body shall cause the final plat to be recorded with the County Clerk. The Governing Body shall also cause the check or checks for the recording fee or fees deposited at the time the final plat was filed for approval to be delivered with the final plat to the County Clerk.

SECTION 10. STANDARDS AND SPECIFICATIONS

No preliminary or final plat shall be approved by the Commission or Governing Body and no completed improvements shall be acceptable by the City unless they conform to the following standards and specifications:

10- 1. GENERAL

- A. Conformity with most current Comprehensive Plan
The subdivision shall conform to the most current Comprehensive Plan of the City and parts thereof.
- B. Provision for Future Subdivisions
If a tract is subdivided into parcels larger than ordinary building lots, such parcels shall be arranged to allow for the opening of future streets.
- C. Reserve Strips Prohibited
There shall be no reserve strips controlling access to land dedicated or intended to be dedicated to public use.
- D. Standards for Construction
The street, water installation, sewer facilities and waste disposal and drainage with all appurtenances pertaining to them and facilities of other agencies as may be required shall be constructed and installed in each new subdivision in accordance with the existing design standards of the City of New Waverly and the Texas Commission on Environmental Quality as amended.

10- 2. BUILDING SITE IMPROVEMENTS

- A. No subdivision or part thereof shall be approved if a proposed subdivision development is to occur in an established flood hazard area and thereby individually or collectively significantly increase flood flows, heights, or damages.
- B. Building sites, residences, motels, resorts, and similar uses for human occupation in established flood hazard areas shall meet the requirements of the Federal Flood Insurance Program as adopted by the City.
- C. Building sites for structures other than residences outside of established flood hazard areas shall ordinarily be filled as provided in the City's codes and ordinances controlling such activities.
- D. When the Governing Body so determines, based on study by the City Staff, that only part of a proposed plat can be safely developed, it shall limit development to that part and shall require that the method of development be consistent with its determination.
- E. When the subdivider does not intend to develop the plat himself, and the City Engineer determines that limitations are required to insure safe development, the

Governing Body may require the subdivider to impose appropriate deed restrictions on the land. Such deed restrictions shall be inserted in every deed and noted on the face of the final recorded plat.

- F. Floor level of the buildings are to be a minimum of 12" above the top of the nearest curb and gutter or 18" above natural ground at the site, the grade of which to be approved by the City. This minimum may be reasonably increased upon specific findings by the City Engineer that site drainage characteristics require such increase.

10-3 STREETS

A. Street Layout

(1) Adequate and paved streets shall be provided by the subdivider. The arrangement, character, extent, width, grade, and location of each shall conform to the most current Comprehensive Plan of the City and shall be considered in their relation to existing and planned streets, to topographic conditions, to public safety and convenience, and in their appropriate relationship to the proposed uses of land to be served by such streets. The street layout shall be devised for the most advantageous development of the entire neighborhood.

(2) There shall be at least 100 feet of straight street between reverse curves.

B. Relation to Adjoining Street System

Where necessary to the neighborhood pattern, existing streets in adjoining areas shall be continued, shall be at least as wide as such existing streets, and shall be in alignment therewith.

C. Projection of Streets

Where adjoining areas are not subdivided, the arrangement of streets in the subdivision shall make provisions for the proper projection of streets into such un-subdivided areas. The distance between such projections into any one adjoining property shall not exceed six hundred (600) feet.

D. Street Jogs

Street jogs with center line offsets of less than 125 feet shall be prohibited.

E. Street Intersections

Street intersections shall be as nearly as right angles as practicable, giving due regard to terrain, topography, site distances, and safety. No intersecting street

shall be plotted with the angle included between adjoining street lines less than 75 degrees, nor more than 115 degrees.

F. Dead-End Streets

Dead-end streets shall be prohibited except as short stubs to permit future expansion.

G. Cul-de-Sacs

In general, cul-de-sacs shall not exceed 500 feet in length, and shall have a turnaround of not less than 100 feet in diameter (R.O.W.) with a pavement diameter of 80 feet in residential areas, and shall have a turnaround not less than 200 feet in diameter (R.O.W.) with a pavement diameter of 180 feet in commercial and industrial areas.

