

## Chapter 74 - SUBDIVISIONS <sup>[56]</sup>

<sup>(56)</sup> **Charter reference**— Streets, § 2.04.

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<sup>(56)</sup> **Cross reference**— Any subdivision ordinance or ordinance dedicating or accepting any plat or subdivision in the city saved from repeal, § 1-9(7); buildings and building regulations, ch. 18; manufactured homes, mobile homes and parks, ch. 50; utilities, ch. 86; vegetation, ch. 90; zoning, ch. 98. (Back)

### ARTICLE I. - IN GENERAL

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#### **Sec. 74-1. - Reserved.**

#### **Sec. 74-2. - Title.**

These regulations shall officially be known, cited, and referred to as the subdivision regulations of the City of Webster, Texas, hereinafter "these regulations", and they shall be a part of the Code of Ordinances of the City of Webster, Texas.

(Ord. No. 04-04, § 1, 5-18-04)

#### **Sec. 74-3. - Authority and dedications.**

These subdivision regulations shall be applicable to the filing of plats and the subdivision of land, as that term is defined herein and in V.T.C.A., Local Government Code Ch. 212, within the corporate city

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limits of the City of Webster as they may be from time to time adjusted by annexation or disannexation, and the city shall have all remedies and rights provided by such V.T.C.A., Local Government Code Ch. 212 with regard to the control and approval of subdivisions and plat within the city. The planning and zoning commission, or a person to whom responsibility for plat approval is delegated within the city is vested with the authority to review, approve, conditionally approve and disapprove applications for the subdivision of land, including preliminary and final plats. As a condition of subdivision plat or replat approval, the city may require the owners and developers of land who desire to subdivide, plat or replat land for urban development, to provide for building setback lines, to dedicate streets, alleys, parks, easements or other public places or facilities of adequate width and size and to coordinate street layouts and street planning with the comprehensive plan, with other municipalities, and with county, state and federally designated highways, as they may deem in the best interest of the general public. The city council may grant variances from these regulations pursuant to the provisions of this chapter.

This chapter is adopted under the authority of the Constitution of the State of Texas, Article 974(a), V.A.C.S., and the Charter of the City of Webster.

(Ord. No. 04-04, § 1, 5-18-04; Ord. No. 11-14, § 1, 11-15-11)

**Sec. 74-4. - Purpose.**

It is hereby declared to be the policy of the city to consider the subdivision of land and its subsequent development to be subject to control by the city pursuant to its general plans for the orderly, planned, efficient, and economical development of the city. The purposes of these regulations are to assure the comfort, convenience, safety, health, and welfare of the people of the city, to protect the environment, and to promote the development of an economically sound and stable community. These regulations have been developed in accordance with a comprehensive planning process to provide for the city's orderly growth and development. In approving subdivisions within the city, the planning and zoning commission and staff shall consider the following criteria and before granting approval shall make written findings of fact that the provisions of these regulations have been met and that the proposed subdivision will meet the criteria outlined in these subdivision regulations and the comprehensive plan.

- (1) Promote and develop the utilization of land and in a manner to assure the best possible community environment in accordance with the city's comprehensive plan and zoning ordinance.
- (2) To protect and conserve the value of land throughout the city and the value of buildings and improvements upon the land and to minimize the conflicts among uses of land and buildings.
- (3) To establish reasonable standards of design and procedures for subdivisions and re-subdivisions in order to further the orderly layout and use of land, and to ensure proper legal descriptions, monumenting of subdivided land, and adequate and accurate records of land subdivision.
- (4) The proposed subdivision will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites or rare and irreplaceable natural areas.
- (5) The subdivider has adequate financial and technical capacity to meet the above stated standards.
- (6) To protect the character and the social and economic stability of all parts of the municipality and to encourage infill development in existing neighborhoods and nonresidential areas with adequate public facilities.

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(7) Provide that the cost of improvements to minimum standards which primarily benefit the tract of land being developed be borne by the owner or developers of the tract, and that the cost of improvements to minimum standards which primarily benefit the whole community be borne by the whole community. The city council will determine who bears the cost of improvements after reviewing any supplemental reports or studies to support the development.

(8) Protect and provide for the public health, safety, and general welfare of the community.

(9) Standardize the procedure and requirements for subdividing property and submitting plats for review and approval.

(10) Ensure that public or private facilities are available and will have a sufficient capacity to serve proposed subdivisions and development within the territorial jurisdiction.

(Ord. No. 04-04, § 1, 5-18-04; Ord. No. 11-14, § 1, 11-15-11)

**Sec. 74-5. - Definitions.**

For the purpose of these regulations, words used in the present tense include the future tenses; words used in the singular number include the plural, and words in the plural include the singular, except where the natural and obvious construction of the writing indicates otherwise. Definitions not expressly prescribed herein are to be determined in accordance with customary usage in municipal planning and engineering practices. The word "may" is not discretionary unless the context in which it is used indicates otherwise. The word "must" and "shall" are mandatory in every instance.

*Abut/abutting:* To physically touch or border upon; or to share a common property line or border. This term implies a closer proximity than the term "adjacent."

*Access:* A way or means of approach to provide physical entrance and exit to a property.

*Access easement:* An easement that provides access to platted tracts. The easement shall meet all of the requirements as set forth for a dedicated street, including, but not limited to, construction standards, and function, but shall be privately maintained.

*Administrative officer:* City manager or other staff person as designated by the city manager to administer the provisions and regulations of this chapter.

*Administrative plat or minor plat:* A type of final plat, limited in application, which may be approved by the administrative officer or their designee.

*Alley:* A minor public right-of-way which provides a secondary means of vehicular access to abutting property and which is used primarily for vehicular traffic to the rear or side of the property which otherwise abuts on a public street. In some cases, an alley may serve as the primary means of vehicular access for a property.

*Amending plat:* A plat which is controlling over the preceding plat without vacation of that plat which is submitted for approval of certain dimensional and notational corrections and lot line adjustments under the provisions of the Texas Local Government Code. An amending plat is a final plat.

*Applicant:* The owner of land proposed to be subdivided or his or her representative who shall have express written authority to act on behalf of the owner. Consent shall be required from the legal owner of the premises.

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*Block:* One or more lots located on a tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroads rights-of-ways, airport boundaries, bulkhead lines or shore lines where no bulkhead lines have been established, or corporate boundary lines of the City of Webster, or as designated by the applicant on a plat.

*Bond:* Any form of a surety bond in an amount and form satisfactory to the planning and zoning commission. All bonds shall be approved by the planning and zoning commission whenever a bond is required by these regulations.

*Buffer:* The use of any manmade or natural materials or open space in any fashion designed to limit the effects of one land use upon adjoining land uses. A buffer must meet all existing city design standards and shall be approved by the city council as part of the plan review process.

*Building:* Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind.

*Building line:* A line beyond which buildings must be set back from the property line.

*City:* The City of Webster, Texas, together with all its governing and operating officials and boards.

*City council:* The duly elected governing body of the City of Webster, Texas.

*City engineer:* This term shall apply only to such registered professional engineer or firm of registered professional consulting engineer that has been specifically designated as such by the city.

*Commission:* See planning and zoning commission.

*Common open space:* Land set aside for the exclusive use of all owners of residential property within the platted area for visual relief, active, and/or passive recreation.

*Comprehensive plan:* The comprehensive plan of the city as adopted by the city council and the planning and zoning commission, pursuant to state law. The officially adopted plan for the general improvement, development, expansion, delivery of services, scheduling of improvements, and management of the City of Webster, including any unit or part of such plan separately adopted, and any amendment to such plans thereof. Such plan shall include all elements whether expressed in words, graphics, or other forms.

*Condominium:* A unit available for sale in fee simple contained in a multi-occupancy project subject to covenants and restrictions and where the common elements of the condominium building, structure or development are jointly owned. Condominiums may be commercial, industrial, recreational, or residential.

*Construction plans:* The maps or drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements of the design standards of the City of Webster, as amended.

*Corner lot:* A lot or parcel of land abutting upon two or more streets at their intersection, or upon two parts of the same street forming an interior angle of less than 135 degrees.

*Curb:* The concrete boundary at the edge of the pavement of a street, which also usually includes gutters and meets the adopted design standards of the City of Webster.

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*Dedication:* The transfer of property from the owner to another party.

*Deed:* A legal document conveying ownership of real property.

*Deed restriction:* See restrictive covenant.

*Design standards:* The currently adopted document that provides the general requirements for design of public improvements, private improvements that connect to or affect the public infrastructure, and the supporting documents for approval in the City of Webster. Specific design criteria are included in the document.

*Developer:* Any person, firm, corporation, partnership, or association including the holder of an option or contract to purchase, who shall lay out, for the purpose of sale or development, any subdivision, or part thereof, as defined herein, either for himself or others. If the developer does not own the property to be developed, written permission must be submitted by the owner at the initial phase of the subdivision application.

*Development:* Development shall mean the construction or reconstruction of one or more new buildings or structures on one or more building lots, the exterior expansion of an existing building; the location of an existing building on another building lot, or the use of open land for a new land use. "To develop" shall mean to create a development.

*Development plat:* A plat which is required to be prepared in accordance with the Texas Local Government Code when a tract of land is developed and a subdivision of that tract of land is not required.

*Double fronting lot:* A lot which fronts upon two parallel streets, or which fronts upon two streets which do not intersect at the boundaries of the lot.

*Easement:* A right granted for the purpose of limited public or semi-public use across, over, or under private property for a specified purpose or purposes.

*Engineer:* A person duly authorized and licensed under the provisions of the Texas Engineering Registration Act, as heretofore or hereafter amended, to practice the profession of engineering and who is specifically qualified to design and prepare construction plans, specifications and documents for subdivision development.

*Filing date:* The date when all necessary forms, fees, and copies are submitted for review, recommendation, and approval by the commission and/or city council, and such forms, fees and requirements are acknowledged as being complete and all of the staff's comments have been addressed.

*Final plat:* A map or drawing of a proposed subdivision prepared to meet all of the requirements set forth in these subdivision regulations for approval by the planning and zoning commission and recordation. The final plat of any lot, tract, or parcel of land shall be recorded in the records of Harris County, Texas. An amending plat is also a final plat.

*Flag lot:* A lot whose frontage on and access to the street right-of-way is provided by a narrow driveway, access easement, or other parcel of land referred to as the "staff" of the flag lot.

*Floodplain:* Low-lying land that is susceptible to flooding from any source. The floodplain consists of two sections; the floodway, which is the channel for a water course and that portion of land needed for the

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passage of a determined amount of water (normally a 100-year flood), and the flood fringe or that portion of the floodplain outside the floodway, but still subject to flooding.

*Frontage:* The portion of any lot or tract that abuts a street.

*Governing body:* The city council of the City of Webster, Texas.

Homeowners association. A community association, other than a condominium association, which is organized in a development in which individual owners share common interests in open space or facilities.

*Infill development:* Development designed to occupy scattered or vacant parcels of land that remain after the majority of development has occurred in an area.

*Infrastructure:* Facilities and services needed to sustain industrial, residential, commercial and all other land use activities.

*Interior lot:* A lot other than a corner lot.

*Land plan:* A general, conceptual or master plan for an area proposed for partial or complete subdivision. The land plan may show the proposed locations of land uses, streets, phasing of development, important physical features, and other applicable information for the entire area to be subdivided.

*Land planner:* Persons other than surveyors or engineers who also possess and can demonstrate a valid proficiency in the planning of residential, commercial, industrial, and other related developments, such proficiency often having been acquired by education in the field of landscape architecture or other specialized planning curriculum and/or by actual experience and practice in the field of land planning, and may be a member of the American Institute of Certified Planners.

*Lot:* Lot means a physically undivided tract, parcel, or reserve of land having frontage on a public street or other approved facility 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 lot number or symbol in a duly approved subdivision plat which has been properly recorded.

*Lot area:* The total area of a horizontal plane bounded by the front, side, and rear lot lines of a building lot, including any portion of the easement that exists within such property lines and exclusive of street rights-of-way.

*Lot depth:* The length of a line connecting the midpoints of the front and rear lot lines, which line shall be at right angles to the front lot line or radial to a curved front lot line at its midpoint.

*Lot line:* A line of record bounding a lot that divides one lot from another lot or from a public or private street or any other public space.

*Lot width:* The length of a line drawn perpendicular to the lot depth line at its point of intersection with the building line and connecting the side lot lines.

*Lot line wall:* That wall of a patio home or garage that is coincident with a side lot line.

*Minor plat:* A proposed plat with four or fewer lots, with said lot or lots fronting on an existing street, and not requiring the creation of any new street or the extension of municipal facilities.

