

CHAPTER 155: SUBDIVISION REGULATIONS

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GENERAL PROVISIONS

§ 155.01 SHORT TITLE.

This chapter shall be known and may be cited as "City of Burkburnett Development and Subdivision Code."
(Ord. 445, passed 12-21-87)

§ 155.02 INTERPRETATION AND PURPOSE.

The rules and regulations of this chapter should be considered deemed minimal in nature in their interpretation and application. The purpose of this chapter is to ensure the orderly and efficient urban development of the city, through proper and equitable land subdivision; to advance, enhance, develop, and efficiently utilize land effective to secure the best possible environmental conditions, engineering and public utilities distribution respecting the Comprehensive Plan of the City of Burkburnett; to provide for adequate municipal facilities and services; and, to assure the protection and promotion of the health, safety, and general welfare of the community.
(Ord. 445, passed 12-21-87)

§ 155.03 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"ADDITION." One lot, tract, or parcel of land.

"ALLEY." A minor public right-of-way which affords only a secondary means of access to abutting property.

"BASE FLOOD." That flood having a 1% chance of being equalled or exceeded in any given year.

"CITY MANAGER." The individual with responsibility to review and approve plans for development projects. He serves as the enforcing officer of this chapter.

"COMMISSION." The Board of Commissioners of the City of Burkburnett.

"COMPREHENSIVE PLAN." The comprehensive plan for the physical development of the city which includes any element, unit, or part of such plan separately adopted, and any amendment to such plan or parts thereof necessary to the development of well-planned, integrated, residential neighborhoods and the development of the community.

"CROSS-WALKWAY OR PEDESTRIAN CROSS-WALK." A public right-of-way; ten feet or more in width between property lines, providing pedestrian, not vehicular, passage.

"DEVELOPMENT." Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, paving, drainage, or utility improvements.

"DRAINAGE WAY." Any area beneath a ground elevation defined as being the highest elevation for any one of the following:

(1) One foot above the elevation required for the peak discharge for the 100-year design flood, Alternate C, of the Flood Insurance Study, U.S. Department of Housing and Urban Development, Federal Insurance Agency.

(2) The top of the high bank.

(3) One foot above the base flood, calculated by the city's criteria.

"EASEMENT." A right granted for the purpose of limited public or semi-public use across, over, or under private land.

"ENGINEERING CONSULTANT." The individual or firm appointed by the city with responsibility for the inspection and approval of the construction of the development project.

"FLOOD PLAIN." Any land area susceptible to being inundated by water arising from a base flood topographic line.

"FLOODWAY (OR REGULATORY FLOODWAY)." The channel of a river, or other watercourse, and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation higher than a designated topographic line.

"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 on record in the County Clerk's office in Wichita County, Texas.

"MAJOR THOROUGHFARE PLAN." That part of the official map showing the location and dimensions of principal and secondary thoroughfares.

"MAY." Is permissive.

"PLAT." A subdivision plan showing lots, street reserve areas, easements, and other required information which will or has been submitted to the Commission for approval and which, if finally approved, will be submitted within the stipulated time period to the County Clerk of Wichita County, Texas, for recording.

"PLATTING." The action of securing approvals for an addition or subdivision to the city, filed for record in Wichita County.

"PUBLIC RIGHT-OF WAY." A strip of land used or intended to be used wholly or in part, as a public street, alley, walkway, drainage area, or public utility line.

"REPLAT." The resubdivision of any portion of a previously platted subdivision, addition, or any tract or parcel of land that shall change or alter, in any manner, the original plat.

"ROADWAY" or "PAVING WIDTH." The allotted section of a street used for vehicular traffic; where curbs are installed, it is the section between the face of the curbs.

"SHALL." Is always mandatory.

"STREET." A public right-of-way which provides vehicular access to adjacent land, whether designated as a street, highway, thoroughfare parkway, throughway, avenue, lane, boulevard, road, place, drive, or however otherwise designated. Street terms are defined as follows:

(1) "ARTERIAL STREETS AND HIGHWAYS." Those which are used primarily for fast or heavy traffic and includes, as indicated in the major thoroughfare plan, major and secondary thoroughfares.

(2) "COLLECTOR STREETS." Those streets indicated on the major thoroughfare plan carrying traffic from minor streets to the major system of arterial streets and highways, including the principal entrance streets of all residential development and streets for circulation within such development. Collectors are those streets carrying traffic through or adjacent to commercial and industrial areas.

(3) "CUL-DE-SAC." A short, minor street having only one vehicular access to another street and terminating in a vehicular turn-around.

(4) "DEAD-END STREET." A street, other than a cul-de-sac, with only one outlet.

(5) "MAJOR STREETS." Those streets indicated on the major thoroughfare plan as adopted by the city.

(6) "MARGINAL ACCESS STREETS." Those minor streets which are parallel and adjacent to arterial streets and highways; and, which provide both access to abutting properties and protection from through traffic.

(7) "MINOR STREETS." Those used primarily for access to the abutting properties.

"SUBDIVIDER." Any individual, firm, association, syndicate, partnership, or any of their agents, dividing or proposing to divide land in a manner which constitutes a subdivision as herein defined. The term "SUBDIVIDER" shall be restricted to include only the owner, equitable owner, or authorized agent of such owner or equitable owner of that land sought to be subdivided.

"SUBDIVISION." The division of any tract of land situated within the corporate limits of the city, or within one mile of said corporate limits into two or more lots for the purpose, either immediate or future, of sale or building development, expressly excluding development for agricultural purposes, and shall include resubdivision. Lots combined for use as one lot for development must be replatted into one lot and submitted to the city to obtain approval, or laying out suburban lots or building lots, along streets, alleys, parks, or other land areas intended for public use, or for the use of purchasers or owners of lots fronting thereon or adjacent thereto are included for regulation. Resubdivision is included. The following are not defined as a subdivision:

(1) The division of land in parcels or tracts of five or more acres in size not involving any new streets, alleys, or easements of access.

(2) Testamentary division of property; partnership division of property upon dissolution.

(3) A division of property between two or more owners of an undivided interest by court order (see separate ordinance).

(4) Notwithstanding anything contained herein to the contrary, any tract of land divided into parcels, or tracts, of five or more acres in size not involving any new streets, alleys, or easements of access shall be properly mapped, platted, and dedicated in accordance with state law.

(5) Lots combined for use as one lot for development must be replatted into one lot.

"SUBDIVISION" shall also mean the division or redivision of an existing subdivision together with any change of lot size therein or with the relocation of any street.

(Ord. 445, passed 12-21-87)

§ 155.04 REQUIRED SUPERVISION BY CITY FOR THE DIVISION OF LAND.

(A) All land within the corporate limits and the extraterritorial jurisdiction of the city not heretofore platted or subdivided according to the laws, rules, and regulations of the city and the state into lots, blocks, and streets shall hereafter be laid out under the direction of the City Manager who shall be the enforcing officer of this chapter. Approval or denial of a plat by the Board of Commissioners shall be final and binding.

(B) In cases where plat approval includes provisions which must be approved by the Board of Commissioners, City Manager reviews and recom-

mendations for acceptance of a plat shall be referred to the Board of Commissioners for their action.

(C) No officer or employee of the city shall do or cause to be done, any work upon any street or in any addition or subdivision of the city unless all requirements of these regulations have been complied with by the owner of said addition or subdivision. The platter or subdivider may avail himself of the advice and assistance of the City Manager and consult early and informally with the Public Works Director before the preparation of the preliminary plat and before formal application, in order to save time and expedite any necessary planning work.

(Ord. 445, passed 12-21-87) Penalty, see § 155.99

§ 155.05 JURISDICTION.

The territorial jurisdiction under this chapter shall include all land located within the legal boundaries of the city.

(Ord. 445, passed 12-21-87)

§ 155.06 WITHHOLDING IMPROVEMENTS.

