

SUBDIVISION ORDINANCE NO. 243-2001

(Notice Resolution 1-2003)

(Notice Amendment Ordinance 297-2005)

AN ORDINANCE REGULATING THE SUBDIVISION OF LAND WITHIN THE CITY AND THE EXTRA-TERRITORIAL JURISDICTION OF VENUS, TEXAS; REPEALING ANY OTHER ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR A GENERAL INTERPRETATION AND PURPOSE; DEFINITIONS; PROCEDURES FOR APPROVAL; PRELIMINARY AND FINAL PLAT; REPLATTING; IMPROVEMENTS PRIOR TO ACCEPTANCE; WITHHOLDING IMPROVEMENTS; BUILDING LINES; AND PUBLIC SITES AND OPEN SPACE; DESIGN STANDARDS FOR STREETS, ALLEYS; BLOCKS AND LOTS; EASEMENTS; UTILITIES; FILING FEES; DRAINAGE; VARIANCES; SAVING CLAUSE; REPEALER CLAUSE; SEVERABILITY CLAUSE; PENALTY CLAUSE; AND EFFECTIVE DATE CLAUSE.

WHEREAS, in order to promote the utilization of land in a manner to assure the best possible community environment in accordance with the master plan of the City of Venus, Texas; and

WHEREAS, in order to guide and assist developers in the correct procedure to be followed and to inform them of the standards which shall be required; and

WHEREAS, in order to protect the public interest by supervising the design, location, class, and type of streets, sidewalks, utilities, and other essential areas and services required; and

WHEREAS, in order to protect and promote the health, safety, and general welfare of the citizens of Venus, Texas, the provision of this Ordinance shall be held to be the minimum requirements to provide for a permanent, well-organized, and wholesome community environment, including adequate public utilities, sufficient open space, and safe streets;

WHEREAS, the City of Venus, Texas, is a general law city operating pursuant to the laws of the State of Texas, by and through the action of its duly elected council members;

WHEREAS, the City is authorized and empowered to enforce ordinances necessary to protect welfare of its inhabitants (51.012, Texas Local Government Code); and

WHEREAS, the City Council has determined that it is necessary to enact this ordinance to protect the health and welfare of its residents.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VENUS, TEXAS:

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SECTION 1: INTERPRETATION AND PURPOSE

In the interpretation and application of the provisions of this Ordinance, it is the intention of the City Council that the principles, standards, and requirements provided for herein shall be minimum requirements for the platting and developing of subdivisions in the City and in its extra-territorial jurisdiction; and, where other Ordinances of the City are more restrictive in their requirements, such Ordinances shall control.

This ordinance is prepared under the authority of Chapter 212, Subchapter A, Texas Local Government Code, of the State of Texas, to promote health, safety, and morals, and for the protection and preservation of places and areas of historical and cultural importance and significance, and the general welfare of the community.

The procedure and standards for the development, layout, and design of subdivisions of land within the corporate limits and within the extra-territorial jurisdiction of the City are authorized by the Local Government Code.

The extra-territorial jurisdiction of the City is now one-half (½) mile from the corporate limits. As the City grows, the extra-territorial jurisdiction will be extended in accordance with the Local Government Code, and the requirements of this Subdivision Ordinance shall be extended into any and all new areas of extra-territorial jurisdiction.

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

1. Restrict or prohibit the subdivision of lands for uses which are dangerous to public health, safety or welfare; or which would jeopardize property in times of flood; or which, with reasonably anticipated improvements, would cause excessive increases in flood heights or velocities.
2. Protect individuals from buying lands which are unsuitable for intended purposes because of flood hazards by prohibiting the subdivision of unprotected flood hazard lands, requiring that flood hazard areas be delineated on the final plat, and areas not suitable for development be subject to deed restrictions.
3. Guide and assist subdivider/developers in correct, expeditious procedures to be followed and to inform them of the general standards which shall be required.
4. Protect the public interest by controlling the location, design, class and type of streets, sidewalks, utilities and other essential services required in the public interest and/or necessity.
5. Provide for the public welfare in those essential services required for living, educational, recreational, industrial and commercial purposes.
6. Conformance to most current comprehensive plan—No plat or subdivision of land within the City and its extraterritorial jurisdiction, as determined by Chapter 42, Subchapter A, Texas Local Government Code, of the State of Texas, shall be approved unless it conforms to the most current Comprehensive Plan of said city and its streets, alleys, easements, parks, playgrounds, and public utility facilities, including those which have been or may be laid out, and to the most current Comprehensive Plan for the extension of said city and of its roads, streets, alleys, easements, and public highways, regard being had for access to public utilities.
7. Interpretation—In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the City and shall not be deemed a limitation or repeal of any other powers granted by State statutes.
8. Planned Unit Development—Upon application by a developer/subdivider, upon review and comment by the city staff, as hereafter provided for, and upon review by the Planning and Zoning Commission (herein after called Commission), if there is one, the City Council may modify or waive design standards set forth in this Ordinance when such developer/subdivider intends and formally applies to utilize the “planned unit (or clustered) development” concept for the development of a parcel(s) of land.

SECTION 2: DEFINITION OF TERMS

For the purposes of this Ordinance, the following terms, phrases, words, and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. Definitions not expressly prescribed herein are to be determined in accordance with customary usage in municipal planning and engineering practices. The word “shall” is interpreted to mean mandatory, while the word “may” is merely directory.

1. Subdivision and Related Terms. The term, “subdivision,” shall be interpreted to mean the division of a parcel of land into two (2) or more lots or tracts for the purpose of transfer of ownership; the dedication of streets, alleys, or easements; or for use for building development—provided that a division of land for agricultural purposes into lots or

tracts of five (5) acres or more, and not involving a new street or alley, shall not be deemed to be a subdivision. The term includes re-subdivision and, when appropriate to the context, shall relate either to the process of subdividing or to the land subdivided. The terms, “subdivider” and “developer,” are synonymous and are used interchangeably and shall include any person, partnership, firm, association, corporation, and/or any officer, agent, employee, servant, and trustee thereof who does, or participates in the doing of, any act towards the subdivision of land within the intent, scope, and purview of this Ordinance.

2. Lot and Lot of Record.

- A. Lot. The term, “lot,” shall be interpreted to mean any land occupied by a building and is accessory buildings—including such open space as is required by ordinances of the City—and having its principle frontage upon a public street or officially – approved place.
- B. Lot of Record. The term, “lot of record,” shall be interpreted to mean any lot that is part of a subdivision, the plat of which has been recorded in the office of the County Clerk of Johnson County or Ellis County, Texas.

3. Street, Alley and Block.

- A. Street. The term, “street,” shall be interpreted to mean a way for vehicular traffic, whether designated a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place, or however otherwise designated.
 - (1) Arterial streets and highways are those which are used primarily for fast or heavy traffic and which are designated in the Comprehensive Plan as a primary street, expressway, or freeway.
 - (2) Collector streets are those which carry traffic from minor streets to a major system of arterial streets and highways, including the principle entrance streets of a residential development and streets for circulation within such development and which are designated in the Comprehensive Plan as secondary streets.
 - (3) Minor streets are those that are used primarily for access to abutting property.
 - (4) Marginal access streets are minor streets which are parallel and adjacent to arterial streets and highways, and which provide access to abutting property and protection from through traffic.
 - (5) Cul-de-sac is a short, minor street having but one vehicular access to another street and terminated by a vehicular turn-around. Cul-de-sacs shall not be longer than six hundred feet (600’) and shall have a turn-around provided at the closed end. They shall have an outside roadway diameter of at least eighty feet (80’) and shall have a street property-line diameter of at least one hundred feet (100’).
 - (6) Dead-end street is a street with only one opening, other than a cul-de-sac.
- B. Alley. The term, “alley,” shall be interpreted to mean any minor way which is used primarily for vehicular service access to the back or the side of properties otherwise abutting on the street.
- C. Block. A piece of parcel of land composed of two or more lots, or a single tract platted for the owner’s convenience, with each lot having access to a public street, road, railroad right-of-way, or a combination thereof.