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*Monument:* A physical structure that marks the location of a corner or other survey point set in accordance with the Minimum Standards of Practice of Land Surveying.

*Nonresidential:* Any use that is not multi-family residential or single-family residential.

*Owner:* (See subdivider).

*Parkway:* That portion of the right-of-way between the curb and the right-of-way line.

*Patio area:* That private enclosed open space not visible from the street and oriented toward one side of a patio home, often extending to include the rear portion of the lot, and enclosed on all sides by building walls or fences.

*Patio home:* A detached, single-family dwelling located on an individual lot with the slab coincident with the side lot line. The lot includes a patio or side yard oriented toward the opposite side of the dwelling entirely enclosed by the dwelling wall, lot line wall of the neighboring dwelling, or other fences and walls.

*Pavement width:* The portion of a street available for vehicular traffic from back of curb to back of curb.

*Person:* Any individual, group of individuals, associations, firms, general or limited liability partnerships, joint ventures, corporation, governmental agency, or political subdivision.

*Plan or plat package:* Includes all drawings, instruments, written specifications, reports, test results, covenants, and other similar items required in this chapter.

*Planned unit development:* A form of development which promotes the development of a tract of land in a unified manner and which may allow for certain variances from the established development standards for lot sizes, lot width, building lines, as established in this chapter and may consist of a combination of residential and nonresidential uses, or individual uses.

*Planning and zoning commission:* Same as commission. The commission is appointed by the city council under the provisions of the City Charter and state law to review and make recommendations on subdivision plats and other planning issues.

*Plat:* A map or drawing of a proposed subdivision.

*Predevelopment meeting:* A meeting between a developer and city staff, held prior to application for approval of a plat or construction plans, or at any time during the development process, for the purposes of exchanging information and identifying potential problems with a proposed development.

*Preliminary plat:* A map or drawing of a proposed subdivision illustrating the features of the development for review and recommendation by the commission, but not suitable for recordation in the county records.

*Property:* A lot, parcel, or tract of land together with the building and structures located thereon.

*Public space:* Any area, lot, building site or development site that has been reserved or dedicated for public use.

*Public utility:* Any public or private utility, such as but not limited to: storm drainage, sanitary sewers, electric power, water service, gas service, cable, communication, or telephone line, whether

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underground or overhead.

*Radial lot:* A lot fronting onto a curvilinear street.

*Registered engineer:* An engineer properly licensed and registered in the State of Texas.

*Registered land surveyor:* A land surveyor properly licensed and registered in the State of Texas.

*Replat:* Any change in a map of an approved or recorded subdivision plat that affects any street layout on the map or area reserved thereon for public use or any lot line, or that affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions. May also be called a resubdivision.

*Reserve:* A reserve is the same as a lot and subject to the same platting requirements.

*Restrictive covenant:* A restriction on the use of land usually set forth in the deed.

*Reverse frontage lot:* A double frontage lot extending between and having frontage on a freeway, highway, arterial, or collector street and a local street, and with vehicular access solely from the latter.

*Right-of-way:* A strip of land reserved, occupied or intended to be occupied by a street, sidewalk, cross walk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or for any other special use. The usage of the term "right-of-way" for land platting purpose shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Rights-of-way intended for streets, sidewalks, crosswalks, water mains, sanitary sewers, storm drains, shade trees, or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such right-of-way is established.

*Setback:* The minimum required distance between the building line and an easement or property line in which no improvements requiring a building permit can be constructed on the property. The term also includes front yard setback, side yard setback, and rear yard setback.

*Site improvements:* Any grading, filling, or excavation of unimproved property; additions or alterations to existing buildings or other structures requiring alterations to the ground; the construction of new buildings or other structures, including parking lots and street pavements, curbs and gutters, sidewalks, alley pavements, walkway pavements, water mains, sanitary sewers, storm sewers or drains, street names, signs, street lights, landscaping, permanent reference monuments (PRM's), permanent control points (PCP's), or any other improvement required by these regulations or by the city council.

*Street:* A public right-of-way that provides vehicular access to abutting property or land. A driveway or alley which serves only to give secondary vehicular access to a building lot or an accessory parking or loading facility, or to allow vehicles to take or discharge passengers at the entrance of a building, shall not be considered a street.

(1) *Freeway:* A freeway is a state road, which generally is suitable for substantial statewide, or interstate travel, with access controlled and restricted to certain areas via on and off ramps.

(2) *Highway:* A highway is a state road, which generally is suitable for substantial statewide travel, but allows less restrictive access. This is generally a heavily traveled route with multiple lanes and signalized control at key intersections.

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(3) *Major arterial:* A major arterial road accommodates trips of moderate length and distributes travel to smaller geographic areas than the freeways or highways. Arterials place more emphasis on land access and offer lower traffic mobility than highways. These facilities generally do not penetrate neighborhoods.

(4) *Minor arterial:* A minor arterial road accommodates trips of moderate length and distributes travel to smaller geographic areas than the major arterials. Unlike major arterials, the length of the trips and degree of access management is less restrictive.

(5) *Major collector:* A major collector road serves to collect traffic from smaller local roads and commercial areas and links these areas to locally important traffic generators and large roads. Major collectors are generally two lanes and undivided by esplanades. Unlike arterials, their operation is not always dominated by traffic signals.

(6) *Minor collector:* A minor collector road serves to collect traffic from smaller local and residential areas and links these areas to locally important traffic generators and larger roads. Minor collectors are generally two lanes, undivided and provide direct access to residential driveways. May also be called a local street.

(7) *Cul-de-sac:* A local street with only one outlet that terminates in a vehicular turnaround and having an appropriate terminal for the safe and convenient reversal of traffic movement.

(8) *Dead end:* That portion of a public street, other than a cul-de sac, that has only one opening or access to another public street, and which may be extended at a later date.

*Street, width:* The distance from back of curb to back to back of curb. For a rural street, the distance between the outer edges of asphalt pavement.

*Structure:* Means anything constructed, the use of which requires permanent location of the ground or attachment to something having a permanent location on the ground.

*Subdivision:* The division of any lot, tract, or parcel of land into two or more parts, lots, building lots, sites or building sites, for the purpose, whether immediate or future, of sale, rental or lease, or subdivision of ownership, and which could include the dedication and the laying out of new streets, roads or alleys, public easements, rights-of-way, highways or other public access ways. This definition also includes the resubdivision or replatting of land or lots that are part of a previously recorded subdivision. Division of land in parcels of five acres or more and where no building construction is involved shall not be included within this definition of subdivision, unless any such subdivision of five acres or more includes the planning and development of a new street or access easement or realignment of an existing street. An addition is a subdivision.

*Subdivider:* See developer.

*Surveyor:* A registered public surveyor authorized by state statute to practice the profession of surveying.

*Temporary improvement:* Improvements built and maintained by a subdivider during construction of the subdivision and prior to release of the performance bond.

*Thoroughfare plan:* A plan adopted by the city council that identifies the general routing and classification of proposed streets and thoroughfares. The plan may also establish the function and capacity of the various thoroughfares as they relate to the land uses they are proposed to serve.

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*Title report:* A current report, commitment, opinion or title policy that: (1) is prepared and executed by a title company authorized and in good standing to do business in the State of Texas or by an attorney licensed in the State of Texas; (2) provides a legal description of the property proposed to be subdivided or developed; (3) identifies the owner and lien holder of the property subject to the subdivision plat or development plat and the recording information of each instrument by which each owner or lien holder acquired its respective interest; and (4) describes all encumbrances of record that affect the property and the recording information of each instrument by which each encumbrance was established. A title report shall be current if it certifies that the records were examined not more than 30 days from the date of the application to which it applies. For purposes of a replat, a title report shall also include information regarding any deed restrictions applicable to the property of reflect that no deed restrictions apply.

*Tract:* A tract is the same as a lot and shall be subject to the same platting requirements.

*Variance:* Permission from the city council to modify or depart from these subdivision regulations.

*Zero lot line:* The side lot line that is coincident with a patio home or townhome.

*Zoning ordinance:* The officially adopted Zoning Ordinance of the City of Webster, Texas together with any and all amendments thereto.

Words and terms not expressly defined herein are to be construed in accordance with customary usage in municipal planning and engineering practices.

(Ord. No. 04-04, § 1, 5-18-04; Ord. No. 11-14, § 1, 11-15-11)

**Sec. 74-6. - Relationship to other ordinances; application and administration.**

This chapter shall be applied and administered in coordination with all other applicable ordinances, codes, development and standards and regulations. The provisions hereof shall also be applied and administered in conjunction with the adopted zoning ordinance, comprehensive plan, the adopted water and sewer plan and all other such official plans.

(Ord. No. 04-04, § 1, 5-18-04)

**Sec. 74-7. - Jurisdiction.**

These subdivision regulations shall apply to all subdivisions of land and all land development activities, as they are both defined herein, and for all property identified in a deed of record, any part of which are located within the territorial jurisdiction of the city as established by law in effect at the time of adoption of these subdivision regulations or as may be amended from time to time.

(Ord. No. 04-04, § 1, 5-18-04)

**Sec. 74-8. - Subject developments.**

The provisions of these subdivision regulations and the current design standards shall apply to the following forms of land subdivision or development activity:

- (1) The division of land into two or more lots, tracts, reserves, sites, or parcels; or
- (2) All subdivisions of land, whether by metes and bounds division or by plat, which were outside

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the jurisdiction of the city's subdivision regulations, and which subsequently came within the jurisdiction of the city's subdivision regulations through annexation.

- (3) The division of land previously subdivided or platted into tracts, lots, sites or parcels and not recorded, that were subject to and not in accordance with adopted city subdivision regulations in effect at the time of such subdividing or platting.
- (4) The combining of two or more contiguous tracts, lots, sites or parcels for the purpose of creating one or more legal lots for the purpose of development.
- (5) The dedication, vacation, or reservation of any street and alley through any tract of land regardless of the area involved.
- (6) The vacation of a previously recorded subdivision plat.
- (7) Permanent public or semipublic spaces (such as golf courses, recreational uses, institutional uses, schools, open spaces or park areas, and similar uses).
- (8) Any tract of land within the city limits or extraterritorial jurisdiction of the city, proposed for development such development will consist of new construction or the enlargement of any exterior dimension of any building, structure, or improvement, when a subdivision of the property is not occurring and the property has not been legally platted.
- (9) No building permit or certificate of occupancy shall be issued for any parcel or plat of land created by subdivision after the effective date thereof, and not in substantial conformity with the provisions of these subdivision regulations, and no excavation of land in connection with the construction of any public or private improvements shall take place or be commenced except in conformity with these regulations.

(Ord. No. 04-04, § 1, 5-18-04)

**Sec. 74-9. - Exemptions.**

The provisions of these subdivision regulations shall not apply to:

- (1) Land legally platted and approved prior to the effective date of these subdivision regulations except as otherwise provided; or
- (2) Unsubdivided residential lots within the unrecorded Green Acres Subdivision in their original form as filed and recognized by the city.
- (3) The following types of development plats:
  - a. Alterations to any building or improvement, including enclosing an existing canopy or porte-cochere, that do not increase the exterior square footage by more than 100 square feet and that do not result in an encroachment into a required setback;
  - b. A parking lot or expansion thereof;
  - c. A retaining wall, masonry wall or fence;
  - d. Placement of a temporary classroom building at a public school facility.

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e. The development of one or more contiguous tracts where no subdivision is taking place, ownership is consolidated, and where the property is already served by the required public infrastructure.

- (4) Sales of tracts of land by metes and bounds or tracts on which no improvements or alteration dividing the original tract is occurring.
- (5) Existing cemeteries complying with all state and local laws and regulations (exemptions do not apply to new cemeteries or expansion of existing cemeteries).
- (6) Subdivision development that is exempt by state law.

If platting is not required, the city shall issue a certificate of exemption prior to issuing a building permit or site plan approval.

(Ord. No. 04-04, § 1, 5-18-04; Ord. No. 10-04, § 1, 6-1-10)

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[Sec. 74-36. - Assurances for completion of improvements.](#)

[Secs. 74-37—74-39. - Reserved.](#)

### **Sec. 74-20. - Purpose.**

The purpose of this article is to establish the procedures and requirements for the submittal, review, recommendation, consideration, and action by the commission, city council and/or staff to provide the necessary details and orderly processing of the subdivision of land in the city.

(Ord. No. 04-04, § 1, 5-18-04)

**Sec. 74-21. - Predevelopment assistance.**

City staff is available to the subdivider to provide advice and assistance early and informally in the land subdivision process prior to formal application for approval. A developer may request a predevelopment meeting with staff at any time during the development process.

