

## CHAPTER 10

# SUBDIVISION REGULATION

### ARTICLE 10.01 GENERAL PROVISIONS<sup>i\*</sup>

#### Sec. 10.01.001 Replats

(a) Any person who wishes to revise a subdivision plat which has been previously filed for record must make an application of the proposed revised plat to the city council. The replat of the subdivision shall meet all the requirements for a subdivision that may be pertinent. However, if the subdivision as replatted does not require any appreciable alteration or improvement of utility installations, streets, alleys, building setback lines, etc., no engineering plans or preliminary plat will be required.

(b) In the event the proposed replat involves property which has been previously developed or zoned as single-family or duplex-residential use, special requirements are triggered as follows:

- (1) After an application is filed for a replat affecting single-family and duplex property, the city manager shall give notice of the application to be published in the official newspaper of the city at least fifteen (15) days before the date of the city council meeting at which it is to be considered. Such notice must include a statement of the time and place at which the city council will meet to consider the replat and to hear protests to the revision at a public hearing. Additionally, written notice must be sent to all owners of property located within two hundred (200) feet of the property upon which the replat is requested. Such notice may be served by depositing the notice, properly addressed and postage paid, at the local post office.
- (2) If twenty (20) percent or more of the property owners to whom notice has been required to be given file a written protest of the replatting before or at the public hearing, the affirmative vote of at least three-fourths (3/4) of the city council members is required to approve the replat.

(Ordinance adopting Code)

**State law references**—Replatting without vacating preceding plat, V.T.C.A., Local Government Code, sec. 212.014; additional requirements for certain replats, V.T.C.A., Local Government Code, sec. 212.015.

### ARTICLE 10.02 SUBDIVISION ORDINANCE<sup>ii†</sup>

#### Sec. 10.02.001 Authority

This article is adopted under the authority of the constitution and laws of the state, including V.T.C.A., Local Government Code section 212.001 et seq. and V.T.C.A., Local Government Code section 42.001 et seq. and pursuant to the city charter [charter]. (Ordinance 2103, sec. 9-1, adopted 2/14/95)

**Sec. 10.02.002 Purpose**

The purpose of this article is to provide for the orderly, safe and healthful development of the area within the city limits and within the city's five-mile extraterritorial jurisdiction and to promote the health, safety, morals and general welfare of the community. (Ordinance 2103, sec. 9-2, adopted 2/14/95)

**Sec. 10.02.003 Definitions**

(a) For the purposes of this article, the following terms, phrases, words, and their derivations shall have the following definitions:

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

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

City commission. The elected city commission.

City. The City of San Benito, Texas.

Collector streets. Carry traffic from the interior of neighborhood or developments to adjoining arterial streets. Their primary role is land access but with a higher level of traffic movement. Collectors should provide two traffic lanes and two parking lanes, and in a few cases four travel lanes.

Colonia. Any subdivision which lacks the required infrastructure (sewer, water, etc.) and fails to meet minimum subdivision requirements.

Comprehensive plan. The most current plan or collection of plans promulgated by the city commission or administration, including, but not limited to, arterial street plans or combination thereof.

Cul-de-sac. A local street, one end of which is closed and consists of a circular turnaround.

Dead-end street. A street, other than cul-de-sac, with only one outlet, other than an alley or easement.

Engineer. A person duly authorized under the provisions of Texas Engineering Registration

[Practice] Act to practice the profession of engineering.

Flag lot. A lot or parcel with less frontage on a public street than the rear and provides access to the bulk of the property by means of a narrow corridor.

Flood. A temporary rise in a stream level that results in inundation of areas not ordinarily covered by water.

Floodway. The channel of a watercourse and portions of the adjoining floodplain which are reasonably required to carry and discharge the regulatory flood.

Local streets. Serve primarily residential areas and commercial/industrial areas to some extent. Through traffic on such streets should be discouraged by discontinuous, and often curving street layout. The paved width would desirably provide for two travel lanes and one or two parking lanes.

Lot. An undivided tract or parcel of land having frontage on a public street and which is or in the future may be offered for sale, conveyance, transfer or improvement; which is designated as a distinct and separate tract, and which is identified by a tract or lot number or symbol in a duly approved subdivision plat which has been properly filed for record.

Major arterials. Similar to minor arterials in their function but serve higher traffic volumes, act as principal cross-town surface routes, and in some cases serve as urban extensions of major intercity routes. These streets will require two to six travel lanes depending on traffic, with considerable access control if necessary.

Major outfall. A large pipe or open channel that has the capacity to accept drainage runoff collected through smaller systems (pipes, manholes, inlets, gutters) from a given drainage basin and has the ability to convey the volume of runoff generated on such basin to a discharge point on a stream that becomes the ultimate receiver.

Minor arterials. Provide direct access between various sectors of the city and connect residential areas with commercial and industrial land uses. Their width and directness promote efficient traffic movement. Minor arterials should provide two or four travel lanes with parking an optional feature. Since traffic movement is their key function, land access from minor arterials may be legitimately restricted.

Pavement width. The portion of a street available for vehicular traffic shall be no less than 29 ft. of pavement width. Where curbs are laid, "pavement width" is the portion between the back of curbs.

Person. Any individual, association, firm, cooperation [corporation], governmental agency, or political subdivision.

Planning and zoning commission. The planning and zoning commission of the city.

Regulatory flood. A flood which is representative of large floods known to have occurred generally in the area and reasonably characteristic of what can be expected to occur on a particular stream. The regulatory flood generally has a flood frequency of approximately 100 years determined from an analysis of floods on a particular stream and other streams in the same general region.

Regulatory flood protection elevation. The elevation of the regulatory flood.

Shall, may. The word “shall” is always mandatory. The word “may” is merely directory.

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

Subdivision. A division of a tract or parcel of land for the purpose (whether immediate or future) of sale of residential, commercial or industrial lots, or for residential, commercial, or industrial building development when such land is situated within the city’s “territorial or five-mile extraterritorial jurisdiction.” The term “subdivision” shall include “resubdivision” as well as the division or sale of land when such division or sale is made only by reference to the metes and bounds description of such land, and without reference to a recorded plat thereof. It does not include the division of land for agricultural purposes in parcels of [or] tracts of five acres or more and not involving any new streets, alleys, or easement of access.

Surveyor. A licensed state land surveyor or a registered public surveyor, as authorized by state statute to practice the professional of surveying.

Utility easement. An interest in land granted to the city, to the public generally, and/or to a private utility corporation, for installing or maintaining utilities across, over or under private land, together with the right to enter thereon with machinery and vehicles necessary for the maintenance of said utilities.

(b) Any office referred to in this article by title means the person employed or appointed by the city in that position, or his/her duly authorized representative.

(c) Definitions not expressly prescribed herein are to be construed in accordance with customary usage in municipal planning and engineering practices.

(Ordinance 2103, sec. 9-3, adopted 2/14/95)

#### **Sec. 10.02.004 Special provisions**

(a) Any owner of any tract of land within the corporate limits of the city or its statutory five-mile extraterritorial jurisdiction who wishes to accomplish a subdivision shall comply with this article and submit same to the planning and zoning commission for its consideration, and its recommendation shall then be submitted to the city commission for its official consideration and

action.