4. Easement. The term, “easement,” shall be interpreted to mean a right granted or acquired for the purpose of limited public or semi-public use across, under, or over private land.

5. Council. The term, “Council,” as used in this Ordinance, shall be interpreted to mean the City Council of Venus, Texas.

6. Chief Administrative Officer. The term, “Chief Administrative Officer,” shall mean the person designated by the City to administer the provisions of this Ordinance.

7. Plat and Approved Plat.
 - A. Plat. The term, “plat” shall mean a complete and exact subdivision plan submitted to the Council for final approval and which, if approved, shall be submitted to the County Clerk of Johnson or Ellis Counties, Texas, for recording.
 - B. Approved Plat. The term, “approved plat,” shall be interpreted to mean a plat of subdivision which has been approved in accordance with the requirements of this Ordinance and which has been filed for record with the County Clerk of Johnson or Ellis Counties, Texas.
8. Standard. The term, “standard,” shall refer to the official City maps, Master Plan, Ordinances, and other specifications of the City.
9. Most Current Comprehensive Plan—The most current Comprehensive Plan is a statement of official public policy containing the goals and objectives of the community, the capital improvements program, the plan for public utilities systems, the land use plan, the major thoroughfare plan, the community facilities plan, the flood management program, the subdivision and zoning regulations, and other development codes, ordinances, policies, and plans promulgated by the City Council for the quality and orderly growth of the community.
10. Filing—The state mandated thirty (30) period for action on any document submitted in accordance with this ordinance under Section 212.009 Texas Local Government Code shall begin when,
 - A. The preliminary plat is deemed filed when all fees, documents, drawings and approvals required hereunder are filed with the City Secretary;
 - B. The final plat is deemed filed when the approved preliminary plat along with any stipulations and/or conditions required by the Commission have been filed with the City Secretary as a final plat with all necessary fee, documents, certifications and drawings required hereunder are in the possession of the City Secretary; and
 - C. If at any time the City Secretary deems that required information has not been provided for whatever reason, the filing shall be deemed canceled and begin again upon the filing of the required information.
11. Engineer—A person duly authorized under the provisions of the Texas Engineering Registration Act, as heretofore or hereafter amended, to practice the profession of engineering.
12. City Engineer—The person designated or retained by the City to perform the duties of City Engineer, the City may require that the developer pay all or part of the City’s expenses incurred by this person, including preplanning reviews.
13. Person—Any individual, partnership, association, firm, corporation, governmental agency, or political subdivision.
14. Setback (or Building) Line—A line on a plat parallel, or nearly so, to the street right-of-way, indicating the limit beyond which buildings, structures or fences may not be erected.
15. Shall and May – The word “shall” is always mandatory. The word “may” is directory.
16. Structure – See Zoning Ordinance.

SECTION 3. POLICIES AND SPECIAL PROVISIONS

1. No permit shall be issued by the City for the installation of septic tanks upon any lot in a subdivision unless such septic tank system meets requirements applicable to State law applied to local conditions.
2. No building, repair, plumbing, electrical or similar permit shall be issued by the City for any structure on a lot in a subdivision for which a final plat has not been approved and filed for record, nor for any structure on a lot within a subdivision in which the standards contained herein have not been complied with in full.

3. The City shall not repair, maintain, install or provide any streets or public utility services in any subdivision for which a final plat has not been approved and filed for record, nor in which the standards contained herein or referred to herein have not been complied with in full.
4. The City shall not permit the sale of, or supply of, any electricity, water or sewerage service within a subdivision for which a final plat has not been approved or filed for record, nor in which the standards contained herein or referred to herein have not been complied with in full.
5. On behalf of the City, the City Attorney shall, when directed by the City Council, institute appropriate action in a court of competent jurisdiction to enforce the provisions of this Ordinance or the standards referred to herein with respect to any violation thereof which occurs within the extraterritorial jurisdiction of the City as such jurisdiction is determined under the Municipal Annexation Act, or within any area subject to all or a part of the provisions of this Ordinance.
6. If any subdivision exists for which a final plat has not been approved or in which the standards contained herein or referred to herein have not been complied with in full, the City Council of the City shall pass a resolution reciting the fact of such non-compliance or failure to secure final plat approval. Said resolution shall recite the fact that the provisions of paragraphs 1 to 4 of this Section apply to the subdivision and the lots therein. The City Secretary shall, when directed by the City Council, cause a certified copy of such resolution, under the corporate seal of the City, to be filed in the Deed Records of the county or counties in which such subdivision or part thereof lies. If full compliance and final plat approval are secured after the filing of such resolution, the City Secretary shall forthwith file an instrument in the Deed Records of such county or counties stating that said resolution no longer apply.
7. Provided, however, that the provisions of this Section shall not be construed to:
 - A. Prohibit the issuance of building, repair, plumbing, or electrical permits with respect to any lots or building tract:
 - B. Prohibit the repair, maintenance, or installation of any street or building;
 - C. Prohibit the repair, maintenance, or installation of any street or public utility service for, to, or abutting any lot, in these instances: where the last recorded conveyance of such lot or tract prior to passage of this Ordinance was by metes and bounds; or where a building is in existence on said lot prior to passage of this Ordinance; or where such subdivision, whether by recorded plat or by actual occupancy and use, was in existence prior to the passage of this Ordinance.
8. Land Suitability
 - A. No land shall be subdivided which is held unsuitable for its intended use by the City for reason of flooding, inadequate drainage, soil and rock formations with severe limitations for development, susceptibility to mudslides or earth slides, severe erosion potential, unfavorable topography, inadequate water supply or sewage disposal capabilities or any other feature harmful to the health, safety or welfare of the future residents of the proposed subdivision or community.
 - B. However, the City Council may approve the preliminary and final plats if the subdivider improves the land consistent with the standards of this and other applicable ordinances to make the area, in the opinion of the City Council, suitable for its intended use. The City Council may also approve the preliminary and final plats if the subdivider agrees, in writing, to make suitable improvements and places a sum in escrow pursuant to this Ordinance to guarantee performance.
 - C. In determining the appropriateness of land subdivision at the site, the City Council shall consider the stated purpose and objectives of this Ordinance, and
 - (1) the danger to life and property due to the increased flood heights or velocities caused by subdivision fill, roads, and intended uses;
 - (2) the danger that intended uses may be swept onto other lands or downstream to the injury of others;
 - (3) the proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions, including flood conditions;