(Ord. No. 04-04, § 1, 5-18-04)

**Sec. 74-22. - Plat application packages.**

A complete plat application package containing the following items shall be submitted to the administrative officer for review and approval. An application will receive a filing date once it is deemed complete.

- (1) Complete, signed application form;
- (2) Filing fees;
- (3) Required number of copies of the plat, drawn on 24 inches by 36 inches sheets at a scale of one inch equals 100 feet. When more than one sheet is necessary to accommodate the entire area, an index sheet showing the entire subdivision at a scale of one inch equals 400 feet shall be attached to the plat;
- (4) Plans have been reviewed by staff and all comments have been appropriately addressed.

(Ord. No. 04-04, § 1, 5-18-04)

**Sec. 74-23. - Responsibility of design.**

Notwithstanding the approval of any plat or plan by the council, commission, or staff, the developer and the engineer that prepares and submits such plat or plan shall be and remain responsible for the adequacy of the design and nothing in this chapter shall be deemed or construed to relieve or waive the responsibility of the developer or his engineer for or with respect to any plat or plan submitted.

The applicant shall be responsible for verifying the accuracy of all data submitted, including that which might be obtained from the city, excepting that data which can only be obtained from the city.

(Ord. No. 04-04, § 1, 5-18-04)

**Sec. 74-24. - Where subdivision is unit of a larger tract.**

(a) *Generally.* It is recommended that where the proposed subdivision constitutes a unit of a larger tract owned by the subdivider, which is intended to be subsequently subdivided as additional units of the same subdivision, 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, sewage, parks, schools and other improvements for such areas.

(b) *Approval of plat by sections.* An owner and/or developer, at his option, may obtain approval of a portion or a section of a subdivision, provided he meets all the requirements with reference to such portion or section in the same manner as is required for a complete addition. In the event a subdivision and the final plat thereof is approved in sections, each final plat of each section is to carry the name of the entire subdivision, but is to be distinguished from each other by a distinguishing number. Block

numbers shall run consecutively and names shall be consistent throughout the entire subdivision, even though such subdivision may be finally approved in sections.

(Ord. No. 04-04, § 1, 5-18-04)

**Sec. 74-25. - Preliminary plat.**

(a) *Purpose.* The preliminary plat provides detailed graphic information and associated text indicating property boundaries, easements, land use, streets, utilities, drainage, and other information required to evaluate proposed subdivisions of land. A preliminary plat shall be required for any subdivision of land, except as otherwise provided for in this chapter.

(b) *Format.* All preliminary plat dimensions should be labeled accurately to the nearest foot.

(c) *Content.* The preliminary plat shall include the entire tract intended to be developed at one time, and any off-site improvements required to accommodate the project. The preliminary plat shall contain or have attached thereto:

(1) *General information.*

- a. Name, address and phone numbers of the developer, record owner, and authorized agents (engineer, land planner, etc.).
- b. The proposed name of the subdivision.
- c. The date, scale, and north indicator.
- d. All dimensions labeled accurately to the nearest foot.
- e. A vicinity map showing the relation of the subdivision to streets and other prominent features in all directions for a radius of at least one mile using a scale of one inch equals 2,000 feet. The latest edition of the USGS 7.5 minute quadrangle map is recommended.
- f. The owner's name, deed or plat reference and property lines of property within 200 feet of the subdivision boundaries as determined by the most recent tax rolls.
- g. Certification and signature blocks as required by the city and the county.
- h. The total acreage of the property to be subdivided and the subtotals by proposed land use.

(2) *Existing conditions.*

- a. The existing property lines, including bearings and distances, of the land being subdivided. Property lines shall be drawn sufficiently wide to provide easy identification.
- b. The location of existing watercourses, dry creek beds, wells, sinkholes and other similar topographic features.
- c. Centerline of watercourses, creeks, existing drainage structures and other pertinent data shall be shown.
- d. Areas subject to flooding shall be shown, delineating the regulatory 100-year floodplain,

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and any other floodplains identified by the city.

e. Topographic data indicating one foot contour intervals for slopes less than five percent, two-foot contour intervals for slopes between five percent and ten percent, and five-foot contour intervals for slopes exceeding ten percent. The contoured area shall extend outward from the property boundary for a distance equal to 25 percent of the distance across the tract, but not fewer than 50 feet nor more than 200 feet.

f. The locations, sizes and descriptions of all existing utilities, including but not limited to wastewater lines, lift stations, wastewater and storm sewer manholes, water lines, water storage tanks, and wells within the subdivision, and/or adjacent thereto.

g. The location, dimensions, names and descriptions of all existing or recorded streets, alleys, reservations, railroads, easements or other public rights-of-way within the subdivision, intersecting or contiguous with its boundaries or forming such boundaries, as determined from existing deed and plat records. The existing right-of-way width of any boundary street to the proposed subdivision shall also be shown.

h. The location of city limit lines as depicted on the city's most recent base map, if it traverses the subdivision, is contiguous to the subdivision boundary or is located within 200 feet of the subdivision boundary.

(3) *Improvements.*

a. The location, size and description of any proposed drainage appurtenances, including storm sewers, detention ponds and other drainage structures proposed to be constructed on and off the site, and designed in accordance with the requirements of this chapter.

b. The location, dimensions, names and descriptions of all proposed streets, alleys, parks, open spaces, blocks, lots, reservations, easements and rights-of-way; and areas within the subdivision indicating the connection to or continuation of other improvements in adjacent subdivisions.

c. Numbers to identify each proposed residential lot and each block and letters to identify each proposed nonresidential reserve.

d. The lengths of each proposed property line of all lots. The area of each non-rectangular lot shall be provided.

(4) *Support documents.* A drainage study, consisting of a drainage area map with contours, location and capacities of existing and proposed drainage features, and calculations in accordance with this chapter and good engineering practices, shall be provided to ensure the property will be developed in accordance with city drainage policies.

(d) *Procedure.*

(1) City staff shall review all preliminary plat submittals for completeness at the time of application. If, in the judgment of city staff, the preliminary plat submittal substantially fails to meet the minimal informational requirements as outlined above, it will not be accepted for review.

(2) Prior to the commission meeting at which the preliminary plat is presented, city staff shall review the plat for consistency with city ordinances, codes, policies and plans.

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(3) City staff shall provide comments to the applicant outlining items to be corrected on the plat. The applicant should return the corrected plat to staff at least ten days prior to the desired commission meeting.

(e) *Approval.* The commission, upon the recommendation of staff, shall act on the request for preliminary plat approval. The commission shall have final approval of a preliminary plat.

(1) The failure of the commission to act within 30 days of the preliminary plat filing date shall be deemed an approval of the plat, except as otherwise agreed to by the developer.

(2) Approval of the preliminary plat shall not constitute approval of the final plat, but shall constitute a vesting of the right to develop under city ordinances, codes and policies in effect on the date of the approval provided that neither the preliminary plat nor any subsequent plat or permit has been, or is, allowed to expire.

(3) The developer should be aware that specific approvals from other agencies may be required.

(4) Upon approval of the preliminary plat, the developer shall furnish one mylar reproducible copy of the approved plat to be kept on file at the city as public record.

(f) *Disapproval.* Upon disapproval of the preliminary plat, the developer has 90 days to address all of the commission recommendations and resubmit corrections to the preliminary plat. If the revisions have not been submitted in 90 days then the developer will have to begin the subdivision approval process again, including repaying all of the fees associated with this process.

(g) *Expiration.*

(1) The approval of the preliminary plat shall expire 12 months after the filing date, unless:

a. Corresponding construction plans and/or final plat on all, or a portion of, the land approved on the preliminary plat is filed, or

b. An extension is granted by the commission in accordance with this chapter.

(2) If a preliminary plat expires, it may be reinstated only upon resubmittal of the unaltered, approved plat to the commission. All fees shall be repaid as if the plat were initially being submitted.

(h) *Extension.* The developer may apply for an extension, in writing, prior to the end of the initial 12-month period, stating reasons for needing the extension and demonstrating pursuit of approvals for construction plans and/or final plat in accordance with this chapter. Upon receipt of this written request, the commission may, at its discretion, grant up to a two-year extension, provided the preliminary plat remains consistent with the master plan and/or ordinances of the city.

(i) *Revision.* If a revision to a previously approved preliminary plat is required, then no application for final plat shall be accepted until the revised preliminary plat has been submitted and approved by the commission. This signed, approved document shall be kept on file as public record in the offices of the city.

(Ord. No. 04-04, § 1, 5-18-04; Ord. No. 11-14, § 1, 11-15-11)

**Sec. 74-26. - Final plat.**

(a) *Purpose.* The final plat provides detailed graphic information and associated text indicating property boundaries, easements, streets, utilities, drainage, and other information required for the maintenance of public records of the subdivision of land.

(1) A final plat shall be required for all subdivisions of land.

(2) The final plat shall conform to the approved construction plans and approved preliminary plat.

(b) *Format.* All preliminary plat dimensions should be labeled accurately to the nearest one-tenth of a foot.

(c) *Content.* The final plat shall include all of the tract intended to be developed at one time, and shall contain or have attached thereto:

(1) *General information.*

a. All of the information required for a preliminary plat, except that a duplication of support documents is not required.

b. The seals and signatures of the engineer or surveyor who prepared the plat.

c. Any general notes as required by the city.

(2) *Survey control information.*

a. True bearings and distances to the nearest established street lines, official monuments, or existing subdivision corner, which shall be accurately described on the plat and rotated to the state plane coordinate system. Using said system, X and Y coordinates shall be identified for four property corners.

b. The description and location of all permanent monuments or benchmarks, standard monuments, survey control points and lot pins.

c. Suitable primary control points to which all dimensions, bearings and similar data shall be referenced. At least one corner of the subdivision shall be located with respect to a corner of the original survey of which it is a part.

d. Sufficient data shall be shown on the plat for each lot to prove mathematical closure.

(3) *Improvements.*

a. Provide complete curve data for streets (delta, arc length, radius, tangent, point of curve, point of reverse curve, point of tangent, long chord with bearing) between all lot corner pins.

b. The property lines and number or letter designations of all proposed lots, reserves and blocks, with complete bearings, distances and dimensions for front, rear and side lot lines. The surveyor shall certify that all lots meet the city's minimum requirements set forth herein.

c. The use, property dimensions, names and boundary lines of all special reservations to be dedicated for public use, including sites for schools, churches, parks and open spaces;

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common ownership; or subsequent development.

d. The location of building setback lines, as required by the city's zoning ordinance and indicated by dashed lines on the plat, and the location, dimensions, and descriptions of all required easements within the subdivision, intersecting, or contiguous with its boundaries or forming such boundaries.

e. The proposed location of sidewalks for each street, to be shown as a dotted line inside the proposed right-of-way lines.

(4) *Support documents.* The following supporting documents must accompany the final plat:

a. If a subdivision is located in an area served by any utility other than the city, the developer shall furnish a letter from such utility certifying their approval of the location of the utility easements shown on the plat and indicating the utility's intent to serve the property.

b. If the construction of all improvements needed to serve the subdivision is not completed prior to the filing of the plat for recordation then the developer must provide financial assurance for the completion of the remainder of those improvements in accordance with this chapter.

c. One copy of the current title report.

(d) *Procedure.* After approval of the preliminary plat and construction plans for a proposed subdivision, a final plat for that subdivision shall be submitted to the city for approval before recordation.

(1) A final plat may be submitted for review and approval simultaneously with construction plans, provided however that the final plat shall not be approved until the construction plans have been approved. If the final plat and construction plans are to be reviewed simultaneously, a complete application for final plat and a complete application for construction plans must be submitted to the city simultaneously.

(2) City staff shall review all final plat submittals for completeness at the time of application. If, in the judgment of city staff, the final plat submittal substantially fails to meet the minimal informational requirements as outlined above, it will not be accepted for review.

(3) Prior to the commission meetings at which the final plat is presented, city staff shall review the plat for consistency with city codes, policies and plans.

(4) City staff shall prepare a report analyzing the final plat submittal, as well as any comments received concerning the preliminary plat, and recommending either approval or disapproval of the final plat.

(e) *Approval.* Upon a recommendation from staff, the commission shall approve or disapprove the request for final plat approval.

(1) The failure of the commission to act within 30 days of the final plat filing date shall be deemed an approval of the plat, except as otherwise agreed to by the developer.

(2) For final plats submitted simultaneously with construction plans, the failure of the commission to act within 30 days of the later of the filing date or the construction plan approval date shall be deemed an approval of the final plat, except as otherwise agreed to by the developer.