It shall be the policy of the city to withhold all city improvements, including the maintenance of streets and the furnishing of sewage facilities and water service, from all additions, the platting of which have not been officially approved by the Board of Commissioners. No improvements should be initiated, and no contracts executed until the recommendation for approval by the City Manager has been forwarded and the Board of Commissioners formally accepts the plat through the public hearing process.

(Ord. 445, passed 12-21-87)

§ 155.07 NON-CONFORMING SUBDIVISION PENALTY.

No person shall sell, lease, or agree to sell or lease, any land or lot within a subdivision as herein defined, without an approved plat of said subdivision recorded in the office of the Wichita County Clerk. Such an act shall constitute a misdemeanor, if the land lies within the City of Burkburnett. The city may enjoin such a transfer, lease, sale, or agreement by initiating proceedings in any proper court of jurisdiction.

(Ord. 445, passed 12-21-87) Penalty, see § 155.99

§ 155.08 PERMITS.

No building permits or repair permits shall be issued for any structure on a lot, or lots, in a subdivision for which a plat has not been approved in the manner prescribed herein and duly recorded in the office of the County Clerk of Wichita County, Texas.

(Ord. 445, passed 12-21-87)

§ 155.09 PUBLIC IMPROVEMENTS AND MUNICIPAL SERVICES.

The city shall withhold all public improvements and services of whatsoever nature, including the maintenance of streets, sewage facilities, and water service from all subdivisions which have not been approved in the manner prescribed herein, and from all areas dedicated

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the public which have not been approved by the Board of Commissioners.
(Ord. 445, passed 12-21-87)

§ 155.10 REVISION OF PLAT AFTER APPROVAL.

No changes, erasures, modifications, or revisions shall be made in any plat of a subdivision after approval has been given by the Board of Commissioners and endorsed on the plat in writing, unless said change, revision, or modification is first submitted to and approved by the Board of Commissioners.

(Ord. 445, passed 12-21-87) Penalty, see § 155.99

§ 155.11 REQUIREMENTS FOR REPLATTING.

(A) Property shall not be replatted which has been previously platted by a common dedication.

(B) A replat of any subdivision or any part thereof shall meet the requirements provided herein for a new subdivision, and shall show the existing property being replatted.

(Ord. 445, passed 12-21-87) Penalty, see § 155.99

§ 155.12 GENERAL PROCEDURES FOR SUBDIVISION.

(A) In order to allow orderly processing of proposed additions or subdivisions, the following procedures section shall be used. In general, the steps necessary for platting are outlined:

- (1) Annexation of the land.
- (2) Pre-application conference with the City Manager.
 - (a) Includes concept discussion.
 - (b) Includes review of city requirements for subdivision.
- (3) Review of a preliminary site plan by the City Manager.
- (4) Submittal of preliminary plat to the City Manager by the prospective developer.
- (5) Recommendation for approval of preliminary plat to the Board of Commissioners by the City Manager.
- (6) Approval of preliminary plat by the Board of Commissioners.
- (7) Submittal of final plat to the City Manager by the prospective developer.
- (8) Recommendation for approval of final plat to the Board of Commissioners by the City Manager.
- (9) Approval of the final plat by the Board of Commissioners.

(10) Approval of the final construction plans by the City Engineer (or the Consultant Engineer as the city's designated agent).

(11) Filing of approved plat with the Wichita County Clerk and recording of all executed easements, dedications, and other documents required to be filed for record.

(12) Completion of construction and acceptance of all dedications and improvements by the city.

(B) This procedure may be varied at the discretion of the City Manager. For those areas to be platted which lie outside of the corporate limits but are being submitted only for review and approval to satisfy the requirements of extraterritorial jurisdiction and Article 974(a), V.T.C.S., the provisions concerning annexation may be deleted. All other provisions shall remain in force.

(Ord. 445, passed 12-21-87)

§ 155.13 ANNEXATION.

If the property is not within the city limits and the owner desires annexation to be qualified to receive city services, when available, and be afforded police power protection, the owner must petition the city for annexation. After receipt of that petition, the city shall call for an election--a vote by the residents--to approve the annexation.

(Ord. 445, passed 12-21-87)

§ 155.14 CONFLICTING PROVISIONS; INTERPRETATION.

(A) Nothing in this chapter shall be construed to repeal, alter, change, or affect any of the provisions of the charter of the city.

(B) All ordinances and parts of ordinances inconsistent with this chapter or in conflict herewith are hereby repealed except that nothing in this chapter shall be construed to repeal, change or diminish and requirement, rule or regulation set forth in the Zoning Ordinance.

(C) In the event of any conflict between a requirement, rule or regulation set forth in this chapter and a requirement, rule or regulation set forth in the Zoning Ordinance shall prevail and be interpreted as a requirement, rule or regulation required by this chapter.

(Ord. 445, passed 12-21-87; Am. Ord. 732, passed 6-18-07)

PROCEDURES, FILING, AND SPECIFICATIONS FOR
PRELIMINARY AND FINAL PLATS

§ 155.25 FILING AND FILING FEE.

Every subdivider seeking preliminary or final approval of a proposed subdivision shall pay a filing fee when submitting the preliminary plat according to the fee schedule current and in effect at the time of the filing (see Schedule F - Fee Schedule, which is attached to Ord. 445 and which is hereby incorporated by reference as if fully set forth herein).

(Ord. 445, passed 12-21-87)

§ 155.26 PROCEDURES AND TIMING.

(A) Pre-application conference. Prior to subdividing land, a property owner shall consult with the City Manager to review these requirements, other applicable ordinances, and provisions of the comprehensive plan that would affect the property proposed to be subdivided. This conference shall serve as the basis for preparing the preliminary plat.

(B) Preliminary plat, preparation, submittal and timing for hearing. After the pre-application conference, the prospective subdivider shall prepare a preliminary plat for city review and approval in accordance with provisions of this subchapter and submit same to City Manager at least 14 days prior to a regular scheduled meeting.

(C) City review and approvals of preliminary plat. The City Manager shall examine and may recommend approval of the preliminary plat within 30 days, if found to be in accordance with this chapter. If changes or additions need to be made to bring the plat into conformance, changes can be completed within the 30-day period. Such changes or additions ordered by the city shall be made in writing within 15 working days from the time when the preliminary subdivision plat was received by the City Manager. If at the end of this 30-day period, the City Manager still does not recommend approval of the plat, the subdivider may appeal to the Board of Commissioners, who may approve or reject the preliminary plat.

(D) City review and approvals of final plat. Following the approval of the preliminary plat, the final plat shall be submitted in accordance with § 155.32. The City Manager shall examine said plat; and, if it is in accordance with the approved preliminary plat and provisions of this chapter, the City Manager may recommend approval of said plat within 60 days of submission. In the event the final plat is disapproved by the City Manager, the subdivider may appeal to the Board of Commissioners in the same manner as set out in division (C) above.

(E) Performance of improvements, guarantees, and bonds. Following recommended approval of the preliminary and final plats by the City Manager, and the subsequent formal approval by the Board of Commissioners in public hearings, the subdivider shall install or guarantee installation of improvements as required herein, according to the provisions of the City of Burkburnett Three-Way Agreement (see Schedule C - Certification Packet, which is attached to Ord. 445 and which is hereby incorporated by reference as if fully set forth herein).

(Ord. 445, passed 12-21-87)

§ 155.27 PRELIMINARY PLAT PURPOSE AND DESIGN INTENT.

(A) The purpose of the preliminary plat submittal is to allow the City Manager to review the overall platting of the tract, water and sewer service, and street patterns within the addition or subdivision for their conformance to the city's requirements and uphold the city's obligation to enforce police powers' protection for its residents. Then, the City has an opportunity to make preliminary estimates of further municipal fiscal impacts resulting from street and utility costs in the subdivision.

(B) Along with the preliminary plat, the developer may be required to submit a preliminary, approved, water drainage analysis of the addition or subdivision to the City Manager. The water drainage analysis is optional as required by the city; but, in any event, shall be an essential construction design and engineering factor to be considered during site design.