- (4) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (5) the importance of the services provided by the proposed facility to the community;
 - (6) the availability of alternative locations not subject to flooding for the proposed subdivision and land use;
 - (7) the compatibility of the proposed uses with existing development and development anticipated in the foreseeable future;
 - (8) the relationship of the proposed subdivision to the most current Comprehensive Plan and flood plain management program for the area;
 - (9) the safety of access to the property in times of flood and other natural disasters and emergencies for emergency vehicles; and
 - (10) the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site.
9. Approval Required – All plans, plats or re-plats of land laid out in building lots and for streets, alleys, or other portions of the same intended to be dedicated for public use, or for the use of purchasers or owners of the lots fronting thereon or adjacent thereto, and plans and descriptions of all streets, alleys, or public ways intended to be deeded or dedicated for public use, or for the use of purchasers or owners of the land fronting thereon or adjacent thereto, which is not intended to be platted into lots or other designated tracts, and any addition or plan of streets or public ways, located outside the City limits, within Johnson and Ellis Counties and entirely or in part within the statutory extraterritorial jurisdiction of the City shall be submitted to the Commission for their consideration with relation to the most current Comprehensive Plan. Said Commission shall submit their recommendation on the above items to the City Council for their official consideration and action. No such plat or re-plat or dedication or deed of street or public way shall be filed with the County Clerk, as provided by law, until such plat or re-plat or dedication or deed shall have endorsed on it the fact that it has first been submitted to the Commission and to the City Council, and by said City Council been duly approved.
 10. A Preliminary Plat of any proposed subdivision shall be submitted to the Commission and City Council for approval before the subdivider proceeds with the preparation of the Final Plat for record.
 11. All construction work, such as street paving, storm sewers, curb and/or gutter work, sanitary sewers, water mains, and electrical construction performed by the owner, developer or contractor, shall be subject to inspection, during construction, by the proper authority of the City and shall be constructed in accordance with appropriate provisions of this and other applicable Ordinances and public engineering standards, including NCTCOG Standards.
 12. Single Family Rural Estates – Large lots with wide frontage result in less drainage and traffic demands than single-family residential developments consisting of small lots with narrow frontages and widths. Therefore, the facility requirements and public impacts of the larger, “estate-type”, single-family residential developments are less intensive. Residential developments undertaken pursuant to this Section shall conform to the following provisions and are considered exempt from conflicting provisions in this ordinance.
 - A. Definition – A large lot subdivision is defined as a subdivision in which the minimum lot size is three (3) acres and minimum street frontage for any lot is sixty (60) feet with a minimum lot width of one hundred twenty (120) feet at the building setback line.
 - B. Lot Standards – See Zoning Ordinance
 13. Filing Procedures – A subdivider is encouraged to work with city staff in advance of presenting a preliminary or replat to the city for filing. Prior to the city accepting a preliminary plat or replat for filing it must be in compliance with this ordinance and contain all statutory and ordinance required information. It must be accompanied with all necessary fees and documentation. This pre-filing review is recommended, but not mandatory. This administrative review is for form and not content. After the preliminary plat or replat has been reviewed as to form by staff, the subdivider shall be notified of any defects that must be corrected prior to filing. The original or corrected preliminary

plat or replat shall be received for filing by the city once this pre-filing review is completed. Any preliminary plat or replat that is filed without pre-filing review, shall be deemed denied for any violation of required form under this ordinance or state law; and must be refiled with new filing fees. The preplating process is for the benefit of both the subdivider and the city; and refusal of the subdivider to make use of this assistance will result in a strict interruption of this ordinance and of state law and a resulting denial for all violations as to required form. A preliminary plat is not deemed filed until it has been reviewed and a letter of approval returned to the City from all utility companies that might provide service to the development or have easements in the area of the development; water suppliers both public and private; the school district in which the development is to be located; and any other agency or department of this state or federal government; these approvals are a prerequisite to deeming the preliminary plat filed.

During the platting process, any final plat, preliminary plat or replat that is discovered to be in violation of the mandatory requirements of this ordinance and/or a controlling state statute, by city staff or the engineer named by the city to review the instrument, shall be deemed to be in technical denial. This denial can be cured by the subdivider requesting in writing a return to an unfiled status, while the defect is corrected (the corrected instrument may be refiled and no new fees shall be required for this re-filing); or an appeal to the reviewing entity (Planning Commission or City Council) at its next meeting, agenda requirements permitting, or a special called meeting for this purpose within ten (10) working days of the staff denial, for a determination if the defect is required form or concept. Rejected documents, during the appeal, are deemed unfiled and time limits are tolled. The appeal will be heard at the next meeting of the commission or council or thirty days, whichever is shortest. If the reviewing entity agrees with the subdivider, the plat, preliminary plat or replat shall be deemed refiled as of the day of the affirmative vote and no new fee shall be required for this re-filing. If denied, then the technical denial is affirmed and plat, preliminary plat or replat is deemed to be formally denied.

A plat, preliminary plat or replat shall be submitted to the reviewing entity only if it is in the final form requested by staff or prior review and nothing shall be set for review prior to a corrected document being filed with the city at least fifteen days prior to the public hearing or meeting at which it is to be voted upon.

14. Procedures for Approval of a Proposed Plat.

A. Preliminary Planning. The subdividers shall avail themselves of the advice and assistance of the City officials and consult early and informally with the Chief Administrative Officer, or other person designated, before preparing the preliminary plat and before formal application for its approval in order to save time and money and make the most of available opportunities.

B. Conditional Approval of Preliminary Plat.

- (1) Upon reaching conclusions informally – as recommended above – regarding the general proposed program and objective, the subdivider shall prepare a preliminary plat (See Section 2 of this Article), together with improvement plans and other supplemental material as applicable in other sections of this Ordinance.
- (2) Ten (10) copies of the preliminary plat and supplemental materials specified shall be submitted to the City with the filing fee as provided herein, along with written application for conditional approval at least ten (10) days prior to the Council meeting at which it is to be considered. Copies or prints of the proposed subdivision, drawn on sheets a maximum size of eighteen inches by twenty-four inches (18"x 24") and drawn to a scale of either one hundred feet to the inch (1" = 100') or fifty feet to the inch (1" = 50') shall be submitted in the numbers specified herein above. In cases of large developments that would exceed the dimensions of the sheet when applying a one hundred foot (100') scale, preliminary plans may be two hundred feet to the inch, (1" = 200'). The ten (10) copies or prints of the proposed subdivision shall show the following:
 - (a) Boundary lines, bearings, and distances sufficient to locate the exact area proposed for the subdivision.
 - (b) The name and location of all adjoining subdivisions adjacent to the tract proposed for subdivision, drawn to the same scale and shown in dotted lines and in sufficient detail to show accurately the existing streets and alleys and other features that may influence the layout or development of the proposed subdivision. Adjacent unplatted lands shall show property lines and owners of record.

- (c) The location and width of all streets, alleys, and ways, existing or proposed, within the subdivision limits. In the case of easements, a written statement as to the easement use shall be included with the plat.
 - (d) The location of all existing property lines, buildings, sewer or water mains, gas mains, or other underground structures, easements of record, and other existing features within the area proposed for subdivision.
 - (e) Proposed arrangement of lots and proposed use of same; however, approval of a preliminary plat or final plat with uses so indicated does not constitute approval of such usage.
 - (f) The title under which the proposed subdivision is to be recorded, the name and address of the owner with the name of the licensed land surveyor or registered professional engineer platting the tract.
 - (g) Sites, if any, to be reserved or dedicated for parks, playgrounds, or other public uses.
 - (h) Scale, North arrow, date, and other pertinent data.
 - (i) Contours with intervals of five feet (5') or less shown for the area. All elevations on the contour map shall be referenced to the latest U.S.G.S. data.
 - (j) All physical features of the property to be subdivided, including the location and size of all water courses, ravines, bridges, culverts, existing structures, drainage area(s) in subdivision acreage, area(s) draining into subdivision, and other features pertinent to subdivisions. A drainage study shall accompany the preliminary unless waived by the Administrative Officer. The outline of wooded area(s) or the location of important individual trees may be required.
- (3) The following notice shall be placed on the face of each preliminary plat by the developer.
“Preliminary Plat – For inspection purposed only.”
- (2) The Chief Administrative Officer, or other person so designated, shall make a study of the plat and give a written report to the Council before its final action on the preliminary plat.
- (3) Following 1) review of the preliminary plat and other materials submitted for conformity thereof to the regulations; and 2) following negotiations with the subdivider on changes deemed necessary and the kind and extent of improvements to be made by the subdivider, the Council shall, within thirty (30) days after the filing of such preliminary plat, act thereon as submitted or modified; and, if approved, the Council shall express its approval as conditional or state its disapproval, if any, and its reasons therefore.
- (4) The action of the Council shall be noted on two (2) copies of the preliminary plat, referenced, and attached to any conditions required by the Council. The Chief Administrative Official shall certify action of the Council. One such copy of the plat shall be returned to the subdivider and the other retained in the files of the City.
- (5) Conditional approval of a preliminary plat by the Council shall be deemed an expression of approval as to the layout submitted on the preliminary plat and as a guide to the installation of streets, water and sewer, and other required improvements and utilities, and also as to the preparation of the final or record plat. Except as provided for herein, approval of the preliminary plat shall constitute conditional approval of the final plat when all conditions of approval noted (as provided in Subsection 5 of the Section) have been met.
- (6) Conditional approval of a preliminary plat shall be effective for one year unless reviewed by the Council in the light of new or significant information that would necessitate the revision of the preliminary plat. If no development or change in requirement has occurred which would affect the proposed plat at the end of the year of an effective approval, the Council may extend its approval another year without the submission of a new preliminary plat by again approving the original preliminary plat. No filing fee is required for such approval.