H. Streets on most current Comprehensive Plan

Where a subdivision includes a street as shown on the official Circulation and Major Streets Plan of the City, that street shall be platted in the approximate location shown on the Plan. The right-of-way shall be equal to or greater than that indicated on the Major Streets Plan.

I. Minor Streets

Minor streets shall be laid out so as to discourage their use by fast and through traffic.

J. Pavement Widths and Rights-of-Way

(1) Major and Secondary Thoroughfares (arterial streets) shall have right-of-way widths as shown in typical street cross sections of the Circulation Plan. The Governing Body, after receiving recommendations from the City Staff, may require a minimum right-of-way width of not more than 100 feet in those cases where such additional width is considered advisable in the opinion of the Governing Body.

(2) Collector Streets shall have a right-of-way and a pavement width as specified in the City's Circulation and Major Streets Plan.

(3) Residential Streets (local streets) shall have a minimum right-of-way of 60 feet and a minimum paved width of 28 feet back-of-curb to back-of-curb.

K. Pavement Widths and Rights-of-Way of Streets Forming Part of the Boundary of the Subdivision Shall be as Follows:

(1) Where the proposed subdivision abuts upon an existing street or half-street that does not conform to Paragraph J of this section, the subdivider shall dedicate right-of-way sufficient to make the full right-of-way width conform with Paragraph J, and there shall be paved so much of such right-of-way as to make the full pavement width comply with Paragraph J. Before any pavement is laid to widen existing pavement, the existing pavement shall be cut back two (2) feet to assure an adequate sub-base and pavement joint.

(2) No half-streets will be permitted in new subdivision plats.

L. Curbs and Gutters and Open Ditches

Curbs and gutters may be installed by the subdivider on both sides of all interior streets, and the subdivider may be required by the Governing Body to install curb and gutter on the subdivision side of all streets forming part of the boundary of the subdivision. Open ditches may be installed by the subdivider in conformance with Section 10-3J and only in conjunction with the type of development specifically described in Section 5-12. Wider rights-of-way may be required by the City Engineer when installing open ditches so that a proper 3:1 slope can be constructed for the banks of the ditches.

M. Street Construction

Materials and workmanship shall conform with city standards for street construction as passed by resolution of the Governing Body.

N. Street Name

Names of new streets shall not duplicate or cause confusion with the names of existing streets, unless the new streets are a continuation of or in alignment with existing streets, in which case names of existing streets shall be used. The City shall provide and install uniform street signs. Should the subdivider choose to provide street signs other than those provided by the City, they shall conform to City standards and shall have approval by the City.

O. Street Patterns

Streets shall be platted with appropriate regard to natural and topographic features so as to lend themselves to attractive treatment.

P. Street Grades

Grades of all streets shall be sufficient to insure adequate surface drainage, but shall not be more than eight (8) percent.

- Q. The City Engineer and Governing Body may require profiles and elevations of streets to determine compliance with any requirement of this section.

10-4 ALLEYS

- A. Width and Paving

Alleys may be provided at the rear of all lots intended to be used for business purposes and may be provided in residential areas. Alleys shall generally be parallel to the street. Alleys shall be no less than twenty (20) feet wide and shall be paved in business areas consistent with City Engineering Design Standards. The right-of-way for alleys shall be dedicated to the public.

- B. Intersecting Alleys or Utility Easements

Where two alleys or utility easements intersect, or where an alley or utility easement turns at a right angle, a cutoff of not less than ten (10) feet from the normal intersection of the property or easement line shall be provided along each property or easement line.

- C. Dead-End Alleys

Dead-end alleys shall not be permitted.

- D. Alleys Which Do Not Connect On A Straight Course

If alleys are not themselves straight within each block, or if the same do not connect on a straight course with the alleys of adjoining blocks, then all necessary easements shall be provided for the placing of guy wires in order to support poles set on curving or deviating rights-of-way of alleys.