(b) No building, repair, plumbing or electrical permit shall be issued by the city for any structure on a lot in a subdivision for which a final plat has not been approved and filed of record, nor for any structure on a lot within a subdivision in which the standards contained herein have not been complied with in full. No such permit shall be issued until all public improvements/utilities have been installed and accepted by the city or, where appropriate, the governing utility, provided however, if the final plat has been approved and recorded and the subdivider has complied with the requirements of the performance guarantees of section 10.02.009 herein, a building permit may be issued prior to final installation of public improvements and utilities. However, no certificate of occupancy shall be issued until all public improvements have been installed and accepted by the various agencies involved.

(c) The city shall not repair, maintain, install or provide any street or public utility services in any subdivision for which a final plat has not been approved and filed of record, nor in which the standards contained or referred to herein have not been complied with in full, except as provided for in subsection (b) above.

(d) The city, nor any other utility, shall not sell or supply any water, gas, electricity, or sewage service within a subdivision for which a final plat has not been approved or filed for record, nor in which the standards contained or referred to herein have not been complied with in full, except as provided for in subsection (b) above.

(e) On behalf of the city, the city attorney shall, when directed by the city commission, institute appropriate action in a court of competent jurisdiction by injunction or otherwise to enforce the provisions of this article or the standards referred to herein with respect to any violation thereof which occurs within the city, within the statutory five-mile extraterritorial jurisdiction of the city as such jurisdiction is determined by V.T.C.A., Local Government Code, section 212.000 et seq. or within any area subject to all or a part of the provisions of this article.

(f) If any subdivision is in existence for which a final plat has not been approved or in which the standards contained or referred to herein have not been complied with in full, then the city commission shall pass a resolution reciting the fact of such noncompliance and reciting the fact that the provisions of subsections (b), (c), and (d) of this section will apply to the subdivision and the lots herein [therein]. The city secretary shall, when directed by the city commission, cause a certified copy of such resolution under the corporate seal of the city to be filed in the deed records of the County of Cameron in which such subdivision or part thereof lies. If full compliance and final plat approval are secured after the filing of such resolution, the city secretary shall forthwith file an instrument in the deed records of the county stating that subsections (b), (c), and (d) no longer apply.

(g) Provided, however, that the provisions of this section shall not be construed to prohibit the issuance of permits for any lots upon which a residence building exists and was in existence prior to passage of this article, nor to prohibit the repair, maintenance, or installation of any street or public utility services for, to or abutting any lot, the last recorded conveyance of which prior to passage of this article was by metes and bounds, and/or any subdivision, or lot therein, recorded

or unrecorded, which subdivision was in existence prior to passage of this article.

(h) For subdivisions within the city limits, no final plat shall be approved until the property is zoned in accordance with the city zoning for the uses intended.

(Ordinance 2103, sec. 9-4, adopted 2/14/95)

**Sec. 10.02.005 Variances**

The planning and zoning commission may recommend to the city commission a variance from these regulations when, in its opinion, undue hardship will result from requiring strict compliance. The only variance that cannot be granted will be in the area of paving, curb and gutter for subdivisions located within the city limits. Variances from the paving, curb and gutter requirements hereunder may be recommended by the planning and zoning commission and granted by the city commission for subdivisions located outside of the city limits but within the statutory five-mile extraterritorial jurisdiction of the city. A developer shall be permitted to apply for variances on curb and gutter and drainage improvements, provided that the existing street that either borders or is located outside of the proposed subdivision is paved. All plats submitted must conform with the requirements of this article. Any variances requested must be submitted in writing by separate instrument at the time the preliminary plat is filed with the planning and zoning commission. In recommending a variance, the planning and zoning commission and the city commission shall prescribe only conditions deemed necessary or desirable in the public interest. In making the finding hereinbelow required, the planning and zoning commission and the city commission shall take into account the nature of the proposed uses of the land involved, existing uses of land in the vicinity, the number of persons who will reside or work in the proposed subdivision, and the probable effect of such variance upon traffic conditions and on the public health, safety, convenience and welfare in the city. No variance shall be approved unless the planning and zoning commission and the city commission find: (Ordinance 2103, sec. 9-4, adopted 2/14/95; Ordinance 2162, sec. I, adopted 4/15/97)

- (1) That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this article would deprive the applicant of the reasonable use of his/her land; and
- (2) That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant; and
- (3) That the granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property in the area; and
- (4) That 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 article. Such finding of the planning and zoning commission, together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the planning and zoning commission meeting at which such variance is recommended. Variances may be recommended only when in harmony with the

general purposes and intent of this article so that the public health, safety and welfare may be secured and substantial justice done. Pecuniary hardship to the subdivider, standing alone, shall not be deemed to constitute undue hardship.

- (5) Nothing herein shall prohibit a variance request being initiated or approved by the planning and zoning commission or the city commission upon its own motion and upon a showing of special circumstances or conditions existing in the immediate vicinity of the land involved, such that the strict application of the provisions of this article would be to the detriment of the general health, safety, and welfare of the citizens of the city as they are related to the areas of traffic movement, utility extension, fire and police protection, and storm sewer and drainage installation.
- (6) All variances must be submitted to the city commission for approval or disapproval. A vote of 4/5 of the city commission shall be required to override a recommendation for or against a variance from the planning and zoning commission.

(Ordinance 2103, sec. 9-5, adopted 2/14/95)

**Sec. 10.02.006 Preliminary conference**

Prior to the official filing of a preliminary plat, the subdivider should submit a proposal plan of proposed subdivision to city staff for comments and advice on the procedures, specifications, and standards required by the city for the subdivision of land. (Ordinance 2103, sec. 9-6, adopted 2/14/95)

**Sec. 10.02.007 Preliminary plat and accompanying data**

- (a) General. The subdivider shall cause to be prepared a preliminary plat by a surveyor or engineer in accordance with this article. A preliminary and final plat may be filed at the same time. If the final plat is a portion of a large tract owned by the applicant, a preliminary plat must be filed on the entire tract.
- (b) Time for filing and copies required. The subdivider shall file with the planning and zoning commission ten (10) blue or black line copies of the plat together with the original and an application on a form specified by the city, at least thirty (30) days prior to the date at which formal application for the preliminary plat approval is made to the planning and zoning commission at its regular meeting.

(Ordinance 2103, sec. 9-7, adopted 2/14/95)

- (c) Filing fees. Such plat shall be accompanied by a filing fee of \$150.00 or such fee which the city commission from time to time imposes. (Ordinance 2250, sec. 1, adopted 3/19/02)
- (d) Form and content. The plat shall be drawn to a scale of not less than 100 feet to one (1) inch and shall contain following:

*San Benito Code of Ordinances*

- (1) Proposed name of the subdivision, which shall not have the same spelling as or be pronounced similar to the name of any other subdivision within the city or within its extraterritorial jurisdiction.
- (2) Names of contiguous subdivisions and an indication of whether or not contiguous properties are platted.
- (3) Subdivision boundary lines, indicated by heavy lines, and the computed acreage of the subdivision.
- (4) Existing sites as follows:
  - (A) The exact location, dimensions, name and description of all existing or recorded streets, alleys, reservations, easements or other public rights-of-way within the subdivision, intersecting or contiguous with its boundaries or forming such boundaries.
  - (B) The exact location, dimensions, description and name of all existing or recorded residential lots, parks, public areas, permanent structures, existing watercourses, irrigation canals, drainage structures, and other sites within or contiguous with the subdivision.
  - (C) Regulatory flood elevations and boundaries of floodprone areas including floodways, if known.
- (5) The exact location, dimensions, description and name of all proposed streets, alleys, parks, other public areas, reservations, easements or other rights-of-way, blocks, lots and other sites within the subdivision.
- (6) Date of preparation, scale of plat and north arrow.
- (7) Topographical information shall include high and low elevations within the subdivision and the elevation of all corners of the subdivision.
- (8) A number or letter to identify each lot or site and each block.
- (9) Location or [of] city limits lines, the outer border of the city's five-[mile] extraterritorial jurisdiction, and zoning district boundaries, if they traverse the subdivision, form part of the boundary of the subdivision, or are contiguous to such boundary.
- (10) Vicinity sketch or map at a scale of not more than two thousand (2,000) feet to an inch which shall show existing subdivisions and streets.
- (11) Along with the preliminary plat, the following shall be submitted:

- (A) Letters from the various utilities that service is available and can be provided to the site.
- (B) Preliminary plans for the drainage system showing the location of the discharge.
- (C) Proposed plans or other structure elevating techniques, levels, channel modifications, seawalls and other methods to overcome flood or erosion related hazards.