(Ord. 445, passed 12-21-87)

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§ 155.28 PRELIMINARY PLAT DRAWING REQUIREMENTS.

For the preliminary consideration and tentative approval of the proposed subdivision, the owner shall submit the following items to the city:

(A) Key map. Three copies of a map encompassing and designating those contiguous and adjacent areas surrounding the proposed subdivision. On this key map, the tract to be subdivided shall be indicated in a distinctive manner. This map shall be drawn to a suitable scale. As an option, this location map may be placed directly on the preliminary plat drawing.

(B) Preliminary plat drawing. Six copies of a map of the preliminary plat showing the general features of the proposed subdivision. This information shall be drawn on a sheet size of 24 x 36 inches at a scale of 100 feet to one inch (1" = 100'), and shall clearly indicate:

(1) The name of the proposed addition or subdivision, the name and address of the owner and developer and the engineer or surveyor responsible for the design and the survey, the tract designation, and other descriptions according to the abstract and survey records of Wichita County, Texas. The name shall not be similar to, nor duplicate, the name of any existing subdivision.

(2) A north point, scale, and date.

(3) All of the boundary lines of the tract, accurate in scale.

(4) The names of adjacent additions or subdivisions or names of record of owners of adjoining parcels, the location, widths, and names of all existing or platted streets, easements, or other public ways within or adjacent to the tract, existing railroad rights-of-way, and other important features such as section lines, political subdivision or corporation limits, and school district boundaries. Also shown shall be building lines, parks, water courses, ravines, bridges, culverts, other structures, and pertinent natural features.

(5) All parcels of land intended to be dedicated for public use or reserved in the deeds for the use of all property owners in the proposed subdivision, together with the purpose or conditions of limitations of such reservation.

(6) The layout, names, and width of proposed streets, alleys, and easements.

(7) The layout, numbers, and approximate dimensions of proposed lots and all building lines.

(8) The location of proposed screening walls.

(9) Contours of the tract in intervals of five feet or less, referred to sea level datum. A proposed general drainage plan may be required in accordance with division (C) of this section.

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(10) (a) Existing utilities, sewers, water mains, culverts, or other underground structures within the tract and immediately adjacent thereto with pipe sizes and locations indicated.

(b) An engineering statement as to the capacity of existing city utilities to supply adequate service to the newly-subdivided areas. This would necessarily include a study of current water, sewer and fire protection facilities and a statement that the new areas would not over-burden those facilities.

(c) Should an engineering study indicate that additional development would overload present utility capabilities, a statement of recommended corrective action from the engineering firm, to be implemented by the developer, would be required.

(11) Proposed utilities, water, sanitary sewer, and storm sewer pipe lines with sizes indicated and valves, fittings, manholes, inlets, culverts, bridges, and other appurtenances or structures shown.

(12) Storm water retention basins as required.

(13) Existing sewer lines, water lines, and gas mains; electric and telephone lines and any other public utilities. In the event water mains and sewers are not on or adjacent to the tract, the direction and distance to, and size of nearest ones, showing invert elevation of sewers, shall be indicated.

(14) Site information of the subdivision with streets, roads, alleys, blocks, lots, easements, building lines, parks, water courses, and the like, with principal dimensions. This proposed plan shall indicate how streets, alleys, highways, and easements in the proposed subdivision will connect with those in the surrounding area and shall show paving widths and right-of-way widths.

(15) Proposed streets, within the subdivision area, shall be named and shall conform with names of any existing streets of which they may be, or become, extensions. The names shall not duplicate, nor be similar to, the recognized name of any other street located elsewhere in the area subject to these rules and regulations.

(C) Proposed general drainage plan. A plan for the area concerned may be requested to be provided. All lots shall indicate grade slopes away from buildings.

(1) Three copies of a topographic map may be required separate from other submitted material indicating pertinent contour intervals, shall be submitted as per the following. If required, grading restrictions shall be mandatory.

(2) The average site grade up to 5% shall have a maximum contour interval of two feet, and the average site grade over 5% shall have a maximum contour interval of five feet. All house floor slabs shall be higher than any street elevation along the entire lot frontage. This map shall be drawn at a suitable scale. All grades and elevations shown shall be referred to city datum.

(D) Plans. Plans and signed statements shall be provided which establish the grades and profiles of streets, sewers, and water lines, the proposed type and character of all improvements, and an affidavit describing the subdivider's proposal to the city for accomplishing the installation of required improvements as set forth in accordance with § 155.32.

(E) Affidavits. Affidavits certifying that the engineers and/or surveyors engaged in and responsible for the plat and its final execution are fully qualified for the responsibilities of the work involved shall be attached.

(Ord. 445, passed 12-21-87; Am. Ord. 528, passed 11-21-94) Penalty, see § 155.99

§ 155.29 GENERAL PROCEDURES FOR FINAL PLAT.

(A) Upon receiving approval of the preliminary plat from the City Manager, the owner of the tract proposed for subdivision shall, within 180 days of the approval date of the preliminary plat, have prepared and submitted a final plat to the City Manager for his review and transmittal to the pertinent municipal agencies. This final plat shall be submitted at least 14 days prior to the regularly scheduled meeting date of the Board of Commissioners. No final plat will be considered unless a preliminary plat has first been submitted, reviewed, and developed from recommendations based on the pre-application conference and preliminary plat city review. The final plat shall show, and be governed by these specifications, including the following data. All final plats must be approved by the Board of Commissioners, following recommendations for approval of the final plat by the City Manager.

(B) The developer, his engineer, or architect shall submit the final plat and the completed construction plans for city review. Submittal shall include an application form and payment of the required filing fees according to schedules current at the time of application (see Schedule F - Fee Schedule, which is attached to Ord. 445 and which is hereby incorporated by reference as if fully set forth herein).

(Ord. 445, passed 12-21-87)

§ 155.30 FINAL PLAT DRAWING REQUIREMENTS.

The final plat shall be drawn or copied and submitted on a black line reproducible mylar or linen on sheets 24 inches wide by 36 inches long, with a margin of 2-1/2 inches on the left side of the sheet and one inch margin on the other three sides. The plat shall be drawn at a scale of 100 feet to one inch (1" = 100'). Where more than one sheet is necessary

to accommodate the entire area to be subdivided, an index sheet showing the entire subdivision at a suitable scale shall be attached to the plat. The subdivider shall submit one reproducible drawing and six copies of the final plat, together with six copies of all pertinent and related data, letters, certificates, and the like. The plat shall show the following data and have attached documents as per the following:

(A) The accurate location, material, and approximate size of all monuments.

(B) An accurate location of the subdivision with reference to the abstract and survey records of Wichita County, Texas.

(C) True bearings and distances to the nearest established street lines or official monuments, which shall be accurately described on the plat; municipal, township, county, or section lines accurately tied to the lines of the subdivision by distances and bearings.

(D) All site boundary lines with accurate distances and bearings with the exact location and width of all existing or recorded streets intersecting the boundary of the tract. Primary control points shall be indicated (after review and approval by the City Manager), and description, and "ties" to such control points are to be shown, in which all dimensions, angles, bearings, new city block numbers and similar data on the plat shall be referred.

(E) Special restrictions including, but not limited to, drainage and floodway, fire lanes, and screening.

(F) Proposed name of the addition or subdivision.

(G) Name and address of the owner or developer.

(H) North point, scale, and date.

(I) Name, or title of the subdivision; definite legal description (metes and bounds) and identification of the tract being subdivided; north point; scale of the map; name of the engineer and/or surveyor responsible for the surveys and/or plat; name of record for owner of the land involved; date of preparation.

(J) Tract boundary lines, the exact location, width, and distances of all existing or recorded streets, and other rights-of-way intersecting the boundary or streets, easements, and other rights-of-way forming the boundary of the tract being subdivided. Property lines of residential lots and other sites abutting the subdivision with accurate dimensions, bearing or deflecting angles and radii, area, and central angles of curves in all adjoining streets and alleys, with their names, and the names of adjoining subdivisions. Oil wells shall be indicated, also.