C. Approval of Final Plat.

- (1) The final plat shall conform to the preliminary plat as approved and shall incorporate all changes, directions, and additions imposed by the Council. The final plat shall not be released for filing until the Council has approved detailed engineering plans.

- (2) If so desired by the developer, the final plat may constitute only that portion of the approved preliminary plat which is proposed to be recorded and then developed; provided, however, that such portion conforms to all the provisions of this Ordinance.
 - (3) Engineering plans showing details of streets, alleys, culverts, bridges, storm sewers, water mains, sanitary sewers, and other engineering details of the proposed subdivision shall be submitted to the Chief Administrative Officer along with the final plat of the subdivision.
 - (4) Upon receipt of the final plat, accompanied by a final filing fee as prescribed herein (Article IV, Section 3), the Chief Administrative Officer shall check the plat to ascertain its compliance with these provisions and the action of the Council. When the copy of the final plat has been checked and found to meet all the general requirements and design standards, the developer, or his engineers, shall submit twelve (12) copies of the final plat to the Chief Administrative Officer. The Chief Administrative Officer shall stamp on each of the twelve (12) copies the certificate of approval of the Council when such final plat has been approved. The developer, or his authorized agent, shall secure the required number of plats and record them with the County Clerk, Johnson and Ellis Counties, Texas, within thirty (30) days of the date of the final approval, otherwise the final approval of the Council becomes invalid. Six (6) copies of the recorded final plat shall be returned immediately to the Chief Administrative Officer.
 - (5) Subdivision plats for housing projects, apartment areas, shopping centers, and industrial districts will not be required, except in cases where dedication for streets, street-widening, alleys, or easements are required. Site plans shall be filed with the City for approval by the City Council as required by zoning ordinances.
15. Development Permit – A development permit shall be required prior to the clearing, grading, filling, dredging, construction of public streets, utilities or drainage or other improvements which may affect adjacent or surrounding properties. Such permit shall describe the property and the nature of the development, and shall be accompanied by construction plans and specifications adequate to describe the improvements. All plans accompanying permits for any work within a flood plain shall be certified by a professional engineer competent to make such determination. The City Administrator shall issue such development permit when all conditions of this ordinance have been satisfied.

SECTION 4. PRELIMINARY PLATS.

1. Physical Size. The preliminary plats shall be prepared on sheets a maximum size of eighteen inches by twenty-four inches (18"x 24"), regardless of the size of the subdivision.
2. Scale. The scale should be either one hundred feet to the inch (1"= 100') or fifty feet to the inch (1"= 50'), but it may be two hundred feet to the inch (1"= 200') in cases of large developments that would exceed the dimensions of a sheet when using a one hundred-foot scale.
3. Contour. Each subdivision consisting of three (3) acres or more shall be prepared on a topographic base map showing contours at intervals of not more than five feet (5'). Any subdivision smaller than three (3) acres, which, in the opinion of the Chief Administrative Officer, would be affected by the topographical features of the terrain, shall also show contours at two (2)-foot intervals. All topographical maps shall be based on sea-level data.
4. Other Data. The following data will be shown on the preliminary plat:
 - A. The record lot lines, survey abstract lines, corporation lines, and the location of existing utility easements, streets, highways, and expressways and freeways that traverse, abut, or are within a reasonable distance of the subdivision;
 - B. The proposed locations, widths, and names of streets and the proposed locations and width of alleys, easements, walkways, open channels, and lots;
 - C. The title of the proposed subdivision or addition, the name of the subdivider and engineer, and the name of the surveyor or planner platting the tract;

- D. The names and areas of large tracts and/or lot dimensions and addition names of all property abutting or adjoining the subdivision or located across any adjoining streets;
- E. The North point, scale, and data;
- F. The lot or tract numbers, and/or City block numbers, addition names, and dates when recorded.
- G. Plat Paper. All preliminary and final plats shall be printed on good-grade, processed paper in blue-line or directed black and white.
- H. Orientation. All plats shall be drawn with North direction to the top or left side of the plat.
- I. Building Lines. The proposed building lines shall be shown in conformance with the Zoning Ordinance, building codes or provisions herein.

SECTION 5. FINAL PLATS

1. Physical Size. All final plats shall be submitted on sheets of paper eighteen by twenty-four inches (18"x 24") and drawn to a scale of not less than one hundred feet to the inch (1"= 100'). Where more than one sheet is required to encompass the subdivision, an index sheet, eighteen by twenty-four inches (18" x 24"), shall be filed showing the entire subdivision on one sheet, together with the complete dedication, attestations, dates, titles, and seals.
2. Exterior Boundary and Corner Markers. The exterior boundary of the subdivision shall be indicated by a distinct dash line and corner markers by individual symbols.
3. Measurements. The length and bearing of all straight lines, radii, arc lengths, tangent lengths, and central angles of all curves shall be indicated along the boundary line of the subdivision and along each block. All dimensions along the lines of each lot shall be shown. The curve data pertaining to block or lot boundary may be placed in a curve table at the base of the plat and prepared in table form.
4. Identification of Plat. The names of all adjoining subdivisions, the dimensions of all abutting lots, lot and block numbers, and accurate reference ties to courses and distances of at least two (2) recognized land corners should be shown.
5. Identification of Streets. The names and accurate locations of all streets adjoining, abutting, or within not more than five hundred feet (500') of the subdivision shall be shown.
6. Identification of Utility Easement. The location and dimension of any utility easement adjoining or abutting the subdivision, or proposed within the subdivision, shall be shown.
7. Identification of Survey Monuments. The description and location of all survey monuments placed in the addition or subdivision shall be shown. In all subdivisions and additions, corners, consisting of an iron rod or pipe – not less than three-quarter inches (3/4") in diameter and twenty-four inches (24") deep and set flush with the top of the sidewalk – shall be established at the corner of each block in the subdivision. Lot corner monuments consisting of iron rods or pipes – of a diameter of not less than one-half inch (1/2") and eighteen inches (18") deep and set flush with the top of the sidewalk – shall be placed at all lot corners except corners which are also block corners. In addition, curve point markers of the same specifications as lot corners shall be established. All lot corners shall be installed prior to the filing of the final plat.
8. Legend. The final plat shall show a title including the name of the addition or subdivision, the names of the owner and engineer and/or surveyor, scale and location of subdivision with reference to original land grant or survey, an abstract number, and a North point with true or magnetic North.
9. Certificate of Ownership. A certificate of ownership giving a metes and bounds description of the property, dedication of all streets, alley, parkways, and parks where donated to the City, and dedication or reservation of all easements and drainage ways to the public use (signed and acknowledged before a Notary Public by the owner of the land) shall appear on the face of the plat or on the index sheet of the plats where two (2) or more sheets are required.
10. Certificate of Engineer or Surveyor. The certificate of the licensed professional or licensed public surveyor who surveyed, mapped, and monumented the land (which certificates shall be attested before Notary Public) shall be

placed on the face of the plat or index sheet of the plats together with the seals of the engineer or surveyor and Notary Public. Printed seals and signatures are prohibited except for extra prints that the owner or developer may need certified for other purposes. The certificate of the engineer or surveyor to be placed on the plat shall be worded as shown below

KNOW ALL MEN BY THESE PRESENTS:

That I, _____, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown thereon were properly placed, under my personal supervision, in accordance with the subdivision regulations of the City of Venus, Texas.