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(3) The developer should be aware that specific approvals from other agencies may be required.

(f) *Disapproval.* Upon disapproval of the final plat, the developer has 90 days to address all of the commission's concerns and resubmit corrections to the final plat. If the revisions have not been submitted in 90 days then the developer will have to begin the subdivision approval process again, including repaying all of the fees associated with this process.

(g) *Expiration.*

(1) The approval of the final plat shall expire 12 months after the filing date, unless:

- a. The final plat is recorded at the Harris County Clerk's Office;
- b. The developer commences construction of the required public improvements or submits a financial surety instrument for the improvements; or
- c. An extension is granted in accordance with this chapter.

(2) If a final plat expires, it may be reinstated only upon resubmittal of the unaltered, approved plat to the commission. All fees shall be repaid as if the plat were initially being submitted.

(h) *Extension.* The developer may apply for an extension, in writing, prior to the end of the initial 12-month period, stating reasons for needing the extension and demonstrating commencement of construction activities or submittal of financial surety instruments in accordance with this chapter. Upon receipt of this written request, the commission may, at its discretion, grant up to a one-year extension, provided the final plat remains consistent with the master plan and/or ordinances of the city.

(i) *Revision.* If revision of the final plat is required by the commission, then the final plat shall not be recorded until the revised final plat has been resubmitted and approved by city staff for compliance with the commission's requirements, if any.

(Ord. No. 04-04, § 1, 5-18-04; Ord. No. 11-14, § 1, 11-15-11)

**Sec. 74-27. - Short form final plat.**

(a) *Purpose.* The provision of adequate data concerning land use, utility requirements, traffic impact, streets, easements and dedications is vital to ensure the continued health, safety and welfare of the city's residents. Recognizing that the significance of this data is reduced for the small scale projects that are most heavily impacted by the burden of producing this data, the city allows alternate procedures for simple resubdivisions, lot splits, and the platting of existing development and of land proposed for site development where public improvements are not required. A short form final plat may also include a short form final replat.

(1) Subdivisions or resubdivisions creating no more than five new lots must be prepared in accordance with the procedures set forth below provided that the subdivision meets all of the following criteria:

- a. The city shall certify that the proposed subdivision meets all the requirements of the short form final plat.
- b. No new public street shall be necessary for each lot to access a public street.

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- c. Each of the lots is contiguous with at least one of the other lots in the subdivision for a distance of at least 50 feet.
- d. No off-site improvements to the city's infrastructure are determined to be necessary by the city engineer.
- e. No off-site drainage improvements are determined to be necessary by the city engineer.

(2) The commission may require compliance with the standard final plat procedures outlined this chapter, if the city determines that the plat is inconsistent with any element of the comprehensive plan, or any established city ordinances, codes or policies.

(b) *Format.* The format of the short form final plat shall correspond with the format for final plats as required by this chapter.

(c) *Content.* The content of the short form final plat shall correspond with the content for final plats as required by this chapter, except that:

(1) Construction plans may not be required.

(2) The city may permit omission of any informational requirements that are determined by the city to place an excessive burden on the applicant, including, but not limited to contours, centerlines of existing watercourses, etc.

(d) *Procedure.* The procedure for review and approval of a short form final plat shall follow the procedure for final plats, except that:

(1) The short form final plat may be submitted without approval of a preliminary plat or construction plans. The plat, prepared by a surveyor, and engineer if required, and bearing their seals shall be submitted to the commission for approval before recordation of the plat.

The applicant shall provide any attendant documents needed to supplement the information provided on the plat.

(e) *Approval.* The approval process of a short form final plat shall be the same as the approval of a final plat.

(f) *Disapproval.* The disapproval process of a short form final plat shall be the same as the disapproval of a final plat.

(g) *Expiration.* The expiration of a short form final plat shall be the same as the expiration of a final plat.

(h) *Extension.* The extension for the approval of a short form final plat shall be the same as an extension of a final plat.

(i) *Revision.* The revision process of a short form final plat shall be the same as the revision process described for a final plat.

(Ord. No. 04-04, § 1, 5-18-04; Ord. No. 11-14, § 1, 11-15-11)

**Sec. 74-28. - Development plat.**

(a) *Purpose.* Any person who proposes the development of a tract of land located within the limits or in the extraterritorial jurisdiction of the municipality must have a development plat of the tract prepared in accordance with these provisions. If a person is required to file a subdivision plat, a development plat is not required in addition to a subdivision plat.

(b) *Format.* The format of the development plat must be in the form of a boundary survey prepared and sealed by a registered professional land surveyor.

(c) *Content.* The content of the development plat shall include:

(1) Each existing or proposed building, structure, or improvement or proposed modification or the external configuration of the building, structure, or improvement involving a change of the building, structure or improvement;

(2) Each easement and right-of-way within or abutting the boundary of the surveyed property; and

(3) The dimension of each street, sidewalk, alley, square, park, or other part of the property intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the street, sidewalk, alley, square, park, or other part.

(d) *Procedure.* The procedure for review and approval of a development plat shall follow the procedure for final plats, except that:

(1) The development plat may be reviewed and approved in accordance with the procedure for a short form final plat if it meets the qualifying criteria of a short form final plat.

The applicant shall provide any attendant documents needed to supplement the information provided on the plat.

(e) *Approval.* The approval process of a development plat shall be the same as the approval of a final plat.

(f) *Disapproval.* The disapproval process of a development plat shall be the same as the disapproval of a final plat.

(g) *Expiration.* The expiration of a development plat shall be the same as the expiration of a final plat.

(h) *Extension.* The extension for the approval of a development plat shall be the same as an extension of a final plat.

(i) *Revision.* The revision process of a development plat shall be the same as the revision process described for a final plat.

(Ord. No. 04-04, § 1, 5-18-04)

**Sec. 74-29. - Vacating plat.**

(a) *Purpose.* A vacating plat serves to void a recorded subdivision plat. A plat may be vacated at any time before any lot in the subdivision is sold.

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(b) *Procedure.*

- (1) The developer or owner of the property shall submit a signed, acknowledged instrument declaring the plat vacated to the administrative officer.
- (2) The document will be approved and recorded in the manner prescribed for a final plat.
- (3) If lots in the plat have been sold, the plat, or any part of the plat, may be vacated on the application of all owners of lots in the plat with the approval obtained in the manner prescribed for a final plat.
- (4) The county clerk shall write legible 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.
- (5) On the execution and recording of the vacating instrument, the vacated plat has no effect.

(Ord. No. 04-04, § 1, 5-18-04)

**Sec. 74-30. - Replat.**

(a) *Purpose.* A replat is a redesign of all or a part of a recorded plat or subdivision of land that substantially changes the elements of the plat. The replat must be processed in accordance with V.T.C.A., Local Government Code § 212-015, as amended.

(b) *Format.* The format of a replat shall be the same as the format for a final plat.

(c) *Content.* The content of a replat shall be the same as the content requirements for a final plat.

(d) *Procedure.*

(1) A replat of a subdivision or part of a subdivision 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 property being replatted;
- b. Is approved, after a public hearing on the matter at which parties in interest and citizens have an opportunity to be heard, by the municipal authority responsible for approving plats; and
- c. Does not attempt to amend or remove any covenants or restrictions.

(2) In addition to compliance with the procedures in paragraph (1), a replat without vacation of the preceding plat must conform to the requirements of this paragraph if during the preceding five years, any of the area to be replatted was zoned for single- or two-family residential use, or was deed restricted to not allow more than two residential units per lot.

- a. Notice of the hearing required in accordance with V.T.C.A., Local Government Code Ch. 212, shall be given before the fifteenth day before the date of the hearing.
- b. If the proposed replat requires a variance and is protested in accordance with this subparagraph, the proposed replat must receive, in order to be approved, the affirmative vote of at least three-fourths of the members present of the commission. For a legal protest, written instruments signed by the owners of at least 20 percent of the area of the lots or land

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immediately adjoining the area covered by the proposed replat and extending 200 feet from that area, but within the original subdivision, must be filed with the commission prior to the close of the public hearing.

c. In computing the percentage of land area under the subparagraph above, the area of streets and alleys shall be included.

d. Compliance with subparagraphs b. and c. is not required for approval of a replat of part of a preceding plat if the area to be replatted was designated or reserved for other than single or duplex family residential use by notation of the last legally recorded plat or in the legally recorded restrictions applicable to the plat.

(e) *Approval.* The approval process for a replat shall be the same as the approval process for a final plat.

(f) *Disapproval.* The disapproval process for a replat shall be the same as the disapproval process for a final plat.

(g) *Revision.* The revision process of a replat shall be the same as the revision process described for a final plat.

(h) *Expiration.* The expiration of a replat shall be the same as the expiration of a final plat.

(i) *Extension.* The extension for the approval of a replat shall be the same as an extension of a final plat.

(Ord. No. 04-04, § 1, 5-18-04; Ord. No. 11-14, § 1, 11-15-11)

**Sec. 74-31. - Amending plat.**

(a) *Purpose.* An amending plat that meets all of the informational requirements set forth in this chapter may be approved and recorded by the city without vacation of the preceding plat, without a public hearing, and without approval of other lot owners within the platted subdivision provided that any persons with a vested interest affected by the plat amendment signs the plat and application; and that the purpose of the amending plat is:

- (1) To correct an error in any course or distance shown on the preceding plat; or
- (2) To add any course or distance that was omitted on the preceding plat; or
- (3) To correct an error in the description of the real property shown on the preceding plat; or
- (4) To indicate monuments set after death, disability, or retirement from practice of the engineer or surveyor charged with responsibilities for setting monuments; or
- (5) To show the proper location or character of any monument which has been changed in location, character, or shown incorrectly on the preceding plat; or
- (6) To correct any other type of scrivener or clerical error or omission as previously approved by the commission and council; such errors and omissions may include, but are not limited to: lot numbers, acreage, street names, and identification of adjacent recorded plats; or
- (7) To correct an error in courses and distances of lot lines between two adjacent lots where lot

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owners join in the application for an amended plat and neither lot is abolished, provided that such amendment does not attempt to remove recorded covenants or restrictions and does not have a material adverse effect on the property rights of the other owners in the plat; or

(8) To relocate a lot line in order to cure an inadvertent encroachment of a building or improvement on a lot line or on an easement; or

(9) To relocate one or more lot lines between one or more adjacent lots where the owner or owners of all such lots join in the application for the amended plat, provided that such amendment does not attempt to remove recorded covenants or restrictions, or increase the number of lots.

(b) *Format.* The format of an amending plat shall be the same as the format for a final plat.

(c) *Content.* The content of an amending plat shall be the same as the content requirements for a short form final plat.

(d) *Procedure.* The amending plat may be submitted without reapproval of a preliminary plat or construction plans. The amending plat, prepared by a surveyor, and engineer if required, and bearing their seals shall be submitted to the city for approval before recordation of the plat.

(e) *Approval.* The administrator shall approve any amending plat meeting the requirements of this chapter within 30 days of receipt of a complete submittal.

(f) *Disapproval.* The administrator shall not disapprove the amending plat. If it is the administrator's determination that the amending plat does not satisfy this chapter, the administrator shall require the plat to be processed in accordance with the final plat procedures of this chapter.

(g) *Revision.* The revision process of an amending plat shall be the same as the revision process described for a final plat.

(h) *Expiration.* Approval of an amending plat shall expire if said plat is not recorded in the plat records of the county within six months of city approval.

(Ord. No. 04-04, § 1, 5-18-04)

**Sec. 74-32. - Minor plat.**

(a) *Purpose.* The administrative officer may approve, and the chairman of the planning and zoning commission shall sign, a plat involving four or fewer lots fronting on an existing street and not requiring the creation of any new street or the extension of municipal facilities. The administrative officer may, for any reason, elect to present the minor plat to the commission for approval or disapproval, as in the case of other plats. The administrative officer may not disapprove a minor plat. If the administrative officer refuses to approve the plat, he or she shall refer it to the commission for approval in accordance with the final plat procession procedures.

(b) *Format.* The format of a minor plat shall be same as the format for a final plat.

(c) *Content.* The content of a minor plat shall be the same as the format for a final plat.

(d) *Procedure.* The procedure of a minor plat shall be the same as the procedure for an amending plat.