(Ordinance 2103, sec. 9-7, adopted 2/14/95)

**Sec. 10.02.008 Final plat**

(a) Form and content.

- (1) The final plat and accompanying data shall substantially conform to the preliminary plat as conditionally approved by the planning and zoning commission, incorporating any and all changes, modifications, alterations, corrections and conditions imposed by the planning and zoning commission and the city commission.
- (2) The final plat shall be drawn in India ink on mylar sheets 30 x 20 inches and one-inch margin on the binding side of the sheet, and margins of not less than 1/2 inch on the other three sides. The plat shall be drawn at a scale of one hundred (100) feet to one (1) inch or greater. Where more than one sheet is necessary to accommodate the entire area, an index sheet showing the entire subdivision at an appropriate scale [shall] be attached to the plat.
- (3) Ten (10) copies of the final plat shall be submitted to the planning and zoning commission and shall contain all of the features required for preliminary plat in section 10.02.007 above, and it shall be accompanied by site improvement data bearing the seal of an engineer and detailed cost estimates shall be submitted to the director of public works for approval or disapproval.
- (4) In addition to the various requirements for the preliminary plat, the final plat shall also included the following:
  - (A) Owner's acknowledgment of the dedication to public use of all streets, alleys, parks, and other public places shown on final plat.
  - (B) The certification of the surveyor and engineer responsible for surveying the subdivision area, attesting to its accuracy, and for the preparation of the final plat and supporting data, attesting to its accuracy.
  - (C) The certification by the city engineer or other designated city officials that the final plat conforms to all requirements of the subdivision regulations of the city.

- (D) A blank statement of the planning and zoning commission and city commission that the final plat has been approved by such commission to be executed upon final approval.
  - (E) Along with the final plat, the applicant shall submit in writing statements from the various utilities that they have reviewed the subdivision, that they can provide service and are prepared to do so when requested by the subdivider.
  - (F) Before it is recorded, a certificate shall accompany the record plat showing that all taxes payable shall have been previously paid in full.
  - (G) Subdivider shall submit with the final or record plat the opinion of an attorney, licensed to practice law in the state, showing good recorded liens and encumbrances affecting the title to said land as of the date of submission of the record plat for approval. If any liens appear of record, the subordination of such liens to the plat and dedications contained therein shall be secured by the subdivider prior to final approval.
  - (H) Certification by developer and engineer, licensed to practice in this state, that water and sewer facilities to be installed shall be in compliance with the model rules in form attached to Ordinance 2103.
- (b) Processing of final plat.
- (1) If desired by the subdivider and approved by the planning and zoning commission and the city commission, the final plat may constitute only that portion of the approved preliminary plat proposed to record and develop. However, such portion shall conform to all the requirements of this article.
  - (2) As soon as practical after the subdivider is notified of the approval of the preliminary plat, the engineer and surveyor for the proposed subdivision shall submit to the planning and zoning commission at an official meeting the final plat of the subdivision or portion thereof.
  - (3) No final plat will be considered unless a preliminary plat has been submitted. A preliminary and final plat may be submitted at the same time. However, if an approved plat has been duly recorded and the subdivider wishes to increase the size of it by combining two or more lots or by combining one lot with a portion of the adjacent lot in such manner that no portion of a lot remains smaller than the original lots, no preliminary replat will be necessary.
  - (4) When the final plat is filed with the planning and zoning commission for approval, it shall be accompanied by the following fees:
    - (A) A check or checks payable to the county clerk in the amount of the recording fee for filing the final plat.

- (5) Within thirty (30) days after the final plat is formally submitted to the city staff, the planning and zoning commission shall approve or disapprove such plat.
- (6) When filed with the city for recording, the final plat shall be accompanied by the following site improvement data. All plans and engineering calculations shall bear the seal and signature of a registered engineer. Three (3) copies of the following, along with cost estimates, shall be filed with the city:
  - (A) Plans and profiles of all streets, alleys, sidewalks, and monuments.
  - (B) Construction plan showing the following:
    - (i) Sanitary sewer. The location and dimensions of existing and proposed sanitary sewer lines, indicating the depth and grades of lines. When a separate sewer system or treatment plant is proposed, the point of discharge or disposal area, along with the plans and specifications of the treatment plant shall also be submitted.
    - (ii) Water lines. The location, profile, and size of existing and proposed water lines and fire hydrants, showing the depth and grade of the lines. When a separate water system is planned, or when connections to a water system other than to the city water system are proposed, the plan shall show the point of connection and/or source of supply along with the plans and specification of any treatment facilities.
    - (iii) Storm drainage. All street widths and grades with elevations shall be indicated on the plat. Runoff figures shall be indicated on the outlet and inlet side of all drainage ditches and storm sewers, and at all points in the street at changes of grade or where the water enters another street or storm sewer or drainage ditch. Drainage easements shall be indicated.
      - a. A general location of the subdivision showing the drainage area of any existing or proposed drainage facilities.
      - b. Calculations showing the anticipated stormwater flow, utilizing a rainfall frequency of not less than ten (10) years including watershed area, percent runoff, and time of concentration. When a drainage ditch or storm sewer is proposed, calculations shall be submitted showing basis for design.
      - c. When a drainage channel or storm sewer is proposed, complete plans, profiles, and specifications shall be submitted, showing complete construction details.
- (7) Final engineering report. The final plat shall be accompanied by an engineering report

bearing the signed and dated seal of a professional engineer registered in the state. The engineering report shall discuss the availability and methodology of providing water facilities and wastewater treatment to individual lots within the subdivision. A detailed cost estimate per lot acceptable to the planning and zoning commission and the city commission shall be provided for those unconstructed water supply and distribution facilities and wastewater collection and treatment facilities which are necessary to serve the subdivision. The plan shall include a construction schedule for each significant element needed to provide adequate water or wastewater facilities. If financial guarantees are to be provided under section 10.02.009 of this article, the schedule shall include the start dates and completion dates.

- (8) After the final plat has been finally approved and the subdivider has constructed all the required improvements and such improvements have been accepted, and a maintenance bond filed as hereinafter provided, or after the plat has been finally approved and the subdivider has filed the security and maintenance bond for such improvements hereinafter provided, staff shall cause the final plat to be recorded with the county clerk. The recording fee or fees deposited at the time the final plat was filed for approval to be delivered with the final plat to the county clerk.