Signed _____
(Name and title)

11. Tax Statement. At the time the developer files the final plat with the Chief Administrative Officer, such developer shall also file a certificate showing that the taxes have been paid on the tract to be subdivided and that no delinquent taxes exist against the property.

SECTION 6. REPLATTING

1. Restrictions. Property shall not be replatted that has been previously platted by a common dedication except with the consent of all directly affected property owners.
2. Requirements. The replat of the subdivision shall meet all the requirements for a new subdivision that may be pertinent, as provided for herein. It shall show the existing property being re-subdivided. Preliminary plats may be required on replats.

SECTION 7. STANDARDS AND SPECIFICATIONS

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

1. General
 - A. Conformity with most current Comprehensive Plan
The subdivision shall conform to the most current Comprehensive Plan of the City and parts thereof.
 - B. Provision for Future Subdivision
If a tract is subdivided into parcels larger than ordinary building lots, such parcels shall be arranged to allow for the opening of future streets.
 - C. Reserve Strips Prohibited
There shall be no reserve strips controlling access to land dedicated or intended to be dedicated to public use.
 - D. Standards for Construction
The street and drainage with all appurtenances pertaining to them, and facilities of other agencies as may be required, shall be constructed and installed in each new subdivision in accordance with the existing standards of the city of Venus, Texas and the North Central Texas Council of Governments (NCTCOG) Standard Specifications for Public Works Construction as amended. When in conflict, the City of Venus, Texas standards shall prevail over the NCTCOG standards.
2. Building Site Improvements
 - A. No subdivision or part thereof shall be approved if a proposed subdivision development is to occur in an established flood hazard area and thereby, individually or collectively, significantly increase flood flows, heights, or damages.

- B. Building sites, residences, motels, resorts, and similar uses for human occupation in established flood hazard areas shall meet the requirements of the Federal Flood Insurance Program as adopted by the City.
- C. Building sites for structures other than residences outside of established flood hazard areas shall ordinarily be filled as provided in the City's codes and ordinances controlling such activities.
- D. When the City Engineer so determines, that only part of a proposed plat can be safely developed, it shall limit development to that part and shall require that the method of development be consistent with its determination.
- E. When the subdivider does not intend to develop the plat himself, and the City Engineer determines that limitations are required to insure safe development, the City Council may require the subdivider to impose appropriate deed restrictions on the land. Such deed restrictions shall be inserted in every deed and noted on the face of the final recorded plat.
- F. Floor level of the buildings are to be a minimum of 12" above the top of the center line of the street it faces or 18" above natural ground at the site, the grade of which to be approved by the City. This minimum may be reasonably increased, upon specific findings by the City Engineer, that site drainage characteristics require such increase.

3. Streets

A. Street Construction

Materials and workmanship shall conform with City standards for street construction as passed by ordinance of the City Council.

B. Street Name

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

4. Sidewalks

- A. Sidewalks shall be installed in new subdivisions and will be installed at the expense of the person or persons building the respective structure to the sidewalk.
- B. All sidewalks shall be not less than four (4) feet in width and shall be of concrete construction.
- C. Sidewalks shall parallel the street, insofar as possible.
- D. As site conditions vary, sidewalks may be placed immediately adjacent to the street and next to the curb, when the street is paved, or at the property line (providing a place for street landscaping), at the option of the subdivider; but all sidewalks in a subdivision shall be uniform in this respect.
- E. Additional sidewalks shall be provided as deemed necessary by the City Council in commercial, industrial, public, and multi-family areas; such additional sidewalks as the subdivider may desire shall be permitted.

5. Utilities Lines and Easements

- A. All utility lines that pass under a street or alley shall be installed before the Street or alley is paved. Where it is necessary that utility lines pass under the street or alley pavement, they shall be extended to a point at least three feet beyond the edge of the pavement.
- B. Overhead utility lines crossing alleys shall be a minimum of eighteen (18) feet.

- C. Except where alleys of not less than twenty (20) feet in width are required, easements not less than ten (10) feet in width shall be retained five (5) feet on each side of rear lot lines. Where necessary, easements not less than ten (10) feet in width, on each side of side lot lines shall be retained for poles, wires, conduits, storm sewers, sanitary sewers, water lines, open drains, gas lines, or other utilities. Such easements may be required across parts of lots other than as described above upon recommendation of the City Engineer. Where the proposed platted area adjoins an un-platted area, the full alley or easement width may be required along the rear of lots adjoining the un-platted areas.
- D. At the option of the subdivider all single phase electric lines and communication lines may be installed underground at the subdivider's cost.

6. Monuments and Corner Markers

- A. All block corners, angle points and points of curves, and all corners of boundary lines of subdivisions shall be marked with a one-half (½) inch steel rod, two feet in length.
- B. Where, due to topographic conditions, permanent structures, or other conditions, the view is obstructed between any two adjacent markers intermediate markers shall be so set as to assure a clear view between adjacent markers. Intermediate property corner markers, consisting of a one-half (½) inch steel rod or three-quarter inch pipe, three (3) feet in length, shall be driven flush with the finished ground surface to mark the corners of all lots.

7. Drainage

A. Easement

Where a subdivision is traversed by a water course, drainage way, natural channel or stream, there shall be provided an easement or right-of-way conforming substantially to the limit of such water course, plus additional width to accommodate maintenance and future needs.

B. Drainage Facilities

- (1) Drainage facilities shall be provided and construction as specified by the City. Storm drainage facilities shall be designed to convey the flow of surface waters without damage to persons or property. The system shall insure drainage at all points along streets and provide positive drainage away from buildings and onsite waste disposal sites.
- (2) Plans shall be subject to the approval of the City Council. The City Engineer may require a primarily underground system to accommodate frequent floods and a secondary surface system to accommodate larger, less frequent floods. Drainage plans shall be consistent with local and regional drainage plans.
- (3) The facilities shall be designed to prevent the discharge of excess runoff onto adjacent properties.
- (4) Storm sewers shall be constructed with reinforced concrete pipe.

C. Drainage Cost Sharing

- (1) Plans and specifications for the above improvements shall be reviewed by the City Engineer for consistency with general development and city engineering standards.
- (2) If it is determined that additional drainage facilities in the form of storm sewers within the subdivisions are necessary, the Developer shall prepare, with the approval of the City Engineer, plans and specifications to be used by said developer in correcting the drainage. All such work necessary to be done under such plans and specifications shall be done at the sole expense of the Developer.
- (3) Storm sewers required to provide drainage from the point where storm water emanates from the subdivision to an adequate drainage point along existing streets, may, at its discretion, be provided by the City. In the event that the storm drain construction is so great as to be prohibitive for either

the subdivider or the City, all areas affected by such drainage shall be omitted from the development. The developers, may, at their option, either provide the necessary storm drainage outside of the subdivision, in the event that the City is unable to do so, or, by specific agreement, provide same upon a basis for refund over a period of time agreeable to the City Council.