(K) All block, lot, and street boundary lines shall be shown in accurate dimensions with bearings and angles. Building lines, easements, rights-of-way, and the like shall be shown and defined by necessary dimensions.

(L) House numbers shall be allocated to lots by the City Manager and will be shown on the plat, subject to approval by the Board of Commissioners. (A visible house number will be displayed on the lot when a building is under construction.) Blocks and lots shall be numbered or lettered in accordance with a systematic arrangement. The actual right-of-way width and actual paving width of all streets shall be shown and where curved shall be measured at right angles or radially.

(M) Building setback lines shall be indicated. They are: 70 feet for arterial streets, 25 feet for minor streets and 15 feet on sides of corner lots. The designation of major and side streets shall be made by the developer, subject to the approval of the City Manager. A five-foot easement (setback) and building limit line shall be indicated on each side of each lot, creating a ten-foot easement between lots. All necessary dimensions, including linear, curvilinear, and angular shall be shown and must be accurately indicated. The linear and curvilinear dimensions shall

be expressed in feet and decimals of a foot. The angular dimensions may be shown using bearings. Curved boundaries must be fully described and all essential information given, including the length of tangents, central angle of curve, and the chords and arcs of curves. Block corners, angle points, points of curve, and points of intersection of tangents shall be shown as permanently marked on the ground. Complete dimensional data shall be given for fractional lots or tracts.

(N) Bench mark elevations shall be established on at least one block corner of each street intersection and in no case more than 700 feet from any other bench mark. These elevations shall be clearly shown on the plat.

(O) Permanent survey reference monuments shall be furnished by the city at the developer's expense, indicated with a complete description and location of same. These monuments shall be in addition to, and other than, any markers set for lot corners. Their location shall be in acceptable and suitable sites throughout the subdivision and there shall be at least as many of them as there are blocks in the subdivision, but there should be not less than two if there is but one block in the subdivision. At no point shall the distance be greater than 1,000 feet between successive monuments along any street or reference line.

(P) The accurate outline of all property which is offered for dedication for public use with the purpose indicated thereon, and of all property that may be reserved by deed covenant for the common use of the property owners in the addition or subdivision.

(Q) Certification by a registered public surveyor that the plat represents a survey made by him and that all the monuments shown thereon actually exist; and, their location, size, and material description are correctly shown.

(R) A certificate of ownership and dedication of all streets, alleys, parks, and playgrounds to public use forever, signed and acknowledged before a notary public by the owner and lienholder of the land along with complete and accurate description of the land

subdivided and the streets dedicated.

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(S) Additional certificates to properly dedicated easements or rights-of-way as may be necessary.

(T) Boundary survey closure and area calculations.

(U) Tax receipts showing that all current and past due taxes on the property contained within the proposed subdivision have been paid.

(V) A waiver of claim for damages against the city occasioned by the establishment of grades, or the alteration of the surface of any portion of the existing streets and alleys, or natural contours, to conform to the grades established in the subdivision.

(W) A certificate of ownership in fee of all the land embraced in the subdivision of authenticity of the plat and dedication, including all properties intended for public use, signed and acknowledged by all owners holding any interest in said land and properties. Acknowledgement shall be in the form required in the conveyance of real estate. Approval and acceptance by all lienholders shall be included.

(X) A certification by a professional engineer or a licensed land surveyor, duly authenticated, that the plat is true and correct and in accordance with the results of surveys actually made on the site of the subdivision; that all block corners in the subdivision have been staked; and that the tract is within one mile of the city limits of Burkburnett, measured in a straight line between nearest points.

(Y) A certification by a professional engineer, duly authenticated, that the proper engineering consideration has been given to all streets, water, sewage, drainage, and any other public facilities of a pertinent nature.

(Z) An expressed dedication to the public for public use forever, the streets, alleys, rights-of-way, easements, parks, water courses, drains, school sites, public squares, and other land intended for public use shown on the final plat.

(Ord. 445, passed 12-21-87) Penalty, see § 155.99

§ 155.31 CONSTRUCTION DOCUMENTS.

(A) Construction documents (hereafter called "plans"), as part of the final plat submittal, shall be prepared by, or under the supervision of, a Registered Professional Engineer in the State of Texas and shall bear his seal on each sheet. The plans shall contain all necessary information for construction of the project.

(B) Each sheet of the plans shall contain a title block including space for notations or revisions. This space is to be completed with each revision to any drawing sheet and shall clearly note the nature of the revision and the date the revision was made.

(C) After review of the plat and accompanying construction documents, the plat shall be submitted to the Board of Commissioners for

their consideration. If approved subject to changes, the engineer for the owner shall make all changes required. The City Engineer or his designated representative will approve and return all plans to the engineer of the owner for use by the contractors. Each contractor shall maintain one set of the plans, stamped with city approval, at the project site at all times during construction. If construction has not commenced within one year after approval of the plans, resubmittal of plans may be required by the City Engineer in order to meet current standards and engineering requirements ("Construction" shall mean installation of city maintained improvements or facilities). (Ord. 445, passed 12-21-87) Penalty, see § 155.99

§ 155.32 IMPROVEMENTS REQUIRED PRIOR TO ACCEPTANCE OF FINAL PLAT.

(A) Monuments. Block corners shall be of one-inch pipe or three-quarter inch steel rod not less than 24 inches long, and shall be placed at all corners of boundary lines and at curve points and angle points of the subdivision. The center of the pipe or rod shall be the exact point of intersection. The top of the pipe or rod shall be placed flush with the natural ground, or in the event grading is required, it shall be placed flush with the finished grade.

(B) Lot markers. Lot markers shall be iron pins not less than one-half inch in diameter and no less than 18 inches long and shall be set flush with the ground at each lot corner.

(C) Street improvements. Prior to the approval of any final plat, the subdivider shall have prepared, or authorized the city to prepare or have prepared for the account of the subdivider, complete engineering plans of streets, curb and gutter, street signs, traffic signs, storm sewers, and drainage structures for the area covered by the final plat.

(D) Facilities improvements. Prior to the approval of any final plat, the subdivider shall have prepared or authorized the city to prepare or have prepared for the account of the subdivider, complete engineering plans of water and sewer lines and structures for the area covered by the final plat.

(E) Inspection. All construction, such as street grading, street paving, drainage structures, curb and gutter, storm sewers, sanitary sewers, water mains, and the like shall be subject to inspection during the construction period by the proper authorities of the city, and shall be constructed in accordance with the approved engineering plans and the city's standard specifications.

(F) Guarantee for construction. No building permit, or water, sewer, plumbing, or electrical permit shall be issued to a subdivider, owner, or legal entity until all street and facilities improvements have been satisfactorily completed, or until a satisfactory three-way agreement has been executed according to Appendix Item "X", which is attached to Ord. 445 and which is hereby incorporated by reference as if fully set forth herein, or an acceptable substitute agreements an alternative. The subdivider and/or owner may file a corporate surety bond with the City

Treasurer in a sum equal to the total cost of such improvements for the designated area, guaranteeing the construction of said improvements within a stated period of time instead of making a cash deposit. In the event that any or all of the required improvements are not completed within the time specified in said bond, the city may let or relet the contract and the subdivider and surety will be jointly and severally liable for the costs thereof to the amount specified for such improvement or improvements within said bond. The bond may provide for an extension of time under conditions approved by the City Manager and for the termination of the bond upon vacation of the plat.

(G) Municipal participation.

(1) The subdivider of any property within the territorial limits of these regulations which is desired to be developed shall, at his own expense, cause to be constructed all street improvements such as grading, paving, curb and gutter, sidewalks, street signs, traffic signs, monuments, alleys storm sewers, drainage structures, and other improvements, including sanitary sewers and water lines.