(Ordinance 2103, sec. 9-8, adopted 2/14/95)

**Sec. 10.02.009 Guarantee of performance**

(a) If, under section 10.02.008(b)(6) of this article, the subdivider chooses to construct the required improvements prior to recording of the final plat, all such construction shall be inspected while in progress by the city and must be approved upon completion by the city staff. A certificate by such officer stating that the construction conforms to the specifications and standards contained in or referred to herein must be presented to the planning and zoning commission prior to approval of the final plat.

Prior to such approval, the subdivider shall file with the city a letter of credit for maintenance in the same form as in the following subsection (b)(2) or a maintenance bond, executed by a surety company holding a license to do business in the state, and acceptable to the planning and zoning commission and the city commission in an amount equal to twenty-five (25) percent of the cost of the improvements required, as estimated by the director of public works, conditioned that the subdivider will warrant such improvements in good condition for a period of twelve (12) months after approval of the final plat, or cash in the same amount deposited in the same manner as provided for in subsection (b)(2) below. Such bond shall be submitted for approval as to form and legality by the city attorney.

(Ordinance 2103, sec. 9-9, adopted 2/14/95)

A developer shall not be required to submit a twenty-five-percent (25%) maintenance bond provided the street constructed by the developer is accepted by the city. (Ordinance 2162, sec. II, adopted 4/15/97)

(b) If under section 10.02.008(b) of this article the subdivider chooses to file a security and a warranty bond in lieu of completing construction prior to final plat approval, the subdivider may utilize either of the following methods of posting security conditioned that such improvements will be completed within twelve (12) months after approval of such plat. If the subdivider chooses to file security, the plat shall not be approved unless the subdivider has done one of the following:

- (1) Has filed with the city commission a bond executed by a surety company holding a license to do business in the state, and acceptable to the commission, in an amount equal to the cost of the improvements required by this article as estimated by the director of public works, such bond to be submitted for approval as to form and legality by the city attorney; or
- (2) Has placed on deposit in a bank, savings and loan association, or trust company selected by the subdivider and approved by the city commission, in a trust account in the name of the city, or has delivered an irrevocable letter of credit in a sum of money equal to the estimated cost of all site improvement required by this article, plus 10%. The estimated cost of such improvements shall be the cost as estimated by the director of public works. Selection of the trustee shall be subject to approval by the city commission. The irrevocable letter of credit shall be from a federally insured lending institution in favor of the city. Either the trust agreement or the letter of credit shall unconditionally and irrevocably commit said lending institution to deliver to the city, on demand, such sums as are necessary, as determined by the city, to complete the installation of required improvements under the terms of this article, if such subdivider fails to complete such requirements in the time prescribed by this article. The trust agreement shall be submitted for approval as to form and legality to the city attorney.

(c) If either type of security is filed by the subdivider under subsection (b) of this section, the filing of such security shall be accompanied by a bond executed by a surety company holding a license to do business in the state, and acceptable to the city commission, in an amount equal to twenty-five (25) percent of the cost of the improvements required as estimated by the director of public works, conditioned that the subdivider will warrant such improvements in good condition for a period of twelve (12) months after final acceptance of the completed construction by the director of public works, as provided in subsection (d) of this section. Such bond shall be submitted for approval as to form and legality to the city attorney.

(d) If either type of security is filed by the subdivider under subsection (b) of this section, the director of public works and/or city engineer shall inspect the construction of improvements while in progress, and shall inspect such improvements upon completion of construction. The city attorney shall on direction of the city commission proceed to enforce the guarantees provided in this article by injunction or otherwise.

(e) Where good cause exists, the city commission may extend the period of time for completion under subsection (b) of this section for an additional period of time not to exceed twelve (12) months if the subdivider has not completed the required site improvements or

completed such improvements in compliance with this article.

(f) Any proposed subdivision of land located within the five-mile extraterritorial jurisdiction of the city presented for approval of the city commission shall meet the requirements of this section and any surety bond or irrevocable letter of credit required under this section, shall be made payable to the city and the county and the specifications attached to such surety bond or letter of credit for such subdivision shall conform to all applicable subdivision regulations of the city and county. No such extension shall be granted unless security as provided in such subsection (b) has been provided by the subdivider covering the extended period of time.

(Ordinance 2103, sec. 9-9, adopted 2/14/95)

(g) The subdivider of a proposed subdivision shall be required to file with the city a maintenance bond, money in escrow, or deposit in a bank, savings and loan association, or a trust company in an amount equal to five (5) percent of the cost of the improvements required, as estimated by the director of public works, conditioned that the subdivider will warrant such improvements to be free of defects of material and/or workmanship for a period of twelve (12) months after approval of the final plat. (Ordinance 2127, sec. 3, adopted 5/7/96)

#### **Sec. 10.02.010 Standards and specifications**

No preliminary or final plat shall be approved by the planning and zoning commission and the city commission and no completed improvements shall be accepted unless they conform to the following standards and specifications:

(1) Generally.

- (A) Conformity with comprehensive plan. The subdivision shall conform to the current comprehensive plan of the city, as defined herein, as adopted or amended by the city commission.
- (B) Subdivision names. Names of new subdivisions shall not duplicate nor cause confusion with the names of existing subdivisions, unless said continuation, or subsequent units of a prior platted subdivision have received prior approval by the planning and zoning commission and the city commission.

(Ordinance 2103, sec. 9-10, adopted 2/14/95)

- (C) Proposed subdivisions, located outside the city's one-mile ETJ and outside of the city's five-year annexation plan, shall comply with the subdivision regulations of the county. The subdivider, nonetheless, shall be required to submit the proposed subdivision for the review by the planning and zoning commission and the city commission. (Ordinance 2127, sec. 2, adopted 5/7/96)

(2) Streets.

- (A) Street layout. Adequate streets shall be provided by the subdivider and the arrangement, character, extent, width, grade, and location of each shall conform to the current comprehensive plan of the city as defined herein and shall be considered in their relation to existing and planned streets, to topographical conditions, to public safety and convenience, and in their appropriate relationship to the proposed uses of land to be served by such streets. The street layout shall be devised for the most advantageous current and future development of the entire neighborhood as determined by the planning and zoning commission and city commission. There shall be at least 100 feet of straight street between reverse curves.
- (B) Relation to adjoining street system. Where necessary to the neighborhood pattern, existing streets in adjoining areas shall be continued and shall be at least as wide as such existing streets and in alignment therewith.
- (C) Projection of streets. Where adjoining areas are not subdivided, the arrangement of streets in the subdivision being considered shall make provision for the proper projection of these streets into unsubdivided areas adjacent to it in the most logical and orderly fashion.
- (D) Street jogs. Street jogs with centerline offsets of less than 125 feet measured centerline to centerline shall be prohibited.
- (E) Half-streets. No half-streets in width shall be constructed except to complete any existing half-streets.
- (F) Street intersections. Street intersections shall be as nearly at right angles as practicable.
- (G) Dead-end streets. Dead-end streets shall be prohibited except as short stubs not to exceed 200 feet in length to permit future expansion.
- (H) Cul-de-sacs. Cul-de-sac streets shall not exceed 500 feet in length, and shall have a turnaround of not less than 100 feet in diameter (R.O.W.) with a pavement width of 80 feet in residential areas, and shall have a turnaround of not less than 200 feet in diameter (R.O.W.) with 180 feet in commercial and industrial areas.
- (I) Local streets. Local streets shall be laid out so as to discourage their use by through traffic.
- (J) Street composition. Streets to be paved of thickness outlined below with wearing surface of asphalt surface treatment. Curb and gutter and catchbasin laid to grade to provide efficient drainage. Minimum radius of 10 feet on corners. Minimum street width shall be 33 feet, back to back curb. The subdivider will construct, at his/her own expense, bridges and culverts,

necessary to span ditches within the subdivision or at the property lines of the subdivision, and pave to connect with adjacent streets.