8. Lots, Residential

All lots shall abut on an approved street for a distance of at least eighty (80) feet (or sixty five [65] if the plat was filed before this Ordinance was approved) and shall provide safe and convenient pedestrian and vehicular access from the lot onto the street. On cul-de-sacs the fifty (50) feet frontage will be measured at the minimum setback line; such setback line shall be no less than twenty-five (25) feet from the front property line to the face of the building and shall be required on all lots. Lots on cul-de-sacs shall also have a fifty (50) feet (minimum) frontage at the property line. Minimum lot area shall be eight thousand (8,000 [80 X 100]) square feet. (See Table A).

9. Blocks

Block, as defined earlier, lengths shall not exceed six hundred (600) feet. Single tract blocks, platted for the owner's convenience, are not subject to these restrictions.

10. Crosswalk Ways

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

11. Conditions Attached to Plat Approval

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

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

B. Imposition of operations controls, sureties, and deed restrictions may include flood-proofing of intended uses, subject to the individual approval of the City Engineer and City

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

12. Building Setback Lines & Minimum Lot Sizes

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

Residential Type	Minimum Lot Area	Minimum Lot Dimensions		Front	Side	Back	Outside Side Yard/	Remarks
		Inside Lot	Corner Lot	Set Back	Yard	Yard	Corner Lot	
Standard Single Family Detached	8,000	80' (W) 100' (D)	80' (W) 100' (D)	25'	10' 20'***	25'	15'	
Mobile Home (See Provisions of Mobile Home Ordinance No. 169-87, Section 20)								
Duplex	8,000 (B)	80' (W) 100' (D)	80' (W) 120' (D)	25'	10' 20'***	25'	15'	
Townhouse or Garden Apartments	8,000	80' (W) 100' (D)	80' (W) 120' (D)	25'	N/A	25'	15'	
Patio Homes	8,000	80' (W) 100' (D)	80' (W) 120' (D)	25'	10' 120'***	25'	15'	
Apartment Complexes	8,000	80' (W) 100' (D)	80' (W) 120' (D)	25'	N/A	25'	15'	
Commercial Type	6,500	65' (W) 100' (D)	80' (W) 120' (D)	N/A	N/A	25'	15'	Minimum

- B. Parking space requirements and standards for various subdivision and land use types can be found in the Zoning Ordinance.
- C. Other Uses: Determined by review of Commission
- (1) Parking spaces shall be a minimum of 9 feet wide and 18 feet long.
 - (2) Required parking spaces shall not occur, wholly or partially, within public rights-of-way
 - (3) Parking areas for townhouse, apartments, or commercial areas shall be screened from adjacent duplex or single family areas (including mobile homes) by an opaque fence or hedge six (6) feet or higher.
 - (4) Parking patterns and arrangements shall conform to city engineering specifications and standards.

D. Sight Lines at Street Intersections

The location of fencing, landscaping, structures, signs, parking areas, or other visual obstructions shall not be such as to occur within a triangular area formed by a horizontal distance of twenty-five (25) feet measured along and from the intersection of right-of-way lines at street intersection.

SECTION 8. GUARANTEE OF PERFORMANCE

1. Security in Lieu of Construction

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

A. Performance Bond

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

B. Trust Agreement

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

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

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

2. Guarantee of Materials and Workmanship

The subdivider, or developer, shall guarantee all materials and workmanship of his construction contractors, with whom he contracts for furnishing materials and installing the improvements required under this Ordinance. The subdivider, or developer, shall himself be responsible for guaranteeing that all materials and workmanship in connection with such improvements are free of defects for a period of two (2) years after acceptance of the improvements by the City.

3. Acceptance or Rejection of Construction

If one of the above three types of security is filed by the subdivider under Paragraph 1, the City Engineer shall inspect the construction of the improvement while in progress and he shall inspect such improvements upon completion of construction. After final inspection he shall notify the subdivider, the Administrator and the City Attorney in writing as to his acceptance or rejection of the construction. He shall reject such construction only if it fails to comply with the standards and specifications contained or referred to herein. If he rejects such construction, the City Attorney, shall on direction of the City Council, proceed to enforce the guarantees provided in this Ordinance.

4. Extension of Time

Where good cause exists, the Administrator may recommend to the City Council to extend the period of time for completion under this section. Such extension of time shall be reported to the Commission and the City Council and recorded in the Minutes of each body. No such extension shall be granted unless security as provided in this Section has been provided by the subdivider covering the extended period of time, including additional costs of review and inspection.

SECTION 9. RESPONSIBILITY FOR PAYMENT OF OFF-SITE/ON-SITE UTILITY INSTALLATION COSTS

1. Upon completion of the system and formal acceptance by the City, the installation become the property of the City to operate and maintain.

2. Responsibility for payment for installation cost of:

A. Streets

The City may pay, providing funds are available, for street right-of-way in excess of sixty (60) feet width and for street paving in excess of twenty-eight (28) feet width, except: where such extra widths are in commercial developments or where they are not required by the City.

B. Bridges

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

C. Street Signs

Street signs and markers, in accordance with standards adopted by the City, are required at each intersection within the subdivision and at street entrances into the subdivision. The City may provide and install all street signs at developer's expense. All signs shall be in place by the time the subdivision is open for use.

3. Dedication of Recreational Open Space

A. Parks

A space equal to three percent (3%) of the total property to be subdivided shall be dedicated in fee simple to the City for recreational or conservational use. In lieu of land within the property to be subdivided, the City shall have the option to arrange for the acquisition and dedication of other land of similar value if mutually agreeable to the subdivider and the City or to accept a deposit of money in a trust account in the amount of \$100.00 per lot to be used for acquisition of park land or recreational facilities in another area. No area or facility shall be dedicated for such public purposes unless approved and accepted by the City Council.

SECTION 10. WHERE SUBDIVISION IS UNIT OF A LARGER TRACT

Where the proposed subdivision constitutes a unit of a larger tract owned by the subdivider, which is intended to be subsequently subdivided in whole or part as additional units, the preliminary and final plats shall be accompanied by a layout of the entire area, showing the tentative, proposed layout of streets, blocks, drainage, water, sewerage, and other improvements for such area. The overall layout, if approved by the City Council, shall be attached to the filed with a copy of the approved subdivision plat in the permanent files of the City. Thereafter, plats of subsequent units of such subdivision shall conform to such approved overall layout unless changed by the City Council, who may change such approved overall layout only when it finds:

1. That adherence to the previously approved overall layout will hinder the orderly subdivision of other land in the area in accordance with the provisions of this Ordinance; or
2. That adherence to the previously approved overall layout either will be detrimental to the public health, safety, or welfare, or will be injurious to other property in the area.

SECTION 11. IMPROVEMENTS PRIOR TO ACCEPTANCE.