- (e) *Approval.* The approval of a minor plat shall be the same as the approval of an amending plat.
  - (f) *Disapproval.* The disapproval of a minor plat shall be the same as the disapproval of an amending plat.
  - (g) *Revision.* The revision process of a minor plat shall be the same as the revision of a final plat.
  - (h) *Expiration.* The expiration of a minor plat shall be the same as the expiration of an amending plat.
- (Ord. No. 04-04, § 1, 5-18-04; Ord. No. 11-14, § 1, 11-15-11)

**Sec. 74-33. - Graphic requirements.**

The city department responsible for accepting, reviewing, and processing plats and construction plans, and other development related documents, is authorized to establish in writing development guidelines, including the form and manner of submission, for those development documents. Should information not be submitted to the city as specified by the appropriate city department as authorized by this section, the document will not be accepted by the city for consideration by the approving authority.

(Ord. No. 04-04, § 1, 5-18-04)

**Sec. 74-34. - Recordation.**

Prior to the recordation of the plat, one photographic mylar of the plat shall be submitted to the city for signatures and recordation in the map records of the Harris County Clerk's office, in accordance with the following procedures.

- (1) The plat is submitted within one year of city approval pursuant to the provisions of this and any other applicable ordinances.
- (2) All conditions of final plat approval established by the commission shall have been determined to be complete by city staff.
- (3) Copies of any agreements required providing for the proper and continuous operation, maintenance, and supervision of any facilities that are of common use or benefit that cannot be satisfactorily maintained, or which have been rejected for operation and/or maintenance, by an existing public agency shall be executed.
- (4) Written acceptance of all improvements required by this chapter by the city engineer or, in lieu of acceptance, assurance of completion of said improvements pursuant to this ordinance, shall be received by the city.
- (5) Applicable fees pursuant to city ordinance shall be paid.
- (6) Notes shall be added to the plat describing any variances approved by the commission. All improvements have been satisfactorily completed.
- (7) Signatures of owners and/or agents of the property to be subdivided have been executed on the plat.
- (8) Signature and seal of the engineer or surveyor who prepared of the plat.
- (9) Current original tax certificates for all property being subdivided, including CCISD, City of

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Webster and Harris County.

(10) Three copies of as-built plans have been submitted to and approved by the city engineer, along with a statement prepared by a licensed professional engineer that all improvements have been installed and constructed in accordance with the submitted as-built plans.

(11) Copies of all inspection reports, shop drawings and certified test results of construction materials have been submitted to and approved by the city engineer.

(12) Diskette(s) containing computed generated drawings of all public improvements shown on the construction plans, and all lot lines shown on the final plat, have been submitted to the city engineer to update city record drawings.

(13) Three copies of maintenance bonds meeting the requirements of this chapter have been provided.

(14) Any and all other requirements identified in the final plat process have been satisfied.

(15) City staff shall, upon determination that all provisions of this chapter have been satisfied, and all the above conditions have been met, obtain signatures certifying plat approval by the director of community development, chairman of the planning and zoning commission, and city secretary.

(16) City staff shall, after recording the photographic mylar copy in the Harris County Clerk's office, return a copy of the original recorded plat to the developer by notifying the developer that the original plat is available for pick-up at the city.

(17) The city shall keep the photographic mylar copy of the original approved final plat on file as public record.

(Ord. No. 04-04, § 1, 5-18-04; Ord. No. 11-14, § 1, 11-15-11)

**Sec. 74-35. - Construction plans.**

(a) *Purpose.* Construction plans, based upon the approved preliminary plat, and consisting of detailed specifications and diagrams illustrating the location, design, and composition of all improvements identified in the preliminary plat phase and required by this chapter and other applicable city ordinances, codes and policies, shall be submitted to the city for approval. In addition, any project that necessitates the construction, reconstruction or modification of existing city infrastructure shall also be submitted to the city for approval. The plans shall be kept by the city as a permanent record of required infrastructure improvements in order to:

(1) Provide better records that facilitate the operation and maintenance of, and any future modifications to existing city infrastructure.

(2) Provide data for evaluation of materials, methods of construction and design.

(3) Provide documentation of approved public improvements to ensure that all such improvements are built to city standards and specifications.

(4) No final plat shall be certified by the city, and no construction activities shall commence, until such time as construction plans completely describing the on-site and off-site improvements required by this chapter and other applicable city ordinances and codes, have been approved by

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the city engineer.

(b) *Format.* Drawings shall be on 24 inch by 36 inch sheets at generally accepted horizontal and vertical engineering scales.

(c) *Content.* Construction plans shall include all on and off-site improvements required to serve the proposed development as indicated on the approved preliminary plat and in compliance with applicable ordinances, codes, standards and policies of the city, and other applicable governmental entities. All construction plans shall be signed and sealed by a licensed professional engineer, licensed to practice in the State of Texas, and shall contain or have attached thereto:

(1) *Cover sheet:*

a. The appropriate project name, date, and the name, addresses and phone numbers of the developer, engineer and surveyor, etc.

b. A location map showing the relation of the subdivision to streets and other prominent features in all directions for a radius of at least one mile using a scale of one inch equals 2,000 feet. The latest edition of the USGS 7.5 minute quadrangle map is recommended.

(2) *Street and roadway systems:*

a. The horizontal layouts and alignments showing geometric data and other pertinent design details. The horizontal layout shall also show the direction of storm water flow and the location of manholes, inlets and special structures;

b. Vertical layouts and alignments showing existing and proposed center line, right and left right-of-way line elevations along each proposed roadway.

c. Typical right-of-way cross sections showing pertinent design details and elevations as prescribed in the city design and construction standards;

d. Typical paving sections showing right-of-way width, lane widths, median widths, shoulder widths, and pavement recommendations;

e. Attendant documents containing any additional information required to evaluate the proposed roadway improvements, including geotechnical information and traffic impact studies; and

(3) *Drainage improvements:*

a. Detailed design of all drainage facilities as indicated in the preliminary plat phase, including typical channel or paving section, storm sewers and other storm water control facilities.

b. Typical channel cross-sections, plan and profile drawings of every conduit/channel shall be shown.

c. Existing and proposed topographic conditions indicating one-foot contour intervals for slopes less than five percent, two-foot contour intervals for slopes between five percent and ten percent, and five-foot contour intervals for slopes exceeding ten percent, and referenced to a United States Geological Survey or Coastal and Geodetic Survey bench mark or

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monument.

d. Attendant documents containing design computations in accordance with this chapter, and any additional information required to evaluate the proposed drainage improvements.

(4) *Erosion and sedimentation controls:*

a. Proposed fill or other structure elevating techniques, levees, channel modifications and detention facilities.

b. Existing and proposed topographic conditions with vertical intervals not greater than one foot referenced to a United States Geological Survey or Coastal and Geodetic Survey benchmark or monument.

c. The location, size, and character of all temporary and permanent erosion and sediment control facilities with specifications detailing all on-site erosion control measures which will be established and maintained during all periods of development and construction.

d. Contractor staging areas, vehicle access areas, temporary and permanent spoil storage areas.

e. A plan for restoration for the mitigation of erosion in all areas disturbed during construction.

f. Any other control measures as indicated by the adopted storm water management program.

(5) *Water distribution systems:*

a. The layout, size and specific location of the existing and proposed water mains, pump stations, storage tanks and other related structures sufficient to serve the proposed land uses and development as identified in the preliminary plat phase and in accordance with the city design and construction standards.

b. The existing and proposed location of fire hydrants, valves, meters and other fittings.

c. Design details showing the connection with the existing city water system.

d. The specific location and size of all water service connections for each individual lot.

e. Attendant documents containing any additional information required to evaluate the proposed water distribution system.

(6) *Wastewater collection systems:*

a. The layout, size and specific location of the existing and proposed wastewater lines, manholes, lift stations, and other related structures sufficient to serve the land uses and development as identified in the preliminary plat phase, in accordance with the city design and construction standards.

b. Plan and profile drawings for each line in public right-of-ways or public utility easements, showing existing ground level elevation at center line of pipe, pipe size and flow line elevation at all bends, drops, turns, and station numbers.

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- c. Design details for manholes and special structures. Flow line elevations shall be shown at every point where the line enters or leaves the manholes.
- d. Detailed design for lift stations, package plants or other special wastewater structures.
- e. Attendant documents containing any additional information required to evaluate the proposed wastewater system, and complete an application for state health department approval.

(7) *Speed limit signs and permanent traffic barricades.* The location, size (where applicable), and type of speed limit signs and permanent traffic barricades according to city design and construction standards.

(8) *Temporary traffic controls.* The location, size (where applicable), and type of traffic control devices to be used on a temporary basis for development as approved by the city engineer.

(9) *Sidewalks.* The location, size and type of sidewalks and pedestrian ramps according to city standard details and specification.

(10) *Design criteria.* Final design criteria, reports, calculations, and all other related computations, if not previously submitted with the preliminary plat.

(11) *Cost estimates.* A cost estimate of each required improvement, prepared, signed and sealed by a professional engineer licensed to practice in the State of Texas.

(d) *Procedure.* After all necessary approvals of the preliminary plat have been granted, construction plans shall be submitted to the administrator for approval by the city engineer.

(1) Construction plans may be submitted for review and approval simultaneously with a final plat, provided however that the final plat shall not be approved until the construction plans have been approved. If the construction plans and the final plat are to be reviewed simultaneously, a complete application for construction plans and a complete application for final plat must be submitted to the city simultaneously.

(2) City staff shall review all construction plan submittals for completeness at the time of application. If in the judgment of the city, the construction plan submittal substantially fails to meet the minimal informational requirements as outlined above, it will not be accepted for review.

(3) The city engineer shall review the construction plans to insure compliance with this chapter, and other applicable city ordinances, codes, standards and specifications, and good engineering practices.

(4) For projects located within the county or state's jurisdiction, the construction plans and attendant documents shall be provided to the county or state for review and approval. The applicant shall be responsible for any additional information required by the county or state for construction plan approval.

(e) *Approval.* The city engineer shall either approve or disapprove the construction plans.

(1) If the construction plans are disapproved, the city engineer shall notify the applicant, in writing, of disapproval and indicate the requirements for bringing the construction plans into compliance.

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(2) If construction plans are approved, then the city engineer shall sign the cover sheet of the construction plans, returning one signed copy to the applicant and retaining the other signed copy for city records.

(3) The developer should be aware that specific approvals from other agencies may be required.

(4) All improvements shown in the approved construction plans shall be constructed pursuant to and in compliance with the approved plans, except as otherwise specifically approved.

(f) *Revision.* Where it becomes necessary, due to unforeseen circumstances, for corrections to be made to construction plans for which approval has already been obtained, the city engineer shall have the authority to approve such corrections when, in his/her opinion, such changes are warranted and also in conformance with city requirements. Approval of such changes agreed to between the developer and city engineer shall be noted by initialing and dating by both parties on the two original signed copies of the construction plans.

(Ord. No. 04-04, § 1, 5-18-04)

**Sec. 74-36. - Assurances for completion of improvements.**

(a) *Purpose.* The provisions of this chapter, as set forth in this section, are designed and intended to insure that, for all subdivisions of land within the jurisdiction of the city, all improvements as required herein are installed in a timely manner in order that:

(1) The city can provide for the orderly and economical extension of public facilities and services.

(2) All purchasers of property within the subdivision shall have a usable, buildable parcel of land.

(3) All required improvements are constructed in accordance with the city design and construction standards.

(b) *General policy.*

(1) Upon approval of a final plat by the commission and prior to it being signed by the director of community development, chairman of the planning and zoning commission, and city secretary, and before said final plat shall be allowed to be recorded in the Harris County Clerk's office, the applicant requesting final plat approval shall, within the time period for which the final plat has been conditionally approved by the city:

a. Construct all improvements as required by this chapter, and provide a surety instrument guaranteeing their maintenance as required herein; or

b. Provide a surety instrument guaranteeing construction of all improvements required by this chapter, and as provided for herein.

(2) In all instances, the original copy of the final plat, without benefit of required signatures of city officials, shall be held in escrow by the city and shall not be released for any purpose until such time as the conditions of this section are complied with.

(3) Upon the requirements of this section being satisfied, the final plat shall be considered fully approved, except as otherwise provided for in this chapter, and the original copy of the final plat shall be signed by the appropriate city officials and city staff shall file said final plat in the Harris

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County Clerk's office.

(c) *Completion of improvements.* Prior to the signing of the approved final plat by the director of community development, chairman of the planning and zoning commission, and city secretary, the developer shall:

(1) Complete all improvements required by this chapter in accordance with the approved construction plans and subject to the approval of the city engineer and acceptance by the city, except as otherwise provided for in this chapter.

(2) Construct all sidewalks as shown on the approved construction plans and according to the city design and construction standards. Sidewalks must be constructed and approved for each lot prior to issuance of a certificate of occupancy.