(2) The subdivider of any property within the territorial limits of these regulations which is desired to be developed, shall, at his own expense, construct an adequate fire protection system with one fire hydrant not more than 500 feet from any structure. The city shall approve the type of hydrant prior to purchase and installation.
(Ord. 445, passed 12-21-87) Penalty, see § 155.99

GENERAL SUBDIVISION DESIGN PROVISIONS

§ 155.45 APPLICATION.

Unless otherwise provided in this chapter, all subdivision plans shall conform with the standards set forth in this subchapter.
(Ord. 445, passed 12-21-87)

§ 155.46 STREETS.

(A) Arterial streets shall have a minimum dedicated right-of-way width of 100 feet, with a minimum paving width of 48 feet or two 24-foot pavements separated by a median at least 14 feet in width and shall conform with the adopted major thoroughfare plan.

(B) Major streets shall have a minimum dedicated right-of-way width of 80 feet with a minimum paving width of 48 feet and shall conform with the adopted major thoroughfare plan.

(C) Collector streets shall have a minimum dedicated right-of-way width of 60 feet with a minimum paving width of 40 feet and shall conform with the adopted major thoroughfare plan.

(D) Minor streets shall have a minimum dedicated right-of-way width of 50 feet and a minimum paving width of 30 feet.

(E) Alleys shall be graded for drainage, low spots filled with sandstone and surfaced with crushed rock or gravel. Public utilities or others who make excavations in alleys will replace the subgrade, base, and surface by proper compaction and surface material. Alleys shall have a minimum dedicated right-of-way width of 20 feet in residential areas and 25 feet in commercial, business, and industrial areas, and a paved surface of not less than 25 feet of commercial, business, and industrial areas. Alleys shall be provided in all commercial or industrial areas. Easements of five feet shall be provided on each side of all side lot lines. Dead-end alleys shall not be permitted.

(F) Curbs and gutters shall be required on both sides of all interior streets and on the subdivision side of adjacent streets. Curb and gutter returns shall be required at all alley intersections.

(G) Street signs shall be installed on two diagonally opposite corners of each intersecting street and shall be of a type approved by the City Manager, and installed in accordance with city standards.

(H) Street construction shall be done with respect to base, surface, curbs and gutters, grades, intersection curve radii, and horizontal curves in accordance with the specifications and standards of the city (see Schedule S: street construction, which is attached to Ord. 445 and which is hereby incorporated by reference as if fully set forth herein). All street construction work shall be performed by a bonded contractor who has filed his faithful performance bond with the city, and in addition, said contractor shall file a maintenance bond in favor of the city, guaranteeing the materials and workmanship for a period of one year from the date of acceptance by the city.

(1) Construction requirements shall be as follows:

(a) Streets, including parkways, shall be excavated to the line and grade shown on those construction plans accepted by the city.

(b) Sewer services located in alleys and rights-of-way shall be constructed to the property line, and water services shall be constructed to a point two feet back of the curb, prior to the preparation of the street subgrade. All trenches shall be backfilled in accordance with city standard specifications.

(c) Standard curb and gutter (if used in the subdivision) shall be constructed on both sides of streets and in medians, where applicable, including all curb returns where required, in accordance with the standard specifications and to the line and grade shown on those construction plans accepted by the city.

(d) Standard pavement widths and sections shall be constructed on prepared subgrade in accordance with these standard specifications. Pavement widths shall be measured from back of curb to back of curb. These widths shall be as shown in the thoroughfare plan and, where not shown therein, the widths and thicknesses shall be not less than the following:

TABLE I

Street Classification	Minimum Pavement Width	Minimum Pavement Thickness	Minimum Wheel Loadings
Local or Minor	31 feet	6 inches* 5 inches**	5,000 lbs.
Minor Collector	40 feet	7 inches* 6 inches**	9,000 lbs.
Major Collector	48 feet	8 inches*	12,000 lbs.
Arterial or Thoroughfare	As Indicated in Thoroughfare Plan	7 inches**	18,000 lbs.
Alley (Residential)	20 feet	5 inches**	
Alley (Commercial, business and industrial)	25 feet	6 inches**	
Walkway	6 feet	4 inches**	

*Hot Mix Asphaltic Concrete

**Portland Cement Concrete

The above minimum widths and thicknesses may be upgraded by the city when it is deemed necessary to provide pavement suitable for a collector, arterial, or major thoroughfare.

(e) Where the plasticity index of the natural soil is equal to or exceeds 20, lime stabilization shall be required. A minimum of 6% by weight lime to a depth of 8 inches shall be required. Where the plasticity index of the natural soil is less than 20 but equal to or greater than 15, lime stabilization may be required if, in the opinion of the city, it is necessary in order to achieve a proper subgrade. Soil samples for determining the plasticity index of the natural soils may be required to be taken at locations specified by the city and shall be paid for by the owner. At the owner's option and expense, a lime series test may be made by a qualified testing firm and lime may then be applied at the optimum rate indicated by the test.

1. Asphalt pavement (residential street).

a. Subgrade.

i) Subgrade shall be stabilized with hydrated lime or cement, six inches deep and laterally to one foot outside the backs of the curbs. Subgrade shall be stabilized with 5% lime, by weight, if soil plasticity index is equal to or greater than 15, and stabilized with 6% cement, by weight, if soil plasticity index is less than 15. Stabilized subgrade shall be compacted to 95% ASTM

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ii) Subgrade shall be primed with asphaltic oil, MC-30, in accordance with Item 5.3 in Standard Specifications for Public Works Construction prepared by the North Central Texas Council of Governments.

b. Base. Base course shall be four inches of asphaltic stabilized base (Grade 2) (Item 2.4.14 in Standard Specifications for Public Works Construction prepared by the North Central Texas Council of Governments).

c. Wear course. Wear course shall be two inches of hot mixed asphaltic concrete, Type D (Item 2.4.13 in Standard Specifications for Public Works Construction prepared by the North Central Texas Council of Governments).

2. Concrete pavement (residential street).

a. Base. Base shall consist of four inches compacted sand or four inches of natural base stabilized with 6% lime of cement extended 1'-0" behind and beyond each side of curbs.

b. Wearing surface. Wearing surface shall be five inches minimum of Class "A" Concrete (SDHPT 1982 Standard Specifications, Item 364) reinforced with No. 3 bars on 24-inch centers each way for curb-to-curb street widths up to 30'-0", and six-inch minimum (same specifications) for curb-to-curb street widths exceeding 30'-0". The centerline construction joint shall be keyed and tied with No. 3 tie bars 24 inches long on 24-inch centers. Sealed expansion grooves 1-1/4 inches deep shall be provided on the 1/4 points longitudinally and every 15 feet transversely.

(f) When a proper subgrade cannot be constructed in soils having a low plasticity index, cement stabilization may be required when deemed necessary by the city.

(g) All construction shall be in accordance with the revised standard specifications for street construction in the city of Burkburnett.

(2) Private access ways. All private access ways which provide the primary vehicular access to two or more residential lots to be developed as single-family residences, duplexes, townhouses, or any justify combination thereof shall be constructed with a minimum of five inches of reinforced portland cement concrete over a compacted base.

(I) Streets shall be so arranged to provide for the extension of all existing streets and for vehicular circulation throughout the subdivision. Off-center street intersections are not permitted. If they are necessary and essential as approved by the city, then the distance between center lines of offset streets shall be at least 120 feet.

(J) Subdivisions need not follow existing grid street patterns. Courts, cul-de-sacs, loop, or other designs, may be provided if proper access is given to all lots from a dedicated street or court. All dead-end streets shall terminate in a dedicated street space having a minimum radius of 50 feet. Dead-end streets shall not exceed 600 feet in length. Where a street is temporarily dead-ended at a property line and is to be continued when the adjacent property is subdivided a temporary turn-around shall be provided of the aforementioned 50-foot radius.

(K) All adjoining streets and land and any system of streets designed for a subdivision, shall connect with existing or platted streets and alleys in adjacent and contiguous subdivisions. Where no adjacent connections are platted they shall, in general, be arranged in such a manner as to cause no hardship to owners of adjoining property for their future platting and provide access to them which will not be taxable or accessible for special improvements shall not be permitted in any subdivision unless such reserve strips are conveyed to the city in fee simple.