10-5. SIDEWALKS

- A. Sidewalks shall be installed in new subdivisions as deemed necessary by the Governing Body and will be installed at the expense of the person or persons building the respective structure to the sidewalk.
- B. No sidewalk is required until a lot is improved but at the time such improvements are constructed, a sidewalk complying with the provisions hereof shall be provided at the front of such lot, and also along the street side of corner lots.
- C. All sidewalks shall be not less than four (4) feet in width and shall be of concrete construction.
- D. Sidewalks shall parallel the street, insofar as possible.
- E. As site conditions vary, sidewalks may be placed immediately adjacent to the street and next to the curb, when the street is paved, or at the property line (providing a place for street landscaping), at the option of the subdivider; but all sidewalks in a subdivision shall be uniform in this respect.
- F. Additional sidewalks shall be provided as deemed necessary by the Governing Body in commercial, industrial, public, and multi-family areas; such additional sidewalks as the subdivider may desire shall be permitted.
- G. ADA sidewalk ramps shall be installed at intersections in compliance with Texas Accessibility Standards.

10-6. WATER INSTALLATION

- A. Water Supply and Distribution
 - (1) All subdivisions shall be provided with a water supply and/or water distribution system approved by the City Engineer and the Texas Commission on Environmental Quality. The subdivider shall be responsible for providing this system at his expense.
 - (2) All water systems located in flood prone areas, whether public or private, shall be flood-proofed above the established flood protection elevations.
 - (3) If there is an existing public water supply system on or near the subdivision, the City may require the subdivider to connect to this system.
 - (4) Water mains shall not be less than six (6) inches in diameter in residential areas and eight (8) inches in commercial and industrial areas.

(5) Water mains may be required by the City to serve areas other than the subdivision.

B. Fire Hydrants

Standard fire hydrants shall be installed by the subdivider and connected to the water distribution system of the subdivision as per specifications of the Fire Marshall, City Engineer and of the State Board of Insurance.

C. Sharing in cost of oversized lines (Reserved)

10-7. SEWER FACILITIES AND WASTE DISPOSAL

A. All subdivisions shall be connected to a sewage collection and disposal system approved by the City Engineer at the expense of the subdivider.

B. If a separate sanitary sewage disposal system is proposed, it must be approved in writing by the Texas Commission on Environmental Quality prior to approval of the final plat by the City and such written approval presented to the City Engineer.

C. The City Engineer may prohibit installation of sewage disposal facilities requiring soil absorption systems where such systems will not function due to high ground water, flooding, or unsuitable soil characteristics. Such action by the City Engineer shall be based on the review and findings of the City and/or County Health Officer. The City may require that the subdivider note on the face of the plat and in any deed of conveyance that soil absorption fields are prohibited in designated areas.

D. The City Engineer may prescribe adequate methods for waste disposal. If a sanitary sewer system is located on or near the proposed subdivision, the City shall require the subdivider to provide sewage facilities to connect to this system where practical, and shall prescribe the procedures to be followed by the subdivider in connecting to the system.

E. The minimum size of sanitary sewer shall be six (6) inches in diameter.

F. Pipe shall be poly vinyl chloride (pvc) pipe SDR26 or as specified by the City.

G. Sharing in cost of oversized lines. (Reserved)

10-9. UTILITY LINES AND EASEMENTS

A. All utility lines that pass under a street or alley shall be installed before the Street or alley is paved. Where it is necessary that utility lines pass under the street or

alley pavement, they shall be extended to a point at least three feet beyond the edge of the pavement.

- B. Overhead utility lines crossing alleys shall be a minimum of eighteen (18) feet.
- C. Except where alleys of not less than twenty (20) feet in width are required, easements not less than fifteen (15) feet in width shall be retained (7-1/2 feet on each side of rear lot lines). Where necessary, easements not less than ten (10) feet in width, on each side of side lot lines shall be retained for poles, wires, conduits, storm sewers, sanitary sewers, water lines, open drains, gas lines, or other utilities. Such easements may be required across parts of lots other than as described above upon recommendation of the City Engineer. Where the proposed platted area adjoins an un-platted area, the full alley or easement width may be required along the rear of lots adjoining the un-platted areas.
- D. At the option of the subdivider all single phase electric lines and communication lines may be installed underground at the subdivider's cost.

10-10. MONUMENTS AND CORNER MARKERS

- A. All block corners, angle points and points of curves, and all corners of boundary lines of subdivisions shall be marked with a one-half inch steel rod, two feet in length.
- B. Where, due to topographic conditions, permanent structures, or other conditions, the view is obstructed between any two adjacent markers intermediate markers shall be so set as to assure a clear view between adjacent markers. Intermediate property corner markers, consisting of a one-half inch steel rod or three-quarter inch pipe, three feet in length, shall be driven flush with the finished ground surface to mark the corners of all lots.