(d) *Alternative to completing improvements.* The city may waive the requirement that the developer complete all improvements required by this chapter prior to the signing of the approved final plat, contingent upon securing from the developer a guarantee, as provided for by this section, for completion of all required improvements, including the city's cost for collecting the guaranteed funds and administering the completion of improvements, in the event the developer defaults. The commission must be notified that this waiver was granted at the time of preliminary plat approval. Such guarantee shall take one of the following forms:

(1) *Performance bond.* The developer shall post a performance bond with the city, as set forth herein, in an amount equal to 110 percent of the estimated construction costs for all remaining required improvements, using the standard city form.

(2) *Escrow account.* The developer shall deposit cash, or other instrument readily convertible into cash at face value, either with the city, or in escrow with a bank or savings and loan institution. The use of any instrument other than cash shall be subject to the approval of the city. The amount of the deposit shall equal 110 percent of the estimated construction costs for all remaining required improvements. In the case of any escrow account, the developer shall file with the city an agreement between the financial institution and the developer guaranteeing the following:

a. That the funds of said escrow account shall be held in trust until released by the city and may not be used or pledged by the developer as security in any other matter during that period.

b. That in the case of a failure on the part of the developer to complete said improvements, the financial institution shall immediately make the funds in said account available to the city for use in the completion of those improvements.

c. Such escrow account agreement shall be prepared using the standard city form.

(3) *Letter of credit.* The developer shall provide a letter of credit from a bank or other reputable institution or individual. This letter shall be submitted to the city and shall certify the following:

a. That the creditor does guarantee funds equal to 110 percent of the estimated construction costs for all remaining required improvements.

b. That, in the case of failure on the part of the developer to complete the specified improvements within the required time period, the creditor shall pay to the city immediately, and without further action, such funds as are necessary to finance the completion of those

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improvements, up to the limit of credit stated in the letter.

c. That this letter of credit may not be withdrawn, or reduced in amount, until approved by the city according to provisions of this chapter.

(4) *Cost estimates.* A licensed professional engineer licensed to practice in the State of Texas shall furnish estimates of the costs of all required improvements to the city engineer who shall review the estimates in order to determine the adequacy of the guarantee instrument for insuring the construction of the required facilities.

(5) *Surety acceptance.* The bank, financial institution, insurer, person or entity providing any letter of credit, bond or holding any escrow account, pursuant to this chapter, shall meet or exceed the minimum requirements established by city ordinance and shall be subject to approval by the city as provided in the ordinances of the city.

(6) *Sufficiency.* Such surety shall comply with all statutory requirements and shall be satisfactory to the city attorney as to form, sufficiency, and manner of execution as set forth in this chapter. All such surety instruments shall be both a payment and performance guarantee.

(e) *Time limit for completing improvements.* The period within which required improvements must be completed shall be incorporated in the surety instrument and shall not in any event, without prior approval of the city, exceed one year from date of final plat approval.

(1) The commission may, upon application of the developer and upon proof of hardship, extend the completion date set forth in such bond or other instrument for a maximum period of one additional year. Such hardship may include delays imposed due to city projects. An application for extension shall be accompanied by an updated estimate of construction costs prepared by a licensed professional engineer, licensed to practice in the State of Texas. A surety instrument for guaranteeing completion of remaining required improvements must be filed in an amount equal to 110 percent of the updated estimate of construction costs as approved by the city engineer.

(2) The commission may at any time during the period of such surety instrument accept a substitution of principal sureties.

(f) *Failure to complete improvements.* Approval of final plats shall be deemed to have expired in subdivisions for which no assurances for completion have been posted or the improvements have not been completed within one year of final plat approval, unless otherwise approved by the city. In those cases where a surety instrument has been required and improvements have not been completed within the terms of said surety instrument, the city may declare the developer and/or surety to be in default and require that all the improvements be installed.

(g) *Inspection and acceptance of improvements.* The city engineer shall inspect all required infrastructure improvements, to insure compliance with city requirements and the approved construction plans.

(1) When all required improvements have been satisfactorily completed, the city engineer shall either:

- a. Accept, in writing, the improvements as having been satisfactorily completed, or
- b. Issue a punch list to the developer denoting items remaining to be completed.

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(2) The city engineer shall have ten working days to complete this inspection upon notification by the developer.

(3) The city shall not accept dedications of required improvements, nor release or reduce a performance bond or other assurance, until such time it is determined that:

- a. All improvements have been satisfactorily completed.
- b. Two copies of as-built plans have been submitted to and approved by the city engineer, along with a statement prepared by a licensed professional engineer that all improvements have been installed and constructed in accordance with the submitted as-built plans.
- c. Copies of all inspection reports, shop drawings and certified test results of construction materials have been submitted to and approved by the city engineer.
- d. Diskette(s) containing computed generated drawings of all public improvements shown on the construction plans, and all lot lines shown on the final plat, have been submitted to the city engineer to update city record drawings.
- e. Three copies of maintenance bonds meeting the requirements of this chapter have been provided.
- f. An affidavit of all bills paid and a release of liens have been provided.
- g. Any and all other requirements identified in the final plat process have been satisfied.

(h) *Reduction or release of improvement surety instrument.*

(1) A surety instrument may be reduced with the approval of the city engineer, and the director of finance, upon actual construction of required improvements by a ratio that the improvement bears to the total public improvements required for the subdivision, as determined by the city engineer.

(2) Before the city shall reduce said surety instrument, the developer shall provide a new surety instrument in an amount equal to 110 percent of the estimated cost of the remaining required improvements, and such new surety instrument shall comply with this chapter.

(3) The substitution of a new surety instrument shall in no way change or modify the terms and conditions of the performance surety instrument or the obligation of the developer as specified in the performance surety instrument.

(4) In no event shall a surety instrument be reduced below ten percent of the principal amount of the original estimated total costs of improvements for which surety was given, prior to completion of all required improvements.

(5) The city shall not release a surety instrument unless and until all the conditions of this chapter have been met.

(i) *Maintenance bond required.*

(1) Before the release of any surety instrument guaranteeing the construction of required subdivision improvements, or the signing of the final plat where subdivision improvements were made prior to the filing of the final plat for recordation, the developer shall furnish the city engineer

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with a maintenance bond or other surety to assure the quality of materials, workmanship, and maintenance of all required improvements including the city's costs for collecting the guaranteed funds and administering the correction and/or replacement of covered improvements.

(2) The maintenance bond or other surety instrument:

- a. Shall be satisfactory to the city attorney as to form, sufficiency, and manner of execution.
- b. Shall clearly state both the developer and the city as joint obligees.
- c. Shall cover all facilities requested for city acceptance, including water, wastewater, street and drainage improvements.
- d. Shall be in an amount equal to ten percent of the cost of improvements for the first two calendar years. A statement of construction value or final pay estimate shall be provided to the city engineer to support said warranty and maintenance bond amounts.
- e. Shall require the surety to notify the city at least 15 days prior to the end of the first full calendar year, and the lapse of maintenance coverage at the end of the second full calendar year.

(3) In an instance where a maintenance bond or other surety instrument has been posted and a defect or failure of any required improvement occurs within the period of coverage, the city may declare said bond or surety instrument to be in default and require that the improvements be repaired or replaced.

(4) Whenever a defect or failure of any required improvement occurs within the period of coverage, the city shall require that a new maintenance bond or surety instrument be posted for a period of one full calendar year sufficient to cover the corrected defect or failure.

(Ord. No. 04-04, § 1, 5-18-04; Ord. No. 11-14, § 1, 11-15-11)

**Secs. 74-37—74-39. - Reserved.**

### **ARTICLE III. - SUBDIVISION DESIGN STANDARDS FOR IMPROVEMENTS**

[Sec. 74-40. - Generally.](#)

[Sec. 74-41. - Drainage improvements.](#)

[Sec. 74-42. - Transportation improvements.](#)

[Sec. 74-43. - Water utility improvements.](#)

[Sec. 74-44. - Wastewater utility improvements.](#)

[Sec. 74-45. - Blocks.](#)

[Sec. 74-46. - Lots.](#)

[Sec. 74-47. - Easements.](#)

[Sec. 74-48. - Utility services.](#)

[Secs. 74-49—74-59. - Reserved.](#)

**Sec. 74-40. - Generally.**

(a) *Additional regulations.* In addition to the requirements established by this chapter, all development within the city limits shall be designed so as to comply with the intent and provisions of the zoning ordinance, building and housing codes, comprehensive plan, regulations of the Texas Department of Transportation and the Texas Department of Health, and any other applicable law or regulation adopted by a unit of federal, state or local government.

(b) *Standards in general.* The minimum design standards as contained herein shall provide the basic criteria for evaluating proposed development. The city may, however, establish reasonable design requirements in excess of these established minimum standards, or grant variances from those established minimum standards, where by reason of exceptional topographic, cultural, historic, archaeological, hydrologic, or other physical conditions of the property to be developed or of an adjacent tract, the strict adherence to these standards will result in an inappropriate subdivision design or cause unnecessary hardship.

(c) *Coordinated design.* The quality of life and the community in the Webster urban area is dependent on the quality of design of the individual developments in which people live and work. Good community design requires the coordination of the efforts of each developer of land within the urban area. It is intended that the urban area shall be designed as a group of integrated residential neighborhoods and appropriate commercial, industrial and public facilities. Therefore, the design of each development shall be prepared in accordance with the applicable principles established by the comprehensive plan for land use, circulation, community facilities and public utility services and in accordance with the following general principles:

(1) The neighborhood, as a planning unit, is intended as an area principally for residential use, and of a size that can be served by one elementary school. Space for recreational, educational and shopping facilities to serve the residents of the neighborhood should be provided and designed as an integral part of each neighborhood. The size of lots and blocks should be designed to provide for adequate water and wastewater service, traffic circulation, light, air, open space, landscaping and off-street parking. The arrangement of lots and blocks and the street system should be designed to make the most advantageous use of topography and natural physical features. Tree masses and large individual trees should be preserved to the greatest extent possible. The system of sidewalks and roadways and the lot layout should be designed to take advantage of the visual qualities of the area.

(2) The components of the street system should in different degrees serve the separate purposes of access to property and safe, efficient movement of traffic. Land use types should be served by roadways whose capacity increases in proportion to the traffic generation of the land use. Design and location of points of access to property should be appropriate to the volume and speed characteristics of traffic utilizing the intersection.

(3) An open space system throughout the urban area should provide a range of active and passive recreation opportunities. Park, open space and recreation facilities should be located with sensitivity to user population, natural features, traffic generation, and nearby land use.

(4) Land use arrangement and design should minimize the difference in intensity between adjacent uses in order to provide for the provision of water, wastewater and roadways sufficient to serve the proposed densities and provide for compatible neighboring developments. Step-down patterns of use surrounding major activity centers, combined with buffering techniques, should

ensure that residential densities are compatible with each other, and that residential development is not adversely impacted by higher intensity uses.

(5) Public utilities and infrastructure should be provided within all subdivisions in order to ensure the health, safety and well-being of the public. Utility capacity should be sufficient to meet accepted standards of service to reasonably anticipated development. Where excess capacity in utility lines or facilities within a subdivision will further the efficient and desirable extension of utilities to adjacent property, equitable provision of such capacity is essential to the orderly growth of the urban area.

(6) Construction of water, wastewater, drainage, gas, electric, telephone and cable television utilities that require utility cuts of a public street shall be repaired pursuant to applicable city ordinances.

(Ord. No. 04-04, § 1, 5-18-04)

**Sec. 74-41. - Drainage improvements.**

(a) *Purpose.* The drainage improvement provisions contained herein are deemed necessary for the following reasons:

(1) Waterways and their associated watersheds within the city's territorial jurisdiction represent significant and irreplaceable recreational and aesthetic resources and contribute directly to the city's public health.

(2) The continued economic growth of the city is dependent on an adequate quality and quantity of stormwater runoff, a pleasing natural environment, and recreational opportunities in close proximity to the city as well as the protection of people and property from the hazards of flooding.

(3) All watersheds within the city's jurisdiction, and especially those with abrupt topography, sparse vegetation, and thin and easily disturbed soil, are vulnerable to flooding due to unregulated development activities.

(4) If watersheds within the city's jurisdiction are not developed in a sensitive and innovative manner, their water resources, natural environment, and recreational characteristics may be irreparably damaged.

(5) The city should regulate all drainage within the city's jurisdiction for the public benefit and safety, including both the existing and future generations of citizens of the city, as well as for downstream users of the each waterway within the city's territorial jurisdiction.

(b) *Policy.*

(1) All drainage improvements within the city's jurisdiction shall be designed in accordance with the city design and construction standards, as currently amended.