Construction and hard-surfacing of all streets within the subdivision shall strictly adhere to the following minimum requirements. The city reserves the right to increase the minimum paving design standards due to anticipated loading and traffic volume:

- (i) Subgrade. Subgrade shall be lime stabilized with minimum of 5% lime and to a depth of 6 inches. A lime determination test will be required.
  - (ii) Caliche. Caliche shall meet the requirements of the state department of transportation (TxDOT) type F, grade 4 minimum triaxial strength of 150 (CBR-50). Minimum thickness shall be 8 inches. Caliche shall be stabilized with the use of chemical liquid stabilized (Road Bond EN-1 or equal).
  - (iii) Hot mix asphalt. Asphalt shall meet the requirements of TxDOT type D asphalt. Minimum thickness shall be 1-1/2 inches.
  - (iv) Curb and gutter. Concrete for curb and gutter shall have a 3,000 psi compressive strength and shall contain “Fibermesh” reinforcing at a rate of 1.5 pounds per square yard.
  - (v) The caliche shall meet the following minimum requirements:
    - a. Plasticity index: 12 or less.
    - b. Liquid limit: 45 or less.
    - c. Lineal shrinkage: 7 or less.
    - d. Gradation: Passing 2 inch: 100%; retained on 40 mesh sieve: 50%–80%.
    - e. Compaction: Subgrade: 95% standard proctor density; base: 98% standard proctor density.
    - f. Specifications for material and workmanship shall conform to state department of transportation standard specifications, except where specified otherwise above.
- (K) Pavement widths and rights-of-way within subdivisions. Pavement widths and rights-of-way shall be as follows:
- (i) Principal arterial streets shall have a right-of-way width of at least 120

feet, with a pavement width of at least 80 feet.

- (ii) Secondary arterial streets shall have a right-of-way width of at least 100 feet with a pavement width of at least 60 feet.
- (iii) Collector/subcollector streets shall have a right-of-way of at least 80 feet with pavement width of at least 48 feet. Minor collector streets shall have a right-of-way of at least 60 feet with pavement width of at least 33 feet.
- (iv) Local streets shall have a right-of-way of at least 60 feet and a pavement width of at least 33 feet unless the land use density dictates the need for wider rights-of-way and paving as determined by the planning and zoning commission and the city commission.

(Ordinance 2103, sec. 9-10, adopted 2/14/95)

- (v) Local streets of a proposed subdivision, located outside the city's one-mile ETJ and outside of the city's five-year annexation plan shall have a minimum right-of-way of 60 feet and a minimum pavement width of 24 feet. (Ordinance 2127, sec. 1, adopted 5/7/96)
- (L) Pavement widths and rights-of-way of streets forming part of the subdivision boundaries (adjacent) shall be as follow:
- (i) The subdivider shall dedicate a right-of-way of 60 feet in width for new adjacent principal arterial streets, and a minimum of 33 feet of such right-of-way shall be paved.
  - (ii) Where the proposed subdivision abuts upon an existing street or half-street that does not conform to subsection (2)(J) of this section, the subdivider shall dedicate right-of-way width conforming to such subsection, where the subdivision abuts upon previously dedicated right-of-way open for use by the public. If it is determined that the paving of the street is not required at the time of the subdivision process, cash in the amount of the subdivider's participation under this policy shall be paid to the city and placed in a separate account for future paving of the street for which it was collected. Should the proposed subdivision be located within the city's statutory five-mile extraterritorial jurisdiction and the developer has money deposited in escrow for paving, curb and guttering, and the county paves the existing road, then the developer can request the escrow money and such funds be refunded. The amount of participation by the subdivider shall be determined on the basis of the unit prices received through bids taken on the city's most recently awarded paving contract.
  - (iii) The right-of-way dedicated by the subdivider shall be in conformance with the long range thoroughfare plan of the county, adopted on September 9,

1994.

- (M) Curbs. Curb shall be installed by the subdivider on both sides of all interior streets, and on the subdivision side of all streets forming part of the boundary of the development.
  - (N) Street names. Names of new streets shall not duplicate or cause confusion with the names of existing streets, unless the new streets are a continuation of or in alignment with existing streets, in which cases names of existing streets shall be used.
  - (O) Streetlights. Streetlights shall be installed by the subdivider at all street intersections within the subdivision, in accordance with city standards. If a block exceeds 900' in length, a streetlight shall be installed at midblock.
  - (P) Street signs. Street name signs shall be installed by the city at the expense of the subdivider at all intersections within or abutting the subdivision. Such signs shall be of a type approved by the city and shall be installed in accordance with city standards.
  - (Q) Street patterns. Streets shall be platted with appropriate regard to natural and topographic features so as to lend themselves to attractive treatment.
- (3) Alleys.
- (A) Width and paving. Alleys shall be provided at the rear of all lots intended to be used for business purposes and may be provided in residential areas, shall not be less than 20 feet wide and shall be paved in accordance with city standards. The right-of-way for alleys shall be dedicated to the public.
  - (B) Intersecting alleys or utility easements. Where two alleys or utility easements intersect or turn at a right angle, a cutoff of not less than 10 feet from the normal intersection of the property or easement line shall be provided along each property or easement line.
  - (C) Dead-end alleys. Dead-end alleys shall be permitted.
  - (D) Half-alleys. No half-alleys shall be platted or constructed.
- (4) Utility easements.
- (A) Each block that does not contain an alley as provided for in subsection (3) of this section shall have a utility easement at the rear of all lots reserved for the use of all public utility lines, conduits, and equipment, except that water, sewer and streetlight lines may be placed in front of the lots. These utility easements shall be 15 feet in width, and shall be continuous for the entire length of the

block. These easements shall parallel as closely as possible to the street line frontage of the block. There shall be no “dead-end” utility easements permitted.

- (B) Standard curbs shall be required where utility easements intersect streets.
- (5) Sidewalks shall be required within the city limits and shall be as follows:
  - (A) All sidewalks shall be a minimum of four (4) feet wide, excluding curb width. Sidewalks shall be installed at the subdivider’s expense at the time the curb and gutter is installed and shall be contiguous with the curb and gutter. Provided, however, that they shall be installed with due consideration being given to existing trees and shrubbery which may require installation away from the curb for a short distance in order to prevent removal of such features.
  - (B) All sidewalks installed shall connect with any existing sidewalks adjacent to or part of the subdivision.
  - (C) All sidewalks installed shall have ramps installed for the handicapped in accordance with ADA requirements.
  - (D) Sidewalks shall be placed either five (5) feet from property line or five (5) feet from the edge of the pavement or curb.
- (6) Water installation.
  - (A) Water supply and distribution. All subdivisions shall be provided with water supply and water distribution systems approved by the city.
  - (B) Fire hydrants. Standard fire hydrants shall be installed by the subdivider as part of the water distribution system per specifications of the fire chief and of the state department of insurance, and shall provide fire protection service as per the key rate (500 gallons per minutes at 50 psi at each hydrant). All fire hydrants shall be located on a minimum 8-inch loop, and every lot shall be within 500 feet of a fire hydrant.