10-10. DRAINAGE

- A. Easement
Where a subdivision is traversed by a water course, drainageway, natural channel or stream, there shall be provided an easement or right-of-way conforming substantially to the limit of such water course, plus additional width to accommodate maintenance and future needs.
- B. Drainage Facilities
 - (1) Drainage facilities shall be provided and construction as specified by the City. Storm drainage facilities shall be designed to convey the flow of

surface waters without damage to persons or property. The system shall insure drainage at all points along streets and provide positive drainage away from buildings and onsite waste disposal sites.

- (2) Plans shall be subject to the approval of the Governing Body. The City Engineer may require a primarily underground system to accommodate frequent floods and a secondary surface system to accommodate larger, less frequent floods. Drainage plans shall be consistent with local and regional drainage plans.
- (3) The facilities shall be designed to prevent the discharge of excess runoff onto adjacent properties.
- (4) Storm sewers shall be constructed with reinforced concrete pipe.

C. Drainage Cost Sharing

- (1) Plans and specifications for the above improvements shall be reviewed by the City Planner and City Engineer for consistency with general development and city engineering standards.
- (2) If it is determined that additional drainage facilities in the form of storm sewers within the subdivisions are necessary, the Developer shall prepare, with the approval of the City Planner and City Engineer, plans and specifications to be used by him in correcting the drainage. All such work necessary to be done under such plans and specifications shall be done at the sole expense of the Developer.
- (3) Storm sewers required to provide drainage from the point where storm water emanates from the subdivision to an adequate drainage point along existing streets, may, at its discretion, be provided by the City of New Waverly. In the event that the storm drain construction is so great as to be prohibitive for either the subdivider or the City, all areas affected by such drainage shall be omitted from the development. The developers, may, at their option, either provide the necessary storm drainage outside of the subdivision, in the event that the City is unable to do so, or, by specific agreement, provide same upon a basis for refund over a period of time agreeable to the Governing Body.

10-11. LOTS, RESIDENTIAL

All lots shall abut on an approved street for a distance of at least sixty (60) feet and shall provide safe and convenient pedestrian and vehicular access from the lot onto the street. On cul-de-sacs

the 50 feet frontage will be measured at the minimum setback line; such setback line shall be no less than twenty-five (25) feet from the front property line to the face of the building and shall be required on all lots. Lots on cul-de-sacs shall also have a forty-five (45) feet (minimum) frontage at the property line. Minimum lot area shall be 12,000 square feet, (See Table A).

10.12. BLOCKS

Block lengths shall not exceed 1,000 feet, nor shall they be less than 500 feet.

10.13. CROSSWALK WAYS

A. Crosswalk rights-of-way six (6) feet in width shall be dedicated where deemed necessary by the Governing Body to provide pedestrian circulation or access in schools, playgrounds, shopping centers, and transportation other than community facilities, or to provide pedestrian circulation within the subdivision.

B. Crosswalk ways shall be provided with a concrete sidewalk at least four (4) feet wide.

10-14. CONDITIONS ATTACHED TO PLAT APPROVAL

The City Engineer may attach conditions including but not limited to the following to the approval of plats for areas subject to development problems in flood hazard areas:

A. Construction and modification of sewage, water supply and drainage facilities to meet the standards of this or referenced ordinances and to promote the health, safety, and general welfare.

B. Requirements for construction or channel modifications, dikes, levees and other protective measures.

C. Imposition of operations controls, sureties, and deed restrictions may include flood-proofing of intended uses, subject to the individual approval of the City Engineer and Governing Body at the time such uses are constructed, through:

- (1) Anchorage to resist flotation and lateral movement.
- (2) Installation of watertight doors, bulkheads, and shutters, or similar methods of construction.
- (3) Reinforcement of walls to resist water pressures.
- (4) Use of paints, membranes, or mortars to reduce seepage of water through walls.
- (5) Addition of mass or weight to structures to resist flotation.
- (6) Installation of pumps to lower water levels in structures.
- (7) Construction of water supply and waste treatment systems so as to prevent the entrance of floodwaters.
- (8) Pumping facilities or comparable practices for subsurface drainage systems for buildings to relieve external foundation wall and basement flood pressures.
- (9) Construction to resist rupture or collapse caused by water pressure or floating debris.
- (10) Installation of valves or controls on sanitary and storm drains which will permit the drains to be closed to prevent back-up of sewage and storm waters into the buildings or structures. Gravity draining of basements may be eliminated by mechanical devices.
- (11) Location of all electrical equipment, circuits and installed electrical appliances in a manner which will assure they are not subject to flooding and to provide protection from inundation by the regulatory flooding.
- (12) Location of any structural storage facilities for chemicals, explosives, buoyant materials, flammable liquids or other toxic materials which could be hazardous to public health, safety, and welfare in a manner which will assure that the facilities are situated at elevations above the height associated with the regulatory protection elevation or are adequately flood-proofed to prevent flotation of storage containers which could result in the escape of toxic materials into flood waters.

10-15. BUILDING SETBACK LINES & MINIMUM LOT SIZES

- A. The following requirements (Table A) establish minimum setback lines and lot sizes for the structural types described, except as provided for in Section 3-3.

Table A

<u>Residential Type</u>	<u>Minimum Lot Areas</u>	<u>Minimum Lot Dimensions</u>		<u>Front Set Back</u>	<u>Side Yard</u>	<u>Back Yard</u>	<u>Outside Yard/Corner Lot</u>	<u>Remarks</u>
		<u>Inside Lot</u>	<u>Corner Lot*</u>					
Standard Single Family Detached	12,000	100' (W)** 120' (D)**	125' (W) 150' (D)	30'	15' 30'***	20'	20'	
Mobile Home (See Provisions of Mobile Home Ordinance No.								
Duplex	23,000(B)	125' (W) 185' (D)	150' (W) 185' (D)	30'	15' 30'***	20'	20'	
Townhouse or Garden Apartments	4,800	40' (W) 120' (D)	60' (W) 120' (D)	10'	N/A	20'	20'	See Footnote A
Apartment Complexes	16,000	100' (W) 160' (D)	125' (W) 160' (D)	10'	N/A	20'	20'	See Footnote A
Commercial Type	13,000	100' (W) 130' (D)	125' (W) 130' (D)	10'	N/A	20'	20'	See Footnote A

* Exception—Corner lots are required to be larger

** W= Width; D= depth; Width is measured at the front setback line.

*** Structure cannot be any closer than 30 feet to adjacent structures (e.g., house or business building)

Footnote A: Ten feet side yard or (30'***) is required for unit(s) adjacent to single-family, mobile home, or duplex unit

Footnote B: Lot for duplex residential unit (2 dwellings).

- B. The following requirements (Table B) establish minimum parking space requirements and standards for various subdivision and land use types.

TABLE B

<u>LAND USE</u>	<u>PARKING SPACES</u>
Single Family Unit	2.0/unit
Duplex Unit	2.0/unit
Triplex Unit	2.0/unit
Fourplex Unit	2.0/unit
Townhouses	2.0/unit
Apartments (5 or more units)	2.0/unit
Motels, similar uses	1.0/unit
Churches, Theaters, & similar uses	1.0/4 seats
Retail Establishments	1.0/300 SF gross floor area
Kindergartens, Day Nurseries	See (4) below

OTHER USES: Determined by review of Commission

- (1) Parking spaces shall be a minimum of 9 feet wide and 18 feet long.
- (2) Required parking spaces shall not occur, wholly or partially, within public rights-of-way
- (3) Parking areas for townhouse, apartments, or commercial areas shall be screened from adjacent duplex or single family areas shall be screened from adjacent duplex or single family areas (including mobile homes) by an opaque fence or hedge six (6) feet or higher.
- (4) Parking spaces listed in Table B do not include nor shall they be used for parking spaces required to adequately accommodate (off-street) employees or accommodate the storage of recreational vehicles boats, etc.
- (5) Parking patterns and arrangements shall conform to city engineering specifications and standards.