(2) The commission and city council shall not recommend approval or approve any plat or plan which does not meet the minimum requirements of this chapter in making adequate provisions for control of the quantity of stormwater runoff to protect the public health, safety and property, and benefit the present and future owners of property within the development, other lands within the city and neighboring areas.

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(3) It shall be the responsibility of the developer to design and construct a system for the collection and transport of all stormwater runoff flowing into, and generated within the development, in accordance with:

- a. The requirements of this chapter.
- b. The city design and construction standards, as currently amended, save and except as noted in this chapter.
- c. Good engineering practices.
- d. Approved engineering plans for construction.
- e. The regulations and principles of law established pursuant to the Texas Water Code.

(4) In general, drainage improvements shall be designed and constructed in a manner which promotes the development of a network of both natural and built drainage ways throughout the community and so as to:

- a. Retain natural floodplains in a condition that minimizes interference with floodwater conveyance, floodwater storage, aquatic and terrestrial ecosystems, and ground and surface water.
- b. Reduce exposure of people and property to the flood hazards and the nuisances associated with inadequate control of stormwater runoff.
- c. Systematically reduce the existing level of flood damages.
- d. Ensure that corrective works are consistent with the overall goals of the city.
- e. Minimize erosion and sedimentation problems and enhance water quality.
- f. Protect environmental quality, social well-being and economic stability.
- g. Plan for both the large flooding events and the smaller, more frequent flooding events by providing both major and minor drainage systems.
- h. Minimize future operational and maintenance expenses.
- i. Reduce exposure of public investment in utilities, streets and other public facilities (infrastructure).
- j. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the public.
- k. Acquire and maintain a combination of recreational and open space systems utilizing floodplain lands.

(Ord. No. 04-04, § 1, 5-18-04)

**Sec. 74-42. - Transportation improvements.**

(a) *Purpose.* The planning for a thoroughfare system is essential for the continued efficient movement

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of people and goods, and the comprehensive plan shall serve as a guide for the location and scale of future collector and arterial streets. The precise alignment of thoroughfares included in the plan may be varied to allow adjustments that increase the compatibility of the right-of-way with natural or manmade features such as steep slopes, waterways, wildlife habitats, neighborhoods, historic structures or existing roadways.

(b) *Policy.* All transportation improvements including streets, driveways, sidewalks, bikeways, traffic control, and parking areas within the city's jurisdiction shall be designed in accordance with the city design and construction standards, as currently amended.

(c) *Street lighting.* Street lighting shall be installed by the developer for all new streets within the jurisdiction of the city, and shall be designed and constructed in accordance with city design and construction standards.

(d) *Street signage.* Street signs shall be installed by the developer at all intersections within and immediately adjacent to a proposed development, and shall be designed and constructed in accordance with city design and construction standards.

(e) *Sidewalks.* Sidewalks shall be installed by the developer on both sides of all streets within and immediately adjacent to a proposed development, unless a variance is granted in accordance with the ordinance, and shall be designed and constructed in accordance with city design and construction standards.

(Ord. No. 04-04, § 1, 5-18-04)

**Sec. 74-43. - Water utility improvements.**

(a) *Policy.* Developers shall be responsible for providing an approved public water supply system consistent with the comprehensive plan, this chapter and the rules and regulations of the entity providing or to provide water to the development.

(1) In most instances in the city, an approved public water supply or distribution main is available within a reasonable distance of the subdivision and connection to the system is both possible and permissible. When this is not the case, the city will work with the developer to extend the supply to the development. In some instances, the city may request that the main water connection be oversized or rerouted to suit future water system improvements in that area. In such cases, the city will reimburse the developer the costs of oversizing or rerouting such connections.

(2) All water lines must be extended to the furthest point within the subdivision from the existing water supply or distribution main, as that distance is measured along dedicated easements.

(3) The developer shall, consistent with all existing ordinances, pay impact fees at the time of permitting to subsidize the cost of construction or maintenance of new or existing water utility improvements.

(b) *Design.*

(1) The design and construction of a public water system shall:

a. Comply with regulations covering extension of public water systems adopted by the Texas Commission on Environmental Quality.

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- b. Be of sufficient size to furnish adequate domestic water supply and fire protection services to all lots, and to conform with the requirements of the city;
- c. Be located where maintenance can be accomplished with the least interference with traffic, structures and other utilities;
- d. Be designed and constructed in accordance with city design and construction standards; and,

(2) The design of private water systems shall include backflow prevention assemblies for domestic and fire protection systems that are directly or indirectly connected to the city's potable water distribution system.

(Ord. No. 04-04, § 1, 5-18-04)

**Sec. 74-44. - Wastewater utility improvements.**

(a) *Policy.* Developers shall be responsible for providing an approved wastewater system, consistent with the comprehensive plan, this chapter and the rules and regulations of the entity providing or to provide wastewater service to the development, throughout the development, such that all lots, parcels, or tracts of land will be capable of connecting to the wastewater system except as otherwise provided herein.

(1) In most instances of the city, an approved public wastewater collection main is within reasonable distance of the subdivision and connection to the system is both possible and permissible. When this is not the case, the city will work with the developer to extend the supply to the development. In some instances, the city may request that the main wastewater connection be oversized or rerouted to suit future wastewater system improvements in that area. In such cases, the city will reimburse the developer the costs of oversizing or rerouting such connections.

(2) All wastewater lines must be extended to the furthest point within the subdivision from the existing public wastewater collection main, as that distance is measured along dedicated easements.

(3) The developer shall, consistent with all existing ordinances, pay impact fees at the time of permitting to subsidize the cost of construction or maintenance of new or existing wastewater utility improvements.

(b) *Design.* The design and construction of wastewater collection systems, lift stations, inverted siphons and septic systems shall comply with regulations covering extension of public wastewater systems, and other applicable regulations, adopted by the Texas Commission on Environmental Quality and the Texas Department of Health. Under extraordinary circumstances, these provisions may be varied with the approval of the council and commission.

(1) All new public wastewater systems shall be designed and constructed to operate on a gravity flow basis by taking advantage of natural topographic conditions and thereby reducing the need for lift stations and force mains.

(2) Flow determinations should include generally accepted criteria for average daily flow, inflow and infiltration, peaking factors, minimum slopes and minimum flow velocities.

(3) Public wastewater lines shall be located where maintenance can be accomplished with the

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least interference with traffic, structures and other utilities. Minimum separation distance from water utilities shall be in accordance with the rules adopted by the Texas Commission on Environmental Quality.

(4) Manholes shall be located so as to facilitate inspection and maintenance, including intersections, horizontal alignment changes, vertical grade changes, change in pipe size or material, and force main discharge points.

(5) All wastewater appurtenances shall be designed and constructed in accordance with city design and construction standards.

(Ord. No. 04-04, § 1, 5-18-04)

**Sec. 74-45. - Blocks.**

*Generally.* Except as provided otherwise in this section, the terms and provisions of the zoning ordinance establishing the minimum lot area, width, depth, setback line, front yard, side yard, street side, and rear yard requirements for each zoning or use category are incorporated herein by reference. Such regulations and standards shall be applied to property within the city limits based upon the zoning of the property and to property within the extraterritorial jurisdiction based on the land use proposed by the developer.

- (1) The length, width, and shape of blocks shall meet the following standards:
  - a. Provide adequate building sites (lots) suitable to the special needs of the type of use designated on the plat;
  - b. Accommodate lots of the size and dimensions required by this section;
  - c. Provide for convenient access, circulation, control, and safety of street traffic;
  - d. Minimize reductions in the capacity of adjacent streets in so far as possible by reducing the number of turning movement conflicts; and,
  - e. Provide an appropriate response to the limitations and opportunities of topography.
- (2) Residential blocks shall not exceed 1,300 feet nor be less than 500 feet in length, except as otherwise provided for herein.
- (3) Blocks along arterial streets shall not be less than 1,600 feet.
- (4) Cul-de-sac streets should not exceed 600 feet in length.
- (5) The width of blocks shall be sufficient to accommodate two tiers of lots with minimum depth as required by this section, exceptions to this width shall be permitted in blocks adjacent to major streets, railroads, waterways, or other topographical features prohibiting a second lot tier.
- (6) Blocks shall be identified on each plat by consecutive adjacent numbers within each subdivision and portion thereof. Blocks must be wholly contained within each section of a subdivision is the subdivision is platted in phases.

(Ord. No. 04-04, § 1, 5-18-04)

**Sec. 74-46. - Lots.**

- (a) *Generally.* All land area within the boundaries of the subdivision or resubdivision except that area specifically dedicated as public right-of-way for any purpose shall be designated as a lot.
- (b) The required lot area, width, depth, building setback line, front, side, street side and rear yard requirements for each lot as established in the zoning ordinance are incorporated herein by reference.
- (c) Each lot shown on a plat shall be clearly designated by a number or letter located within the boundaries of the lot. The boundaries of each lot shall be shown by bearing and distance in relation to the monuments found or established on the ground in conformance with this chapter.
- (d) For developments within the corporate limits of the city, the proposed use for each lot shall be indicated on the plat, and in accordance with the city's zoning ordinance, as currently amended.
- (e) All lots shall be rectangular, except when the street alignment is curved, in order to conform to other provisions of this chapter.
- (f) No lot shall have a corner intersection of less than 45 degrees.
- (g) The minimum lot width of any nonresidential lot shall be 30 feet.
- (h) All lots shall face and have contiguous frontage on a usable, dedicated public road right-of-way, except lots that front on or take access from an access easement. The owners of lots that front or take access from an access easement must be a part of a unified development scheme where the owners of all lots with the subdivision are legally bound together by deed restriction, contract, or any other constituted and binding association, with one of its purposes being the continued care and maintenance of all commonly owned properties within the subdivision.
- (i) Lot lines common to the street right-of-way line shall be the front line. Side lot lines shall project away from the front line at approximately at right angles to street lines and radial to curved street lines. The rear line shall be opposite and approximately parallel to the front line.
- (j) Lot area, width, and depth shall conform to the requirements as established in the zoning ordinance.
- (k) *Double frontage lots.*
  - (1) Residential lots shall not take access on two non-intersecting local and/or collector streets, and
  - (2) Residential lots adjacent to an arterial street shall also have frontage on a local street. Vehicular access to these lots shall be from the local street only. Non-residential lots with double frontage shall have off-set access points to inhibit cut-through traffic.
- (l) *Reverse frontage lots.* Residential lots with rear yards facing highways, access roads, and major or minor arterial streets should be at least 130 feet in depth so as to provide adequate rear yard area for screening and buffering of the rear of the structure, as required by this chapter.
- (m) *Corner lots.*
  - (1) Lots having frontage on two or more intersecting streets shall be classified as corner lots;

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(2) Corner lots adjacent to streets of equal classification shall have only one access driveway on either of the intersecting streets, except as otherwise approved by the council;

(3) Corner lots adjacent to streets of unequal classification shall access the lower classification street only and only one drive approach shall be allowed, except as otherwise approved by the council;

(4) Corner lots shall contain at least one street side building setback line;

(5) Corner residential lots shall be ten feet wider than the average interior lot on the same block; and

(6) Corner lots shall have a 15-foot by 15-foot corner-clip open space easement at the intersection of two collector and/or arterial streets, unless otherwise indicated.

(n) *Building setback lines.*

(1) Each lot shall have a building setback line which runs parallel to the property line.

(2) The front and rear building setback lines shall run between the side lot lines.

(3) The side building setback lines, and street side building setback lines for corner lots, shall extend from the front building setback line to the rear building setback line.

(4) The building setback line for each designated lot shall conform to the city's zoning ordinance, as currently amended.

(5) Transition building setback lines having a minimum angle of 45 degrees are to be provided and labeled where an offset in building setback lines is greater than five feet.

(6) All building setback lines shall be indicated on the subdivision plat. For non-residential developments, a note stating that "all building setback lines shall be in accordance with the city's current zoning ordinance" shall be placed on the plat.

(o) *Yard areas.* The area between the property line and the front, side or rear building setback line shall be the required front, side and rear yard areas, respectively. No structure or impervious construction shall be allowed in the front yard area except for fences, driveways, sidewalks, utility distribution lines and appurtenances within dedicated easements and rights-of-way, and/or drainage structures.

(p) *Lot access.*

(1) A minimum of one all-weather access area (either individually, or common to more than one lot) or driveway shall be provided for each lot connecting the lot to an existing or proposed dedicated public street. An exception may be made for lots which may have similar access to a private street. Each lot shall front upon a public street or, have access by way of access easement sufficient to meet the requirements of the International Fire Code 2003, as amended.