(L) Firelanes shall be provided between any buildings, structures, or accessory buildings where residential entrances do not face a dedicated or designated street. Firelanes shall be directly entered from a street and be sized at a minimum width of 24'- 0" with an additional 5' - 0" fire equipment staging area immediately contiguous to the firelane for safety purposes.

(Ord. 445, passed 12-21-87; Am. Ord. 503, passed 5-4-93) Penalty, see § 155.99

§ 155.47 BLOCKS.

(A) Block lengths shall not exceed 600 feet without connecting to an intersecting street.

(B) Pedestrian crosswalks, not less than ten feet wide, shall be required where deemed essential to provide circulation, or access to schools, playgrounds, shopping centers, transportation, and other community facilities.

(Ord. 445, passed 12-21-87) Penalty, see § 155.99

§ 155.48 LOTS.

(A) Residential lots shall have an area of not less than 6,000 square feet, and shall be at least 60 feet wide and not less than 100 feet deep. In the case of irregularly shaped lots, the minimum width shall be measured at the front building line. All lots shall be graded to provide a building pad set at a minimum of one foot above street and alley elevations or at a 1/2% slope, whichever is greater.

(B) Lot lines shall be laid out at right angles to straight street lines and radially to curved street lines. Corner lots shall have extra width sufficient to permit the maintenance of adequate building lines on both front and side streets. Building setback lines are 25 feet at fronts, 15 feet at sides on minor streets, and a five-foot building limit on any other sides.

(C) Each lot shall front upon a public street and will provide a satisfactory and desirable building site, properly related to topography and character of surrounding development. Access to lots must be from a dedicated street and not from lanes, alleys, or easements.

(Ord. 445, passed 12-21-87) Penalty, see § 155.99

§ 155.49 PARK AND SCHOOL SITES.

(A) All subdividers must set aside land for parks or school sites within the areas proposed to be subdivided where required by the city. For every 100 lots in a subdivision for single-family homes, one acre must be set aside for park and/or school sites. In the event land is to be subdivided for duplex or multiple unit construction, one acre must be set aside for each 50 dwelling units to be constructed.

(B) If a site for a park (as shown in the comprehensive plan) lies within the area to be subdivided, that area shall be designated on the plat. If the area needed for park purposes exceeds that land or is otherwise required by this chapter, the city shall determine if the entire site is needed for the proposed purpose. If not, the subdivider is only required to sell that portion of the area otherwise required by this chapter to the city or county. The city must within 90 days of the plat's recording, execute an agreement to purchase the park site within two years. Failure of the city or county to execute such an agreement within the stipulated time will release the owner or subdivider from an obligation to reserve said site or sites. The purchase price of a park site shall be determined by totaling the following:

(1) Appraised raw land value of site prior to subdividing.

(2) One-half the cost of grading, paving, curb and gutter, and drainage of contiguous streets.

(3) The cost of utilities to serve the site as determined by the City Manager.

(C) The land to be dedicated for park purposes must be suitable for such purposes as determined by the appropriate city officials. In no case shall the city be required to accept any site.

(D) In the event that the subdivision is of such size that the area required for park purposes is less than five acres, the site must be located on a side of the subdivision not bounded by roads and on which additional land may be acquired as the area is subdivided.

(Ord. 445, passed 12-21-87) Penalty, see § 155.99

§ 155.50 APPROVAL OF FINAL PLAT IN PHASES BY SECTIONS.

(A) The subdivider, at his option, may obtain approval of a section or phase of his subdivision, provided he meets all the requirements of this chapter with reference to such portion, phase, or section in the same manner as required for a complete subdivision.

(B) If a subdivision final plat is approved by the Board of Commissioners for execution in sections, each final plat of each section shall bear the name of the entire subdivision, but is to be distinguished from each other section by its subtitle, sequence title, or number. Block numbers shall run consecutively throughout the entire subdivision.

(Ord. 445, passed 12-21-87)

§ 155.51 MAINTENANCE OF FACILITIES.

(A) The city shall not be liable for the maintenance of any public facility in a subdivision until the proper authorities of the city shall have formally accepted those public facilities.

(B) The subdivider and/or owner shall furnish the city with a 100% maintenance bond for maintenance on all streets, good for one year from the date of formal acceptance.

(Ord. 445, passed 12-21-87)

RECORDING AND CONSTRUCTION PROVISIONS; FINAL PROCEDURES

§ 155.65 RECORDING OF FINAL PLAT.

(A) Filing of plat. After approval of the final plat by the Board of Commissioners, and correction of the plat as required by the city, the developer or his architect or engineer shall submit filing fees, as required by the Engineering Department, and the required number of copies and file with the County Clerk. These copies shall bear all signatures by those of the city officials. After signatures by these city officials, the city will complete their filing process and return the required number of filed copies to the developer for his filing with the county. Said copies shall show the volume and page of the map and plat records into which the plat was filed by the County Clerk. If the final plat has not been submitted for signature by city officials within six months after approval by the Board of Commissioners, the plat shall be deemed null and void, resubmittal shall be required, and current regulations shall apply.

(B) Procedure for recording final plat. The final plat, after approval of the City Manager and the Board of Commissioners, shall be submitted to be recorded by the developer in the office of the County Clerk of Wichita County, Texas within 30 days from the date of the city's final approval and at the expense of the subdivider. Should the subdivider not submit the proper documents and fees for filing the final plat to the office of the City Manager within the above stated time period, then the final plat shall become null and void and shall be subject to the procedure of a new application for a subdivision.

(Ord. 445, passed 12-21-87)

§ 155.66 SUBMITTALS REQUIRED FOR CONSTRUCTION.

Prior to authorizing construction, the City Engineer shall be satisfied that the following conditions have been met:

(A) The final plat shall be completed as per city requirements at the time of approval.

(B) All required contract documents shall be completed and filed with the City Manager.

(C) All necessary off-site easements or dedications required for city maintained facilities, not shown on the final plat must be conveyed solely to the city, with proper signatures affixed. The original of the documents, and filing fees, shall be returned to the City Manager prior to approval and release of the engineering plans.

(D) All contractors participating in the construction shall be presented with a set of approved plans bearing the written approval of the City Engineer. These plans shall remain on the job site at all times.

(E) If required by the City Manager or Public Works Director, all parties participating in the construction shall meet for a preconstruction conference to discuss the project prior to beginning work.

(F) A complete list of the contractors, their representatives on the site, and telephone numbers where a responsible party may be reached at all times, must be submitted to the Public Works Director.

(G) Three prints of the utility plan sheet, scale 1" = 100' and ten prints of the same, reduced to 1" = 200', shall be submitted to the Public Works Director, in addition to previous submittal of construction plans.

(H) Manufacturers' drawings for all fabricated appurtenances or special construction items shall be submitted to the Public Works Director.

(Ord. 445, passed 12-21-87)

§ 155.67 DEVELOPMENT CONSTRUCTION.

Completion of construction according to the approved plans, standard specifications, and standard details of the city is the entire responsibility of the developer and the contractors. Limited supervision shall be provided by the Public Works Director. The responsibility of the Public Works Director is to assure conformance to the approved plans and specifications. Any change in design required during construction shall be made by the City Engineer whose signature is shown on the plans and shall be approved by the City Manager.

(Ord. 445, passed 12-21-87)

§ 155.68 ACCEPTANCE OF THE DEVELOPMENT.

(A) After completion of all items required in the plans and specifications, the contractor shall submit to the City Manager a bond in the amount of 100% of the streets' construction amount and 10% of the contract amount for the other remaining items of construction guaranteeing workmanship and materials for a period of one year from the date of final acceptance by the city. The Public Works Director shall verify that all items have been completed, including the filing of the plat and all related easements and documents, payment of pro rata fees for water and sewer services, payment of the water and sanitary sewer availability

charge, etc. The Public Works Director, or his designated agent, shall conduct a final inspection of the project, and, if all work is found to be acceptable, shall issue a letter of acceptance. Any items of exception noted in the acceptance letter shall be immediately satisfied.