1. Monuments. Monuments as prescribed herein above shall be placed at all corners as required herein above.
2. Street and Alley Improvements.
 - A. Before approval and acceptance of any final plat, the developer shall prepare (or have prepared) and submit three (3) copies of the complete engineering plans of streets, alleys, curbs and gutters, storm sewers and drainage structures, and water and sanitary sewer improvements for the area covered by the final plat. The developer shall have these plans prepared by qualified engineers, subject to the approval of the plans by the Council. The Chief Administrative Officer shall review the plans and specifications and, if approved, shall mark them "Approved" and return one set to the developer. If not approved, two (2) sets shall be marked, with the objections noted, and returned to the developer for correction. After approval of the plat and of the plans and specifications, the developer shall cause a contractor to install the facilities in accordance with the approved plans and specifications and the regulations of this Ordinance. The developer shall cause the engineer to design, stake, and supervise the construction of such improvements, and shall cause the contractor to construct the said improvements in accordance with these regulations. The City will inspect the installation of the improvements after 1) the improvements have been competed and have been found to be installed in accordance with the approved plans and specifications; 2) upon receipt by the City of a one-year maintenance bond in the amount of one hundred percent (100%) of the contract price from each separate contractor—along with three (3) sets of "as-built" plans and one set of "as-built" sepias (the plans and sepias to be "as-built"); and 3) upon receipt of a letter of the contractor's compliance with these

regulations, then the Chief Administrative Officer shall receive and approve for the City the title, use, and maintenance of the improvements.

3. Storm Drainage. An adequate storm sewer system consisting of inlets, pipes, and other underground drainage structures with approved outlets shall be constructed where drainage of storm water and the prevention of erosion cannot be accomplished satisfactorily by surface drainage facilities. Areas subject to flood conditions, as established by the City, will not be considered for development until adequate drainage has been provided.

Areas subject to flood conditions as established by the Federal Insurance Administrator will not be considered for development until both adequate drainage and elevation of lots, streets, and alleys have been accomplished to meet the requirements of the Flood Plain Map.

4. Water Supply. All subdivisions shall be provided with an approved water system designed and constructed in accordance with the Comprehensive Plan and standard specifications of the City. In the corporate limits of the City, all subdivisions will be connected with the City water supply distribution system or an approved private system.
5. Sewer Improvements.
 - A. All subdivisions shall be provided with an approved sewage disposal system and, where the subdivision is inside the City limits, shall be connected to the City sanitary sewer system.
 - B. The developer shall furnish and install the complete sewer system, including the mains, manholes, cleanouts, Y-branches, and service laterals for all lots, lift stations, and appurtenances. The sewage system shall be designed and constructed in accordance with the Comprehensive Plan and standard specifications of the City.
6. Underground Utilities. All public or privately-owned underground utilities shall stub out all services from mains in all directions to the property lines in streets and in alleys, where the services shall be stubbed out eighteen inches (18") inside the rear property line of platted lots and to the property line of unplatted property prior to commencing paving operations.
7. As-built Plans. The developer, or a qualified engineer, shall present the City with a reproducible (sepia) and complete "as-built" set of plans and three (3) sets of blue-line or black-line prints on paper of "as-built" plans for all paving, drainage, structures, water mains, and sewer mains within sixty (60) days after completion of each contract.

SECTION 12. WITHHOLDING OF IMPROVEMENTS.

1. Pending Approval of Plat. The City hereby defines its policy to be such that the City will withhold all City improvements, of whatsoever nature—including the maintenance of streets and the furnishing of sewer facilities and water service—from all additions, the plattings of which have not been approved by the Council.
2. Pending Compliance With Regulations. The City may withhold the issuing of a street number or building permit for the erection of any building in the City on a newly-subdivided parcel of land until all the requirements of the subdivision regulations have been complied with—including the installation of and acceptance by the City of all waterworks, sewer and paving improvements for the area designated.
3. Pending Filing of Final Plat. No construction work shall begin on the proposed improvements in any proposed subdivision prior to the approval of the final plat by the City and the filing of such final plat with the County Clerk of Johnson and Ellis Counties.

SECTION 13. BUILDING LINES.

Building lines shall be shown on the final plat on all lots intended for business and residential use and shall provide the minimum set-back as required by the Zoning Ordinance and building codes.

SECTION 14. PUBLIC SITES AND OPEN SPACES.

1. Public Use Property. The subdivider shall give consideration to suitable sites for schools, parks, and other areas for public use, so as to conform to the recommendations of the City Council. Any provision for schools, parks, etc., shall be indicated on the preliminary plat.

2. Existing Topography. No individual, partnership, firm, or corporation shall deepen, widen, fill, re-route, or change the course or location of any existing ditch, channel, stream, or drainage way, without first obtaining written permission of the City or other agency having jurisdiction.
3. Abutting Public Sites. In cases where a subdivision contains or abuts a school, park, or playground, the subdivider shall dedicate one-half (1/2) a normal residential street—thirty feet (30')—and provide for one-half (1/2) the cost of paving and the full cost of all the utilities necessary. The interested agency shall provide the necessary right-of-way to make the street sixty feet (60') in width—which is thirty feet (30')—and provide one-half (1/2) the cost of paving.

SECTION 15. REQUIREMENTS AND DESIGN STANDARDS FOR STREETS.

1. Conformity to Master Thoroughfare Plan. The arrangement, character, extent, width, grade, and location of all streets shall conform to the Master Thoroughfare Plan of the City, and these factors shall be considered in their relation to existing and planned streets, to topographical conditions, to public safety, and to their appropriate relation to the proposed uses of land to be served by such streets.
2. Exceptions. When such streets are not on the Master Thoroughfare Plan, the arrangement of streets in a subdivision shall either:
 - A. Provide for the continuation or appropriate projection of existing streets in surrounding areas; or
 - B. Conform to a plan for the neighborhood approved or adopted by the Council to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical.
3. Minor Streets. Minor streets shall be laid out so that their use by through traffic will be discouraged.
4. Marginal Access Streets. Where a subdivision abuts or contains an existing or proposed arterial street, the Council may require marginal access streets, reverse frontages, deep lots with rear-service alleys, or such other treatment as may be necessary for adequate protection to residents or property and to afford separation of through and local traffic.
5. Reverse Strip Controlling Access. Reverse strip controlling access to streets shall be prohibited except where its control is definitely placed under the jurisdiction of the City under conditions approved by the Council.
6. Street Jogs. Street jogs with centerline offsets of less than one hundred twenty-five feet (125') shall be avoided.
7. Arterial Street Intersections. Arterial street intersections shall be at ninety (90) degree angles. Other street intersections shall be laid out so as to intersect at less than sixty (60) degrees.
8. Street Right-of-Way Widths. Street right-of-way widths shall be as shown on the Master Thoroughfare Plan and, where not shown therein, shall not be less than the following:

DESCRIPTION	MINIMUM WIDTH
Major Thoroughfare	One hundred feet (100')*
Secondary Thoroughfare	Sixty feet (60')
Minor Residential Street	Sixty feet (60')
Access or Service Road	Sixty feet (60')
Minor Street—Multi-Family, Restricted Business, Industrial Areas	Sixty feet (60')

* Maximum width, one hundred feet (100')—depending upon the location and the City Street Plan with which the major thoroughfare is to be connected.

9. Half-streets. Half-streets shall be prohibited except when essential to the reasonable development of the subdivision in conformity with other requirements of this Ordinance, and where the Council finds it shall be practical to require the dedication of the other one-half when the adjoining property is subdivided. Whenever a partial street exists along a common property line, the other portion of the street shall be dedicated. Where part of a street is being dedicated along a common property line and the ultimate planned width is sixty feet (60'), the first dedication will be thirty feet (30').
10. Cul-de-sacs. Cul-de-sacs shall not be longer than six hundred feet (600') and shall have a turnaround provided at the closed end. They shall have an outside roadway diameter of at least eighty feet (80') and shall have a street property-line diameter of at least one hundred feet (100').
11. Connections with Existing Streets. New streets of like alignment shall bear the names of existing streets and shall be dedicated at equal or greater widths than the existing streets. No street name shall be used which will duplicate or be confused with the names of existing streets. Street names shall be subject to the approval of the City Council.
12. Street Improvements. All new streets dedicated within a subdivision shall be improved in accordance with the specifications of the City.