(2) Lots that front on or take access from a permanent access easement must be a part of a unified development scheme where the owners of all lots within the subdivision area legally bound together by deed restriction, contract or any other constituted and binding owners association, corporation, or other organization with, as one of its purposes, the continued care and

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maintenance of all commonly owned properties within the subdivision, particularly the areas established as permanent access easements, and the authority and means to impose binding assessments upon the lot owners for that purpose. Each subdivision plat that contained a permanent access easement shall contain an appropriate plat note.

(3) All driveway approaches shall be constructed to conform to the provisions of this chapter, and the city design and construction standards.

(q) *Lot numbering.*

(1) All lots are to be numbered consecutively within each block. Lot numbering may be cumulative throughout the subdivision if the numbering continues from block to block in a uniform manner that has been approved on an overall preliminary plat.

(2) Any lot(s) being resubdivided shall be renumbered utilizing the original lot number, followed by a letter designation starting with A or number 1, whichever is the alternate from the original lot designation symbol.

(r) *Lot easements.* Public utility easements on side and rear lot lines shall be required as needed to accommodate public utility and drainage appurtenances, and as specified in this chapter.

(s) *Lot drainage.* Lot drainage shall be in conformance with the requirements of this chapter.

(Ord. No. 04-04, § 1, 5-18-04)

**Sec. 74-47. - Easements.**

(a) All existing and proposed easements, safety lanes, and rights-of-way shall be clearly indicated on the plat or plan, as well as an indication to the use of each easement or right-of-way.

(b) No permanent structure may be placed in or over any easement or right-of-way except a structure whose use and location are necessary to the designated use of the right-of-way or easement or which otherwise will not affect the use, maintenance or repair of such easement.

(c) The width and alignment of all easements or rights-of-way to be dedicated shall be determined by the city engineer, any applicable utility provider and the commission, and approved by the commission, and shall be accompanied by a notarized statement of dedication on the plat.

(d) Easements shall be established and dedicated for all public utility and drainage appurtenances, including common access areas, and other public uses requiring dedication of property rights.

(Ord. No. 04-04, § 1, 5-18-04)

**Sec. 74-48. - Utility services.**

(a) All utility service lines for distribution for electricity, telephone, gas, cable, communication and any other such services shall be underground with the exception of electric major transmission or feeder lines. These lines are identified as three-phase lines and shall be located on the perimeter of a lot or subdivision whenever possible, but not along street rights-of-way. The standards for easement requirements for utility service lines will be determined by the city engineer.

(b) All lots, tracts, and reserves shall be served by public utilities, water, wastewater and storm

drainage designed, constructed, inspected, and accepted in accordance with the requirements set forth in the current design and construction standards.

(c) All public utilities and improvements shall be designed according to the latest edition of the design and construction standards, the comprehensive plan, and any other applicable plans approved for the area by the city.

(Ord. No. 04-04, § 1, 5-18-04)

**Secs. 74-49—74-59. - Reserved.**

## ARTICLE IV. - IMPROVEMENTS

[Sec. 74-60. - Generally.](#)

[Secs. 74-61—74-69. - Reserved.](#)

### **Sec. 74-60. - Generally.**

All subdivision improvements shall be designed and installed in accordance with all applicable elements of the comprehensive plan and shall meet the minimum requirements established by this chapter and city design and construction standards.

(1) *Types of improvements.* In the absence of any provision to the contrary, the developer shall provide the following improvements, as approved in the construction plans, in conformance with the standards, specifications and the requirements of this chapter.

- a. Drainage improvements, including storm sewer lines and inlets, channels, swales, detention facilities, and other related appurtenances.
- b. Transportation improvements, including streets, alleys, bridges, street lighting, street signage, and sidewalks.
- c. Water utilities including water distribution lines, fire hydrants, valves, and water storage facilities.
- d. Wastewater utilities including wastewater lines, manholes, and lift stations.
- e. Utility improvements for electric, telephone, gas and cable television services shall be installed in conformance with the terms and regulations of the provider of said utility and the ordinances and codes of the city.

(2) *Continuity of improvements.* All improvements shall be designed and installed so as to provide for a logical system of utilities, drainage and streets and to create continuity of improvements for the development of adjacent properties. Water, wastewater, transportation and drainage improvements shall be extended to the perimeter of the development, except that the commission is authorized to vary or modify the requirement for extending water, wastewater, transportation and drainage improvements to the perimeter of a subdivision in accordance with the

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procedural requirements contained in this chapter.

(3) *Plans for improvements.* Plans for the improvements required by this chapter shall be prepared, reviewed and approved in accordance with the provisions set forth in this chapter.

(4) *Acceptance of improvements.*

a. During the course of installation and construction of the required improvements, the city engineer or his/her designated representative shall make periodic inspections of the work to insure that all improvements comply with city requirements.

b. Upon completion of all required improvements, the developer may seek acceptance of all public improvements by the city by following the procedures set forth in this chapter.

(5) *Maintenance of improvements.* Where a subdivision contains drainage, transportation, water or wastewater improvements, parks and grounds held in common, or other physical facilities necessary or desirable for the welfare of the area, or that are of common use or benefit which will not be, or cannot be, satisfactorily maintained by an existing public agency, provisions, acceptable to the council, shall be made for such facilities. A copy of the agreements providing for the proper and continuous operation, maintenance and supervision of such facilities shall be presented to and approved by the council, and approved as to form by the city attorney, at the time of final platting and shall be filed of record with the plat thereof.

(Ord. No. 04-04, § 1, 5-18-04)

**Secs. 74-61—74-69. - Reserved.**

## ARTICLE V. - ADMINISTRATION

[Sec. 74-70. - Generally.](#)

[Sec. 74-71. - Variances.](#)

[Sec. 74-72. - Conditions for issuing a building permit.](#)

[Sec. 74-73. - Amendments.](#)

[Sec. 74-74. - Violations.](#)

[Sec. 74-75. - Enforcement.](#)

**Sec. 74-70. - Generally.**

For all development of land within the scope of this chapter, a plan of the development shall be prepared and submitted to the city for approval or disapproval, as provided for in this chapter.

(1) *City responsibilities.* The city shall administer the provisions of this chapter and in furtherance of such authority, the city shall:

a. Maintain permanent and current records with respect to this chapter, including amendments thereto.

b. Receive and file all preliminary plats, construction plans, and final plats together with

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applications therefore.

- c. Review all preliminary plats, construction plans, and final plats to determine whether such plats comply with this chapter.
- d. Forward plans and plats to the commission as required by this chapter, together with its recommendations thereon.
- e. If required, forward plans and plats to the council, together with the recommendations of the commission and city staff.
- f. Make such other determinations and decisions as may be required of the city by this chapter, the commission or the council.

(2) *Interpretation of provisions.* In the interpretation and application of the provisions of this chapter, the following regulations shall govern:

- a. In the city's interpretation and application, the provisions of this chapter shall be regarded as minimum requirements for the protection of the public health, safety, comfort, convenience, prosperity and welfare. This chapter shall be regarded as remedial and shall be liberally construed to further its underlying purposes.
- b. Whenever both a provision of this chapter and any other provision of this chapter, or any provision in any other law, ordinance, resolution, rule or regulation of any kind contains any restrictions covering any of the same subject matter, whichever restrictions are more restrictive or impose higher standards or requirements shall govern.
- c. Where there arises a question concerning the meaning or intent of a provision of this chapter, the city is hereby implored to render a written decision setting forth the exact manner in which said provision shall be interpreted and administered. In the event exception is taken by any interested party to such a decision the matter shall be appealed to the commission, and, as appropriate, to the city council, whose decision shall be final.
- d. Any written decision shall be attached to and made a part of this chapter, until rescinded by amendment of this chapter as provided for herein.
- e. The terms, provisions and conditions of this chapter shall be interpreted and applied in a manner consistent with V.T.C.A., Local Government Code Ch. 212.

(3) *Consistency with the comprehensive plan.* All subdivision plats and development plans shall conform to the comprehensive plan for the community and be consistent with all of the elements thereof. Where the proposed subdivision plat or development plan is at variance with one or more of the elements of the comprehensive plan, the developer may petition the city for amendment to the particular element or elements of the comprehensive plan either prior to, or concurrent with, submitting a request for subdivision plat or development plan approval. Inconsistency with the provisions of the comprehensive plan shall be grounds for disapproval of the subdivision plat or development plan by the city.

(4) *Consistency with the zoning ordinance.* All development projects within the corporate limits of the city shall be in conformance with the zoning ordinance. Where the proposed subdivision plat or development plan is not in compliance with zoning requirements currently applying to the property to be developed, the developer shall make appropriate application to secure the necessary zoning

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variance or amendment such that the proposed development would comply with the zoning ordinance.

(Ord. No. 04-04, § 1, 5-18-04)

**Sec. 74-71. - Variances.**

(a) *Generally.* The council may authorize a variance from these regulations when in its opinion undue hardship will result from requiring strict compliance. In granting a variance, the council shall prescribe only conditions that it deems necessary or desirable to the public interest. In making the finding herein below required, the council shall take into account the nature of the proposed land use involved and existing uses of land in the vicinity, the number of person 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. No variance shall be granted unless the council finds that:

(1) There are special circumstances or conditions affecting the land involved such that the strict application of this chapter would deprive the applicant of the reasonable use of his land.

(2) The granting of the variance will not be detrimental to the public health, safety, or welfare, or injurious to other property in the area.

(3) The granting of the variance will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of this ordinance. Such findings of the council, together with specified facts upon which such findings area based, shall be incorporated into the official minutes of the council meeting at which such variance is granted. Variances may be granted only when in harmony with the general purposed and intent of this chapter so that the public health, safety and welfare may be secured and substantial justice done. Pecuniary hardship to the subdivided, standing alone, shall not be deemed to constitute undue hardship.

(b) *Procedure.*

(1) The applicant shall file a written request for a variance with the administrator.

(2) The variance request may be considered during the course and process of considering the application for subdivision plat approval.

(3) Staff will make a recommendation to the commission, who after review and consideration will make a recommendation to council for approval or denial of the variance request.

(4) The council will vote to either approve or deny the variance request.

(c) *Approval.*

(1) The commission shall make a recommendation to council following consideration of the variance request.

(2) The council shall approve the request by a four-fifths vote rather than a simple majority.

(Ord. No. 04-04, § 1, 5-18-04)

**Sec. 74-72. - Conditions for issuing a building permit.**

No building permit shall be issued for any new structure or change, improvement or alteration of any existing structure, on any lot or tract of land and no municipal utility service will be furnished to such lot or tract which does not comply with the provisions of this chapter and all applicable elements of the comprehensive plan, except as herein exempted or upon the written application and approval of a variance.

(Ord. No. 04-04, § 1, 5-18-04)

**Sec. 74-73. - Amendments.**

The council may, from time to time, adopt, amend and make public rules and regulations for the administration of this chapter as recommended by the planning and zoning commission. This chapter may be enlarged or amended by the council after public hearing, due notice of which shall be given as required by law.

(Ord. No. 04-04, § 1, 5-18-04; Ord. No. 11-14, § 1, 11-15-11)

**Sec. 74-74. - Violations.**

Except as otherwise provided for in this chapter, it shall be unlawful for any person, firm or corporation to develop, improve or sell any lot, parcel, tract or block of land within the city's territorial jurisdiction for other than agricultural purposes, regardless of the size or shape of said lot, parcel, tract or block, unless such lot, parcel, tract or block of land conforms with this chapter.

(Ord. No. 04-04, § 1, 5-18-04)

**Sec. 74-75. - Enforcement.**

(a) *Penalty.* Any person who shall violate any of the provisions of this chapter, or shall fail to comply therewith, or with any of the requirements thereof, within the city limits shall be deemed guilty of an offense and shall be liable for a fine not to exceed the sum of \$2,000.00, or the maximum sum permitted by law, if greater than \$2,000.00. Each day the violation exists shall constitute a separate offense. Such penalty shall be in addition to all the other remedies provided herein.

(b) *Administrative action.* The city manager shall enforce this chapter by appropriate administrative action, including but not limited to the rejection of plans, maps, plats and specifications not found to be in compliance with this chapter and good engineering practices, and the issuance of stop work orders.

(c) *Court proceedings.* Upon the request of the city council the city attorney or other authorized attorney shall file an action in the district courts to enjoin the violation or threatened violation of this chapter, or to obtain declaratory judgment, and to seek and recover court costs and attorney fees, and/or to recover damages in an amount sufficient for the city to undertake any construction or other activity necessary to bring about compliance with a requirement regarding the property and established pursuant to this chapter.

(Ord. No. 04-04, § 1, 5-18-04)