(Ordinance 2103, sec. 9-10, adopted 2/14/95)

- (C) For an urban subdivision, the subdivider shall be required to install fire hydrants in accordance with subsection (6)(B). (Ordinance 2250, sec. 2, adopted 3/19/02)
- (D) Water lines main to be PVC class 100 (AWWA C900) of a size, and with all necessary valves and fittings, including fire hydrants, to meet the minimum requirements of the city.
- (E) Water mains shall not be less than eight (8) inches in diameter in residential areas and ten (10) inches in commercial and industrial areas.

- (F) There shall be not more than 120 connections on an 8-inch line.

(Ordinance 2103, sec. 9-10, adopted 2/14/95)

- (G) For a proposed subdivision located within the city's one-mile ETJ, the subdivider shall be required to install fire hydrants or in lieu thereof place money in escrow for the hydrants if the water system (either East Rio Hondo Water Supply Corporation or Military Water Supply Corporation) that services the proposed subdivision requires no fire hydrants.
- (H) If money in escrow is deposited by the subdivider for fire hydrants or any other improvements, such money shall be returned with any interest earnings to the subdivider five (5) years from the date of the deposit, if the water system (either East Rio Hondo Water Supply Corporation or Military Highway Water Supply Corporation) or the subdivider has failed to undertake the improvements approved by the city for reasons beyond the subdivider's control.

(Ordinance 2127, sec. 4, adopted 5/7/96)

(7) Sewer.

- (A) All proposed subdivisions shall be connected to a sewage collection and disposal system approved by the city, prior to the approval of the final plat.
- (B) If a separate sanitary sewage disposal system is proposed, it must be approved in writing by the state commission on environmental quality (TCEQ), prior to approval of the final plat by the city, and such written approval shall be presented to the city.
- (C) The city may prohibit the installation of sewage disposal facilities requiring soil absorption systems where such systems will not function due to high water, flooding, or unsuitable soil characteristics. Such action by the city shall be based on the review and findings of the city and/or county health officer. The city may require that the subdivider note on the face of the final plat, and in any deed of conveyance, that soil absorption fields are prohibited in designed [designated] areas.
- (D) The city shall review proposed methods for waste disposal. If a sanitary sewer system is located within 1,500 feet of the proposed subdivision, the city shall require the subdivider to extend sewage facilities to connect to this system, prior to the approval of the final plat.

(Ordinance 2103, sec. 9-10, adopted 2/14/95)

Waivers and releases.

- (i) Any subdivider or owner of a single lot subdivision larger than three-fourths ( $3/4$ ) of an acre located within the water and sewer service areas of the city and located within the city limits or the one-mile extraterritorial jurisdiction may apply for a waiver of the requirements of construction of utility improvements required under subdivision Ordinance No. 2103, provided the nearest city water main lines and/or sewer lines are more than 300 feet away from said single lot subdivision's nearest property line.
- (ii) The city commission may grant such waiver for utility improvements provided the planning and zoning commission has approved such waiver for the purposes of water and sewer improvements. Adequate utility facilities must otherwise be present for the property, taking into consideration existing facilities and the nature and condition of such property.
- (iii) Such waiver shall be conditioned upon the owner or subdivider of the property executing a contract with the city providing that when improvements for which a waiver is granted are extended to a point within 300 feet of the subject property, the owner of the subject property, within six (6) months from that time, shall provide for the construction of such improvements as applicable. Such contract shall be promulgated by the city attorney and approved by the applicable authority. After execution, the agreement shall be recorded in the official records of the city and/or county, and such agreement shall run with the land.
- (iv) Should such owner or subdivider fail to construct such improvements within said six (6) months, the city may, but is not required to, construct such improvements. If the city constructs such improvements, it shall enforce a lien on the property for the costs of such improvements.
- (v) As consideration for a release from an approved agreement as provided for in subsection (D)(iii) hereof, and upon approval of the city commission the subdivider or owner may deposit with the city a sum of money equal to the estimated cost of all the site improvements and extensions required by subdivision Ordinance No. 2103. Such amount shall be placed in a fund created by the city. The public works director and/or city engineer shall approve the estimated costs.
- (vi) If the amount of the costs estimated by the public works director and/or city engineer is deposited with the city, the subdivider and any subsequent owner of the property shall be relieved of any responsibilities relating to the applicable extensions unless otherwise required under any assessment or legal proceedings or unless the property is resubdivided.

(Ordinance 2138, sec. 1, adopted 9/17/96)

- (E) The minimum size of sanitary sewer line shall be eight (8) inches in diameter.
- (F) All subdivisions having more than 100 residential units shall be required to install wastewater treatment facilities in compliance with state law. All components of the sewage disposal system constructed by the applicant shall be in accordance with the latest edition of "Construction Standards for On-Site Sewage Facilities" as published by the department of state health services. These standards shall be considered as minimum requirements only. Actual field conditions may dictate more stringent requirements as may be determined by the appropriate officials.
- (G) The owners of all lots abutting a gravity sewer main shall connect to the public system within six (6) months of public notification of the availability of said service where said service was not available at the time that the parcel was sold and the requirements of this provision shall be stated in the owner's certificate on the face of the final plat of the proposed subdivision at the time it is presented for approval.
- (H) Each lot owner shall refrain from ever requesting subsidized public sewer service, and in the event a public gravity sanitary sewer system is subsequently extended to serve such subdivision, the owners of all lots shall incur the costs of extending a gravity sewer main from the subdivision line to each of the individual lots in the subdivision within six (6) months of public notification of the availability of said service. The requirements of this subsection shall be stated in the owner's certificate on the face of the final plat of the proposed subdivision at the time it is presented for approval and on the deed restrictions. Any other related costs (including lift stations, etc.) shall be incurred by the individual lot owners.
- (I) If an adequate public or nonpublic water system or wastewater facility is not available from another entity, or is not constructed by the subdivider, to serve a lot intended for residential purposes of five (5) acres or less at the time final plat approval is sought, then the planning and zoning commission and the city commission shall require the owner of the subdivided tract to execute an agreement with the city secured by a bond or other alternative financial guarantees such as a cash deposit or a letter of credit. Lots of five (5) acres or less are presumed to be for residential purposes unless the land is restricted to nonresidential uses on the final plat and all deeds or contracts for deeds.
- (J) A minimum of three (3) percolation tests per lot shall be taken by a certified soil testing laboratory in the general area of the proposed disposal system's absorption field. These test results shall be part of the construction documents.
- (K) Sewage lines to be PVC SDR-35 of a size and grade to meet requirements of the

city.