C. SIGHT LINES AT STREET INTERSECTIONS

The location of fencing, landscaping, structures, signs, parking areas, or other visual obstructions shall not be such as to occur within a triangular area formed by a horizontal distance of fifteen (15) feet measured along and from the intersection of right-of-way lines at street intersection

SECTION 11. GUARANTEE OF PERFORMANCE

11-1. CONSTRUCTION OF IMPROVEMENTS PRIOR TO FINAL PLAT RECORDATION

If the subdivider chooses to construct the required improvements prior to the recording of the Final Plat, all such construction shall be inspected while in progress by the City, and must be approved upon completion by the City Engineer, or his duly authorized representative. A certificate by such officer stating that the construction conforms to the specifications and standards contained in or referred to herein must be presented to the Governing Body prior to approval of the Final Plat for recordation.

11-2. SECURITY IN LIEU OF CONSTRUCTION

If the subdivider chooses to file security in lieu of completing construction prior to Final Plat approval for recordation, he may utilize one of the following methods of posting security. If the subdivider chooses to file security, the plat shall not be approved for recordation unless the subdivider has done one of the following:

A. Performance Bond

Has filed with the City a bond executed by a surety company holding a license to do business in the State of Texas and acceptable to the City and on the form provided by the City in an amount equal to the cost of the improvements required by this Ordinance. The construction of the improvements shall be within the time as estimated and approved by the Administrator. The performance bond shall be approved as to form and legality by the City Attorney.

B. Trust Agreement

Has placed on deposit in a bank or trust company in the name of the City and approved by the City, in a trust account a sum of money equal to the estimated cost of all site improvements required by this Ordinance, the cost and time of completion as approved by the Administrator. Selection of the trustee shall be executed on the form provided by the City and approved as to form and legality by the City Attorney. Periodic withdrawal may be made from the trust account for a progressive payment of installation cost. The amounts of such withdrawals shall be based upon progress work estimates and approved by the City Engineering Department. Such withdrawals shall be approved by the trustee.

C. Unconditional Guarantee from a federally insured Financial Institution as Approved by the City.

Has filed with the Governing Body a letter, on the form provided by the City, signed by the principal officer of a federally insured financial institution, acceptable to the City, agreeing to pay the City on demand, a stipulated sum of money to apply to the estimated cost of installation of all improvements for which the subdivider or developer is responsible under this Ordinance. The guaranteed payment sum shall be the estimated costs and scheduling as approved by the Administrator. The letter shall state the name of the subdivision and shall list the improvements for which the subdivider or developer is required to provide.

11-3. GUARANTEE OF MATERIALS AND WORKMANSHIP

The subdivider, or developer, shall require guarantee of materials and workmanship of his construction contractors, with whom he contracts for furnishing materials and installing the improvements required under this Ordinance. The subdivider, or developer, shall himself be responsible for guaranteeing that all materials and workmanship in connection with such improvements are free of defects for a period of one (1) year after acceptance of the improvements by the City.

11-4. ACCEPTANCE OR REJECTION OF CONSTRUCTION

If one of the above three types of security is filed by the subdivider under Paragraph 11-2, the City Engineer shall inspect the construction of the improvements while in progress and he shall inspect such improvements upon completion of construction. After final inspection he shall notify the subdivider, the Administrator and the City Attorney in writing as to his acceptance or rejection of the construction. He shall reject such construction only if it fails to comply with the standards and specifications contained or referred to herein. If he rejects such construction, the City Attorney, shall on direction of the Governing Body, proceed to enforce the guarantees provided in this Ordinance.

11-5. EXTENSION OF TIME

Where good cause exists, the Administrator may recommend to the Governing Body to extend the period of time for completion under part 11-2 of this section. Such extension of time shall be reported to the Commission and the Governing Body and recorded in the Minutes of each body. No such extension shall be granted unless security as provided in part 11-2 has been provided by the subdivider covering the extended period of time.

SECTION 12 RESPONSIBILITY FOR PAYMENT OF EXTRAORDINARY OFF-SITE/ON-SITE INSTALLATION COSTS

12-1. RESPONSIBILITY FOR PAYMENT FOR INSTALLATION COST OF:

A. Streets

The City may pay, providing funds are available, for street right-of-way in excess of fifty (50) feet width and for street paving in excess of twenty-eight (28) feet width, except: where such extra widths are in commercial developments or where they are not required by the City.

B. Bridges

The City may participate, providing funds are available, in the extra cost of large drainage structures on principal streets shown on the Circulation Plan.