(B) Acceptance of the development shall mean that title to all improvements is vested in the city. The developer and his contractors shall, however, be bound to the city for a period of one year to repair any defects in the improvements.

(Ord. 445, passed 12-21-87)

§ 155.69 AS-BUILT PLANS.

(A) Prior to final acceptance by the city of the improvements, the engineer for the developer shall submit to the Public Works Director a complete set of drawings of the paving, drainage, water, sanitary sewer, or other improvements, showing all changes made in the plans during construction and containing on each sheet an "as-built" stamp bearing the signature of the engineer and the date. In addition, one reproducible drawing of the utility plan sheets containing the as-built information shall be submitted.

(B) If requested by the developer, field inspection and acceptance can be permitted to allow construction of utilities other than city maintained facilities, prior to final acceptance.

(Ord. 445, passed 12-21-87)

TOWNHOUSE AND CONDOMINIUM DEVELOPMENT

§ 155.75 PURPOSE.

(A) Because of the newness of townhouses, condominiums, cluster houses and other such housing concepts in the city, and because such housing does not fall into any existing residential subdivision, the city finds that a set of guidelines are necessary to set forth the city's policy and attitudes towards these housing types. The city does encourage new and creative ideas when such ideas are in the best interest of the city as a whole, therefore, each proposed development must be reviewed individually and judged on its merits. In order to provide for individual review it has been decided that all townhouses, condominiums, cluster housing and other such concepts shall be allowed only under Planned Development.

(B) In approving a townhouse project, the city shall assure itself that the project meets the following conditions:

(1) That property adjacent to the area included in the project shall not be adversely affected.

(2) That the lots or area within the project shall be used only for single-family dwellings and uses commonly accessory thereto such as garages, carports, or storage areas.

(3) That the project is consistent with the intent and purpose to promote health, safety, morals, and general welfare.

(B) This type of subdivision requires "a comprehensive site plan" and that the site plan and chapter "shall set forth" various requirements, therefore, the guidelines of this subchapter are given to show what is expected in regard to these various requirements. (Ord. 505, passed 5-17-93)

§ 155.76 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"CONDOMINIUM STRUCTURE." Four or more condominium apartments each having a width of not less than 18 feet in a single building.

"TOWNHOUSE." A structure on an individual lot, which is one of a series of dwelling units designed for single-family occupancy, which dwelling units are structurally connected or immediately adjacent to and abutting each other without side yards between individual dwelling units. A "condominium apartment" (as defined in Article 1301a, V.A.T.S.) in a "condominium structure" may be considered a townhouse if no other dwelling unit or use of any kind exists immediately above or below it.

"TOWNHOUSE PROJECT." A development consisting of not less than one acre of land having not less than 100 feet of continuous frontage on an access street or and interior street and not less than four townhouses. (Ord. 505, passed 5-17-93)

§ 155.77 GENERAL LOCATION.

Each application shall be judged on its appropriateness to its site and to its compatibility with existing development or other proposed development. It is felt that through proper planning it is possible to design townhouse development to fit most areas of the city. This is not to say that such a plan is economically feasible. (Ord. 505, passed 5-17-93)

§ 155.78 COMPREHENSIVE SITE PLAN.

(A) The Comprehensive Site Plan is to be a graphic plan including all of the area under consideration for city approval and shall be submitted with the application. This plan need not be detailed but must show:

- (1) Use areas;
- (2) Land areas for building, principal roadways, parkways, buffers, screenings; and
- (3) Number and type of dwelling units.

(B) Notes, sketches, photographs and drawings may be attached to the development plan to illustrate the intent of treatment of parkways, auto parking areas, buffer strips, screening and shrubs, roadway design,

special subdivision lotting plans and other such ideas which cannot be satisfactorily explained otherwise. Such notes, sketches, photographs, and drawings shall be used to evaluate detailed site plans. If the Comprehensive Site Plan is only conceptual in nature, no building permit shall be issued until a Detailed Site Plan is approved by the City Council.

(Ord. 505, passed 5-17-93)

§ 155.79 DETAILED SITE PLAN.

(A) A Detailed Site Plan shall be approved prior to issuance of a building and shall show:

(1) Locations of buildings or building complexes, open spaces, parking area, drives, streets and other access ways, fire lanes, landscaping (in general only), walls and fences, buffer strips;

(2) Use of buildings;

(3) Number of dwelling units;

(4) Lotting plans if applicable;

(5) Diagrammatic utility layouts; and

(6) Other such things which serve to show that the proposed development will be compatible with the surrounding area and will provide a wholesome environment for future residents.

(B) The site plan may be composed of several sheets and may include photographs and sketches if necessary.

(C) The Detailed Site Plan and the Comprehensive Site Plan may be one-in-the-same if all conditions of both are met. In the event of a Multi-Phase Project, it is intended that a Detailed Site Plan be submitted only on the area that is proposed for immediate development. Additional plans may be approved as additional phases are ready to be developed. All Detailed Site Plans shall be in general conformance with the Comprehensive Site Plan and applications for building permits will be reviewed based on the Detailed Site Plan.

(Ord. 505, passed 5-17-93)

§ 155.80 STANDARDS AND SPECIFICATIONS.

The standards and specifications for townhouse projects shall be those prescribed under this chapter subject to the following exceptions:

(A) Access.

(1) All townhouse projects shall have direct access from one dedicated, improved and accessible access street having a right-of-way width of not less than 60 feet.

(2) All townhouses or condominium structures shall immediately abut and have direct access to an access street or an interior street, or an alley.

(3) Interior streets shall have a minimum right-of-way width of 55 feet and shall be developed with a minimum 35-foot wide concrete paving section constructed with concrete curbs and gutters in accordance with city standards.

(4) Alleys shall have a right-of-way width of at least 25 feet and shall have a minimum concrete paving section of 20 feet in width in accordance with city standards.

(B) Density. No townhouse project shall have a greater density than 15 lots or condominium apartments per gross acre.

(C) Area.

(1) Each lot shall have an area of not less than 1,600 square feet.

(2) Each lot shall have a minimum width of not less than 18 feet except that lots siding on an access street or upon a plat boundary of the project shall not be less than 28 feet wide.

(3) Each condominium site shall provide a minimum land area of 1,600 square feet per condominium apartment and in addition shall meet the required building set back lines set forth in division (D) below.

(D) Building Setback Lines.

(1) A front building setback line of 25 feet shall be required for all lots and condominium structures fronting on an access street.

(2) A front building setback line of ten feet shall be required for all lots and condominium structures fronting on an interior street. However, the city may approve reductions to an average five-foot setback if staggered front setbacks are used. Such average is to be determined across the frontage of a maximum of five adjoining lots or condominium apartments. The differential in front setbacks shall not exceed ten feet for adjoining lots.

(3) A rear building setback line of 20 feet shall be required for all lots and condominium structures backing on an access street and the lots or structures shall be denied direct driveway access to the access street.

(4) A rear building setback line of 20 feet shall be required for all lots and condominium structures abutting a recorded plat used or intended to be used for single-family detached dwelling units.

(5) A side building setback line of ten feet shall be required on the side for all lots and condominium structures siding on an access street or siding upon a plat boundary of the project.

(6) No building setback line shall be required on the sides of a blot or condominium structure abutting interior streets except where, in the opinion of the Commission, traffic safety necessitates the establishment of such setback.

(7) All lots and condominium structures without rear access will have a minimum rear setback of ten feet, or the width of any required easement, whichever is greater.

(E) Common Open Space.

(1) A minimum of 200 square feet of common open space per lot or condominium apartment shall be provided within the project.

(2) Where townhouse lots and dwelling units are designed to face or front each other across common open space rather than fronting upon a public street, the common open space shall be at least 40 feet wide. However, in no case shall common open space be less than 25 feet wide where any dwelling unit sides on same.