- (L) There shall not be more than 72 connections on an 8-inch line.
  - (M) Manholes shall be fiberglass with a cast iron ring and cover. There shall be a manhole approximately every 400 feet and at strategic locations.
- (8) Utility lines. All utility lines that are underground and run under a street or alley shall be installed and approved by the city before the street or alley is paved. When it is necessary that utility lines pass under the street or alley pavement crossing the centerline, they shall be installed to a point of at least three (3) feet beyond the edge of the pavement. All underground utilities installed in a utility easement at the rear of the lot shall be offset from the centerline of the easement.
- (9) Monuments.
- (A) All block corners, angle points and points of curves, and all corners of boundary lines of subdivisions shall be marked with one-half-inch steel rod, two (2) feet in length, set in the center of a concrete mount six (6) inches in diameter and thirty-six (36) inches deep, with a top flush with the finished ground surface.
  - (B) Where, due to topographic conditions, permanent structures, or other conditions, the view is obstructed between any two (2) adjacent monuments, an intermediate monument shall be so set as to assure a clear view between adjacent monuments.
  - (C) Intermediate property, corner markers, consisting of a one-half-inch steel rod or three-quarter-inch pipe, three (3) feet in length, shall be driven flush with the ground surface to mark the corner of all lots.
- (10) Drainage.
- (A) Rights-of-way. Where a subdivision is traversed by a watercourse, drainageway, natural channel or stream, there shall be provided a 20-foot dedicated right-of-way conforming substantially to the high back of such watercourse.
  - (B) Drainage facilities shall be provided and constructed as specified by the city. Storm drainage facilities shall be designed to convey the flow of surface waters without damage to persons or property. The system shall insure drainage to all points along streets and provide positive drainage away from buildings and on-site waste disposal sites.
  - (C) Plans shall be subject to the approval of the planning and zoning commission and the city commission. The city may require a primarily underground system to accommodate frequent floods and a secondary surface system to accommodate large, less frequent floods. Drainage plans shall be consistent

with local and regional drainage plans.

- (D) The facilities shall be designed to prevent the discharge of excess runoff onto adjacent properties.
- (E) Storm sewers shall be constructed with reinforced concrete pipes.
- (F) If the planning and zoning commission and the city commission determine that additional drainage facilities in the form of storm sewers within the proposed subdivision are necessary, the subdivider shall make the necessary improvements to insure that the drainage improvements are adequate. All such work necessary to be done under such plans and specifications shall be done at the sole expense of the subdivider.
- (G) Storm sewer required to provide drainage from the point where drainage along existing streets shall be provided by the subdivider.

(11) Lots.

(Ordinance 2103, sec. 9-10, adopted 2/14/95)

- (A) Unsewered lots. Where a public wastewater system is not available, and is not provided within the city limits, residential lots shall have an area sufficient (minimum one acre) to meet minimum design requirements of the county health department. Evidence of meeting this requirement must be presented in writing prior to approval of the final plat. (Ordinance 2250, sec. 3, adopted 3/19/02)
- (B) Frontage. Each lot in the proposed urban subdivision shall either front a city or public street or have access to a city street. Flag-shaped lots will be allowed, provided that they meet the minimum lot width at frontage. (Ordinance 2250, sec. 4, adopted 3/19/02)
- (C) Side lot lines. Side lot lines shall be substantially at right angles to straight street lines and radial to curved street lines.
- (D) Lot sizes, setbacks, yards. Lot sizes, setback lines, rear yard and side yards shall be in accordance with the zoning ordinance of the city. (Ordinance 2250, sec. 5, adopted 3/19/02)
- (E) Lot ratio. Lots with a length-to-width ratio in excess of 4 to 1 shall be prohibited.
- (F) No more than one (1) single-family dwelling or structure shall be permitted on any lot or parcel located within the incorporated city limits or the five-mile extraterritorial jurisdiction.

- (G) A proposed subdivision with four (4) or less lots fronting principal arterials (minimum right-of-way of 120 feet) and secondary arterials (right-of-way of 100 feet) will be required to have either a circular driveway with two curb cuts at either end of the lot or provide sufficient paved maneuvering space on such lots to permit a motor vehicle to enter or exit such lots without backing directly into the right-of-way of these arterials.
  - (H) A proposed subdivision with five (5) or more lots fronting principal arterials (minimum right-of-way of 120 feet) and secondary arterials (right-of-way of 100 feet) will be required to have a dedicated right-of-way (minimum 60 feet) in the proposed subdivision to front each lot.
  - (I) Any access drive lane, neck or means of ingress and egress to the property as a whole and/or provide access for utilities and which is not a buildable area if it exceeds 100 feet in length must be paved per city standards from the public street to the building setback line.
  - (J) The minimum width size of each lot shall be no less than 60 feet and the minimum depth size of each lot shall not be less than 125 feet.
- (12) Family partitions. Family partitions shall not be allowed within the city limits and the statutory five-mile extraterritorial jurisdiction.
- (13) Narrative by engineer. A brief narrative, prepared by a licensed engineer, shall be attached to the preliminary plat and describe the installation of utilities (water/sewer), location of easement, rights-of-way, and drainage of storm sewer.

(Ordinance 2103, sec. 9-10, adopted 2/14/95)

**Sec. 10.02.011 Cost participation**

(a) Street paving.

- (1) Oversize streets. When the city requires paving width in excess of 33 feet as may be required by the comprehensive plan or as otherwise may be required by the city for the orderly development of the street system, the city shall pay for any portion of the street in excess of 33 feet. The subdivider shall pay for installation of curb and gutter.
- (2) Interior streets. Subdivider shall pay 100% of the costs of installing interior streets except as provided in (a)(1) above.

(b) Drainage. The subdivider shall install all drainage facilities necessary to provide adequate drainage, including the transportation of runoff from said subdivision to a suitable outfall, and in accordance with city standards. Where oversizing of drainage facilities is required by the city for the orderly development of the area drainage system, the city will participate in the cost of such oversized pipe or facilities provided funds are available for this purpose. The subdivider whose

pipes or facilities will be oversized will be referred to as the initial subdivider. Should the city participate in oversizing, its cost shall be recovered from future connections made on the storm drainage system. The initial subdivider shall recover from future connections that portion of their expense that will equalize the cost of drainage to the initial subdivider equivalent to all others who will be connecting to the oversized systems. Should the city on its own initiative install a drainage system to serve a particular area of the city, the city shall recover its costs from future connections made on the storm drainage system. The subdivider shall bear all costs, including but not limited to labor and materials required to make connections to the storm drainage system. Reimbursement to city, and when applicable to the initial subdivider, shall be the pro rata cost per acre of the portion of the oversized system necessary to accommodate the number of acres in the subdivision making connections to the oversized system, plus eight percent (8) per annum interest from the date of installation of the oversized drainage system. The pro rata cost per acre of the subdivision shall be calculated by the director of public works and/or city engineer of the city.

(Ordinance 2103, sec. 9-11, adopted 2/14/95)

**Sec. 10.02.012 Planned development district guidelines**

(a) The purpose of the following planned development district guidelines is to establish a general checklist for preparation and review of PDD proposals. The guidelines will serve to identify the minimum site plan requirements as well as to identify the maximum variances from existing codes and ordinances. Departures from these requirements may be considered for approval or disapproval by the planning and zoning commission and the city commission.

(b) The guidelines are prepared with recognition that the PDD ordinance is intended to accommodate changing lifestyles by fully utilizing the ingenuity and design capabilities of builders, architects, designers, site planners, and developers. The guidelines should be followed and interpreted to encourage and permit open spaces and greenbelts, and to permit flexibility, ingenuity, and a more creative, economical, and desirable use of land, while still maintaining high standards of health, safety and durability.

CHECKLIST

GUIDELINES FOR PLANNED DEVELOPMENT DIRECTOR

1. Subdivision  
Required
2. Special Permit  
Required
3. Special Project

Single purpose, single-family or multifamily PDDs shall be minimum of two acres in size. All other PDDs including mixed uses of residential/multifamily and other land uses, shall be minimum of ten (10) acres. A site plan showing building locations may be required for structures.