C. Street Lights

Street lights shall be installed by the City at intersections and access ways and at not more than 500 foot intervals along streets. Cul-de-sacs more than 300 feet in length shall be lighted. Should the subdivider wish to install, at his own expense, street lighting different than that provided by the City, he shall select the type of street light, pole, and luminaries of a design recommended by the City Engineering Department and approved by the Governing Body.

D. Street Signs

Street signs and markers, in accordance with standards adopted by the City of New Waverly, are required at each intersection within the subdivision and at street entrances into the subdivision. The City will provide and install all street signs at its own expense except as provided in Section 10-3(N) of this Ordinance. All signs shall be in place by the time the subdivision is open for use.

SECTION 13. WHERE SUBDIVISION IS UNIT OF A LARGER TRACT

Where the proposed subdivision constitutes a unit of a larger tract owned by the subdivider, which is intended to be subsequently subdivided in whole or part as additional units, the preliminary and final plats shall be accompanied by a layout of the entire area, showing the tentative, proposed layout of streets, blocks, drainage, water, sewerage, and other improvements for such area.

The overall layout, if approved by the Governing Body, shall be attached to and filed with a copy of the approved subdivision plat in the permanent files of the City.

Thereafter, plats of subsequent units of such subdivision shall conform to such approved overall layout unless changed by the Governing Body, who may change such approved overall layout only when it finds:

- A. That adherence to the previously approved overall layout will hinder the orderly subdivision of other land in the area in accordance with the provisions of this Ordinance; or

- B. That adherence to the previously approved overall layout either will be detrimental to the public health, safety, or welfare, or will be injurious to other property in the area.

SECTION 14. AUTHORITY OF THE CITY COUNCIL

The City Council is hereby authorized to promulgate, or to have promulgated, and to file for public record and use rules, regulations, procedures, standards, and specifications for the construction, installation, design, location, and arrangements of streets, curbs, street lights, alleys, utility layouts, utility easements, gates for utility easements, sidewalks, water supply and water distribution systems, fire hydrants, sewage disposal systems, septic tanks, water wells, monuments, criteria for drainage easement requirements, drainage facilities, and cross walkways.

Such rules, regulations, standards and specifications may be amended from time to time, provided that an amendment must be appropriately approved by the Governing Body. No such rules, regulations, procedures, standards and specifications shall conflict with this or any other Ordinance of the City.

All such improvements shall be constructed, installed, designed, located and arranged by the subdivider in accordance with such rules, regulations, standards and specifications.

The plat shall show the following (see also Section 13):

Name(s) and address(es) of the subdivider(s), record of owner(s) of land to be subdivided, engineer and/or surveyor preparing the map, and name and address of the designer of the plat.

SECTION 15. WARNING AND DISCLAIMER OF LIABILITY (FLOOD PROTECTION)

The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based on previous flood records. Larger floods may

occur on rare occasions or flood heights may be increased by man-made or natural causes, such as bridge opening restricted by debris.

This Ordinance does not imply that areas outside flood hazard areas or land uses permitted within such areas will be free from flooding or flood damages.

This Ordinance shall not create liability on the part of the City of New Waverly or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder. In no case shall responsibility or liability arise from the design or operation of subdivision drainage facilities dedicated to the City if the City has not accepted in writing the dedication and agreed to maintain and operate the facilities

SECTION 16. COMPLIANCE

No land shall hereafter be subdivided or used without full compliance with the terms of this Ordinance and other applicable regulations including zoning, official maps, health codes, and other regulations which apply to uses within the jurisdiction of this Ordinance.

SECTION 17. WITHHOLDING IMPROVEMENTS AND SERVICES

The City will withhold all City improvements of whatever nature, including the maintenance of streets and the furnishing of water and sewer service, to any subdivision or part thereof if the platting of such has not been approved by the City or in which the construction of required improvements does not comply with these regulations.

SECTION 18. SEVERABILITY CLAUSE

Should any portion of this Ordinance be held for any reason invalid or unenforceable, the same shall not be construed to affect any other valid portion hereof, but all valid portions shall remain in full force and effect.

SECTION 21: EFFECTIVE DATE

Passed and approved at a regular meeting of the City Council of the City of New Waverly this 9th day of May, 2017 and (voting distribution of “ayes” and “noes”)



Dan Underwood, Mayor

ATTEST



Rosemary Bartee, City Secretary