(3) In computing the required common open space, required front or side setbacks, streets, alleys or other public rights-of-way of any kind, vehicular drives or parking areas, drainage easements, and utility easements containing or permitting overhead pole carried service shall not be included.

(F) Screening Walls. Where townhouse lots or condominium structures are backing on a public street or backing or siding on lots in a recorded plat used or intended to be used for single-family detached dwelling units, or backing or siding on undeveloped property in residence district, a two-foot wide private easement shall be provided abutting the street or common lot lines and a screening wall as defined herein shall be constructed in conformance with city standards and permanently maintained by the Home Owners Association upon the easement to provide a visual screen. The construction of screening walls shall conform to specifications and standards as established by the Department of Public Works.

(G) Parking. In general, there shall be three parking spaces per townhouse lot or condominium apartment.

(1) At least two off-street parking spaces for each townhouse lot or condominium apartment shall be provided within the project.

(2) One additional parking space per lot or condominium apartment shall be provided either off-street within the project or on an abutting public street with not less than a 35-foot wide paving section.

(H) Easements.

(1) The Department of Public Works shall determine the width of the public easements for utilities and other purposes on an individual basis for each project in accordance with requirements of the sewer and water regulations set forth in Chapters 52 and 53 of this code of ordinances and any other applicable ordinance of the city.

(2) Aerial easements, if any, may not be located along the frontage of lots or condominium structures.

(I) Height. No building or structure within a townhouse project shall have a height greater than 2½ stories or feet. However, no such building or condominium structure adjacent to a plat boundary that is coincident with the side lot line of a lot upon which a single-family detached dwelling unit exists shall not have a height greater than the adjoining single-family detached dwelling unit.

(J) Sidewalks. A sidewalk of concrete or other permanent material having a width of at least four feet shall be constructed along the front of each blot or condominium structure. If the required sidewalk is constructed within public street right-of-way, it shall be constructed to city standards.

(Ord. 505, passed 5-17-93)

§ 155.81 SUBMISSION OF WRITTEN REGULATIONS.

Not all necessary regulations can be graphically expressed on a site plan, therefore, usually it will be desirable to set forth these regulations in written form. The attached regulations are given to assist the applicant in preparation of written regulations.

(Ord. 505, passed 5-17-93)

§ 155.82 DOCUMENTS REQUIRED PRIOR TO RECORDING PLAT.

The developer of a townhouse project, prior to the recording of the plat or declaration of condominium regime for same, shall furnish the city with a copy of each of the following documents:

(A) A copy of the deed restrictions applicable to all lots or condominium units and common open space in the project.

(B) A copy of the dedication instrument for the subdivision plat or condominium regime.

(C) A copy of the articles of incorporation of a nonprofit home owners association assuring, (along with the dedication instrument required in division (B) above), that all common open space shown on the plat shall be permanently held in common ownership by each original or successive lot or condominium apartment owner through mandatory membership in said association. The association shall have continuing responsibility for the maintenance of all common open space and screening walls for the purposes intended by this subchapter. Such responsibility is to be assured by the annual contribution of each lot or condominium apartment owner to establish a maintenance fund sufficient for such maintenance. The above required documents, upon approval by the City Manager and the City Council, shall be recorded with the County Clerk at the time the plat is recorded.

(Ord. 505, passed 5-17-93)

§ 155.83 REFUSE COLLECTION AND STORAGE.

The developer shall in all cases submit a proposal for refuse collection and storage. All proposals will be evaluated based on economics, sanitation, attractiveness, and general workability. (Ord. 505, passed 5-17-93)

§ 155.84 OUTDOOR STORAGE OF PROPERTY.

Storage of boats, camper trailers, old autos, furniture and other such items on the streets, or drives or in carports, is considered unsightly and is expected to lower the quality of the overall development. Therefore, screened storage area may be required. (Ord. 505, passed 5-17-93)

§ 155.85 FIREWALL REQUIREMENTS.

Because of investments in a home, which are made in townhouses, the city feels that a wall between any two dwelling units must carry at least a two-hour fire rating. This wall shall extend from the slab foundation or the ground, if not a slab foundation to the bottom of the roof deck. Additional fire walls will be looked on with favor. (Ord. 505, passed 5-17-93)

§ 155.86 ZERO LOT LINE REGULATIONS.

(A) Purpose. The purpose of the zero lot line regulations is to provide for single-family attached or detached residential structures with one zero setback area. The intent is to allow a single-family structure to be placed on a side lot line in order to provide a more usable side yard on the other side.

(B) Lot Area. The minimum lot area width shall be 4,000 square feet

(C) Lot Width. The minimum lot width shall be 40 feet.

(D) Building Coverage. The maximum building coverage shall be 60% of the lot area.

(E) Height. The maximum height of a structure shall be 35 feet.

(F) Side Setback. Structures shall be constructed on the side lot line on one side of the lot and a side setback shall be provided on the other side of the lot subject to the following conditions:

(1) The minimum width of the side setback shall be ten feet. The same side setback requirements shall be observed by accessory structures.

(2) A zero setback shall not be permitted when such lots abuts a non-zero lot line development, in which case, a minimum side setback of five feet shall be required.

(3) An exterior side setback of at least 15 feet shall be required for corner lots.

(4) No openings for access, light or air shall be permitted in the wall on the zero setback side.

(5) The side setback shall be shown by building limit lines on the subdivision plat. Easements for maintenance, drainage and roof overhangs shall be established by notation on the plat.

(G) Front Setback.

(1) 25 feet minimum, except for rear access subdivision.

(2) 9½-foot front setback if rear parking.

(H) Rear Setback. Five feet minimum from common lot line or one foot minimum from alley. If vehicle access is from alley rear setback should be five foot from alley pavement.

(I) Parking Requirements. The minimum off-street parking requirements for the site shall be determined at the rate of two off-street parking spaces for each dwelling unit, of which at least one space per dwelling unit must be provided on each lot. The remaining parking spaces must be provided in off-street parking lots. The areas required for such lots shall be in addition to the common open space requirements.

(J) Accessory Building Setbacks.

(1) Front Setback. 25 feet minimum, except for rear access subdivisions where reduced setbacks shall apply.

(2) Side Setback Interior. Five feet minimum, except when the wall height exceeds eight feet or the total height exceeds 15 feet, the setback shall be equal to the total height of roof.

(3) Side Setback Exterior. 15 feet minimum.

(4) Rear Setback.

(a) From alley, one foot minimum.

(b) One foot minimum for buildings equal to or less than 150 square foot in area, eight feet in wall height, and 15 feet in total height.

(c) Five feet minimum for buildings more than 150 square feet in area, except when the wall height exceeds eight feet or the total height exceeds 15 feet, the setback shall be equal to the total height of roof.

(Ord. 505, passed 5-17-93)

§ 155.98 CONVICTION NOT BAR TO OTHER REMEDIES.

No conviction or convictions under the penal provision of this chapter, or Article 427B, State Penal Code, shall ever be considered as any bar to any injunctive or other legal remedy, relief, right, or power existing in the city, to enforce the application and provisions of this chapter by virtue of the constitution and laws of the State of Texas and the Charter of the city.

(Ord. 445, passed 12-21-87)

§ 155.99 PENALTY.

Violation of any provision or provisions of this chapter by any subdivider shall constitute a misdemeanor and upon conviction of such violation in Corporation Court of the city, a fine not exceeding \$200 shall be imposed, and each day that such violation continues shall be a separate offense. In case a corporation is the violator of any provision of this chapter, each officer, agent, and/or employee is, in any wise, responsible for such violation and shall be individually and severally liable for the aforementioned penalties; provided however, the penal provisions and application of this chapter shall not apply to a duly qualified County Clerk and/or Deputy County Clerk acting in their official capacity, or in any way be construed to conflict with Article No. 427B, State Penal Code.

(Ord. 445, passed 12-21-87)