4. Height of Structures

According to following schedule:

Within 200' of PDD boundary: 35' all use districts

Beyond 200' of PDD boundary:

(Ordinance 2103, sec. 9-12, adopted 2/14/95)

60' "SF-1" residential dist. (Ordinance 2103, sec. 9-12, adopted 2/14/95;  
Ordinance adopting Code)

120' "MF" and less restrictive use districts.

5. Land Use

A. Existing land use within a 200' radius of the PDD boundary shall be shown on the PDD site plan to the extent of lot shapes and sizes, building bulk and specific use of the buildings.

B. Along PDD boundary:

(1) If single- or two-family use and zoning, PDD should be compatible.

(2) If multifamily use and zoning, PDD should be compatible.

(3) If commercial use and zoning, PDD should be compatible.

(4) If industrial use and zoning, PDD should be compatible.

C. If commercial uses are desired but no compatible uses or zoning exist on the PDD boundary, such nonresidential uses shall occur on the interior of the PDD with design and building materials compatible with PDD.

(Ordinance 2103, sec. 9-12, adopted 2/14/95)

D. Nonresidential uses are limited to uses listed in "OP," "NS," "C-2" use districts in residential oriented PDD. (Ordinance 2103, sec. 9-12, adopted 2/14/95; Ordinance adopting Code)

E. Maximum of five percent of gross land after dedications may be used for nonresidential commercial purposes in residential oriented PDD. If more than five percent of the gross acreage is desired for nonresidential use, a zoning change will be required to permit such increase.

F. Industrial Uses

(1) Residential oriented PDD cannot be located in areas designated for industrial use.

(2) Uses listed in any use district may be located in a nonresidential oriented PDD provided performance standards outlined in the development plan are met.

6. Coverage

Overall site coverage shall conform to ordinance.

7. Minimum Access to a PDD

50 feet on a dedicated street.

8. Streets

If such streets are dedicated, such streets, when constructed, shall meet city standards for right-of-way width. If such streets are in a planned development district and are private streets, there shall be no requirements for street right-of-way but [when] such streets are installed shall be a minimum of 33 feet wide from curb back to curb back. The city shall never have any obligation or duty to receive, accept, repair, or maintain any private street within the limits of the city.

9. Street improvements

If dedicated or private streets shall meet city construction standards for paving, curbs and gutters.

10. Driveways

Private drives shall meet city standards for curb cuts and width.

11. Alleys

Shall meet city requirements.

12. Access

Permit location of dwelling units without frontage on dedicated street.

13. Lot Size

Permit reduction. Area reduced allocated to private or public open space.

14. Yards (general)

Permit reduction up to and including zero side yards except at PDD boundary where ordinance requirements shall apply or common open space provides area equivalent to ordinance requirements.

15. Private Yards

Not required if dwelling units abut private open space (common area), except at PDD boundaries where requirements under Yards (general) shall apply.

16. Building Setbacks

Permit reduction to 10' except at PDD boundaries or street corners where ordinance requirements shall apply.

17. Building Spacing

10' minimum between buildings.

18. Parking

Conforming to ordinance requirements except where parking for single-family units (detached, semidetached or attached) is clustered in common parking bays where there shall be 2 spaces per single-family unit.

19. Loading

Conformance to ordinance requirements.

20. Open Space

Minimum open space in conformance with coverage provisions in each height and area district. Areas to be dedicated to the public must be approved by the planning and zoning commission and the city commission.

21. Landscaping

Plan required along PDD boundaries where character of adjacent development differs from the PDD proposal, and a general indication of existing trees and/or other planting that will remain after development. Proposed landscaping of the site should be indicated as a

schematic plan. The landscaping indicated on the site plan will be assumed to be existing or to be installed prior to PDD completion.

22. Sidewalks

Shall meet city requirements.

23. Signs

No boundary signs except PDD identification at PDD boundary.

24. Streetlights

Shall meet city requirements.

25. Storm Drainage

Shall meet city requirements.

26. Water Distribution

Shall meet city requirements.

27. Sanitary Sewer

Shall meet city requirements.

28. Scale

Site plan, 1" - 100'

Final plat, 1" - 100'

Preliminary, 1" - 100'

Over 100 acres, scale may be reduced to 1" - 220' for preliminary and site plan

29. Fees

Same as outlined in subdivision ordinance.

(Ordinance 2103, sec. 9-12, adopted 2/14/95)

**Sec. 10.02.013 Guidelines for subdivisions beyond city limits but within five miles of city limits**

1. Subdivision

Required

2. Minimum Access to Subdivision

60 feet on a dedicated right-of-way

3. Streets

Shall meet city requirements.

4. Street Improvements

If dedicated or private shall meet city construction standards for paving.

5. Curb and Gutter

Shall be required, unless a storm sewer system is unavailable and where necessary for drainage.

6. Driveway

Private drives shall meet city standards for curb cuts and width.

7. Sidewalks

Shall meet city requirements.

8. Alley

Shall meet city requirements.

9. Lot Size

Minimum width is 60 feet.

Minimum depth is 125 feet.

Minimum square footage is 7500 square feet.

10. Building Setback

Requires a minimum 100 feet building setback line for lots and parcels fronting principal and secondary arterials. Minimum building front setback lines shall be 30 feet.

11. Storm Drainage

Shall meet city requirements.

12. Water Distribution

Shall meet city requirements as specified in section 10.02.010(6).

13. Sanitary Sewer

Shall meet city requirements as specified in section 10.02.010(7).

14. Garbage Collections

Shall be required to submit documentation specifying how garbage shall be collected and disposed.

15. Developer/Owner Certification

Shall be required.

16. Flag Lots

Shall be prohibited

17. Guarantee of Performance

Shall meet requirements of section 10.02.009. The surety bond or letter of credit provided for subdivisions between the ETJ line and the five-mile line shall be payable to the city and county and the specification attached to such surety bond or letter of credit shall conform to all applicable subdivision requirements of the city and county.

**DEVELOPER/OWNER CERTIFICATION**

The undersigned Developer, an Owner of a tract of land in Cameron County, Texas which has been divided into residential lots of five (5) acres or less each, hereby certifies as follows:

(Includes a description of the water and sewer facilities to be installed on the subdivision and a date by which those facilities will be fully operable.)

OR

(Water and sewer facilities are unnecessary for the subdivision).

The water and sewer facilities above described are in compliance with the model rules adopted under V.T.C.A., Water Code section 616.343 and comply in all respect with State, County and Municipal law.



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<sup>i\*</sup> **State law reference—Regulation of subdivision and property development, V.T.C.A., Local Government Code, ch. 212.**

<sup>ii†</sup> **Editor’s note—The subdivision ordinance, Ordinance 2103, adopted by the city on February 14, 1995, is included in this article. Due to the nature of the subdivision ordinance and the technicalities involved in adopting or amending it, such ordinance is printed herein as enacted, with only nonsubstantive formatting and style changes. Capitalization, punctuation and numbering of sections and subsections have been made to conform to the remainder of the Code of Ordinances. Obviously misspelled words have been corrected without notation. Any other material added for purposes of clarification is enclosed in brackets.**

**State law references—Extension of subdivision rules to extraterritorial jurisdiction, V.T.C.A., Local Government Code, sec. 212.003; recording of plats, V.T.C.A., Property Code, sec. 12.002.**