SECTION 16. REQUIREMENTS AND DESIGN STANDARDS FOR ALLEYS.

1. Industrial and Restricted Business Districts. Alleys shall be provided in industrial and restricted business districts, except that the Council may waive this requirement where other definite and assured provision is made for service access; such as, off-street loading, unloading, and parking consistent with, and adequate for, the use proposed. Service alleys in restricted business and industrial districts shall be a minimum of twenty-five feet (25') in width.
2. New Developments and Replatting of Old Additions. Alleys shall be required in all new developments and replatting of old additions, unless expressly waived by the Council because of drainage or topographical features or because of existing conditions which may preclude the use of an alley in a particular location.
3. Paving. Alleys may be paved in accordance with the City specifications. If any alley is paved, it shall be paved according to paving specifications provided for in this Ordinance and adopted by the City Council.
4. Cutting and Grading
 - A. Alleys shall be cut and graded.
 - B. Where the deflection of alley alignment exceeds thirty degrees (30°), a cutback of a minimum of fifteen feet (15')—or of such greater distance to provide safe vehicular movement, shall be established on the inside property line—and the paving of the alley shall be cut back in the same manner.
5. Dead-end Alleys. Dead-end alleys shall be avoided where possible, but, if unavoidable, shall be provided with adequate turn-around facilities at the dead-end as is determined by the City Council.
6. Access From the Alley. Access to residential property shall be permitted from any alley; however, access from the alley shall not exclude another means of access from the front or side. No side lot access to residential property shall be allowed from any arterial street.

SECTION 17. REQUIREMENTS AND DESIGN STANDARDS FOR BLOCKS.

1. Determination of Length, Width, and Shape. The length, width, and shape of blocks shall be determined with due regard to:
 - A. Provision of adequate building sites suitable to the special needs of the type of use contemplated;
 - B. Zoning requirements as to lot sizes and dimensions;
 - C. Need for convenient access, circulation, control, and safety of street traffic.

2. Specifications for Length. In general, intersecting streets, which determine the block lengths and widths, shall be provided at such intervals as to best serve cross traffic adequately and to meet existing streets, or to comply with customary subdivision practices. Where there is no existing subdivision to control, the block lengths shall not exceed one thousand six hundred feet (1,600'), and shall generally be one thousand to one thousand two hundred feet (1,000'-1,200') in length; nor shall any block be less than five hundred feet (500') in length; however, in conditions where it is appropriate that these standards be varied, the length may be increased or decreased to meet the existing conditions, having due regard for connecting streets, circulation of traffic, and public safety.
3. Specifications for Width. Where no existing subdivision controls, the block width or depth shall be platted to give lots with a depth-to-width ratio of generally not more than two and one-half to one (2 ½ : 1)—and in no case more than four to one (4:1)—and the platting shall be such that the block width or depth generally shall not exceed three hundred fifty feet (350') nor be less than two hundred fifteen feet (215'). When possible, the block width and length shall be such as to allow two (2) tiers of lots back-to-back to an alley.
4. Walkways. Where blocks in the vicinity of a school, park, or shopping center are platted one thousand feet (1,000') or longer, the Council may require a walkway near the middle of the block, or at a street that terminates between the streets at the end of the block. The walkway shall not be less than four feet (4') or more than eight feet (8') in width, and shall have a four-foot (4') concrete walk through the block from sidewalk to sidewalk, or to the rear of the property line, if no street exists.
5. Sidewalks. Pedestrian walks not less than four feet (4') wide shall be provided around the perimeter of all blocks.

SECTION 18: REQUIREMENTS AND DESIGN STANDARDS FOR LOTS.

1. Conformity to Minimum Requirements. Lot dimensions shall conform to the minimum zoning requirements for the established district.
2. Fronting. Each lot shall face on a public street.
3. Key Lots.
 - A. Where corner lots are key lots, that is, where lots face the frontage street and other lots face the side street, the corner lot shall have a front building line on both streets.
 - B. Key lots or irregular-shaped lots shall have sufficient width at the building line to meet frontage requirements of the appropriate zoning district. Also, the rear width shall be sufficient to provide access for all utilities, including garbage collection, and shall not be less than ten feet (10')
4. Depth. No lot shall be platted less than one hundred feet (100') in depth; however, in cases where an irregularly-shaped tract is platted into lots and remnant piece of property is of sufficient area to plat one or more lots, the Council may waive the depth requirement to prevent a hardship on the developer.
5. Side Lot Lines. Side lot lines shall be substantially at right angles or radial to the street line.
6. Double Frontage and Reverse Frontage Lots. Double frontage and reverse frontage lots shall be avoided except where essential to provide separation of residential development from traffic arteries or where necessary to overcome specific disadvantages of topography and orientation. Where lots have double frontage, a front building line shall be established for each street.
7. Alteration of Lot Size.
 - A. It shall be lawful to increase the size of lots from that originally platted; provided, however, that there is no remaining portion of a lot or a lot smaller than the original lot; and also provided, that the final plat is submitted in accordance with the requirements of a final plat as contained herein above; also, provided that such change is in compliance with the Local Government Code.
 - B. No lot shall be replatted to reduce the size of the lot originally platted by a common dedicatior, unless the consent of all property owners in the same addition has been obtained. Such required consent may be implied where another lot or lots in the addition, as recorded, have already been subdivided and built upon in the manner prescribed above. No lot will be reduced in width below eighty (80')-foot frontage with an

area of eight thousand (8,000) square feet, except for property having a retail business, restricted business, or industrial zone classification and not for residential use.

8. Building Permits. When an applicant exhibits a duly executed and recorded deed covering a lot having a minimum dimensions of eighty feet by one hundred feet (80' X 100'), and such lot is being assessed for City taxes as conforming to the established lot-pattern and zoning classification in the block where located, then a building permit may be issued, provided the requested use of such property conforms to the permanent zoning of the property covered by the application.

SECTION 19. REQUIREMENTS FOR EASEMENTS.

1. Utility Easements. Easements across lots, or centered on rear or side lot lines, shall be provided for utilities where necessary, and shall be of such width as may be reasonably necessary for the utility or utilities using the same.
2. Storm or Drainage Easement. Where a subdivision is traversed by a watercourse, drainage way, channel, or street there shall be provided a storm easement or drainage right-of-way conforming substantially with such course and of such additional width as may be designated by the Chief Administrative Officer and which will be reasonably adequate for the purpose. Parallel streets or parkways may be required in connection with this easement.
3. Exclusion of Easement in Computing Lot Area. The lot area shall be computed exclusive of all easements, except anchor easement for public utilities, alleys, and streets.

SECTION 20. UTILITIES REQUIRED.

Sanitary sewers, storm sewers, water mains, and street improvements, along with all appurtenances pertaining to the above and facilities of other agencies as may be required, shall be constructed and installed in each new subdivision in accordance with the current official standards of the City (See also Article II, Section 5 of this Ordinance.)

1. Services Beyond the Limits of City Systems. If a proposed subdivision is located beyond the service area of the sewage collection system or beyond the area of the water distribution system, the subdivider shall be required to furnish with his final plat satisfactory evidence—including (but without limitation) the results of soil tests and borings and statements from local and State health authorities, water engineers, and other proper officials—that water satisfactory for human consumption may be obtained from surface or sub-surface water sources on the land and that soil conditions are such that satisfactory sewage disposal can be provided through the use of approved septic tanks or similar devices.
2. Restrictions for Permit. No building permit, nor any water, sewer, plumbing, or electrical permit shall be issued by the City to the owners or any other person with respect to any property in any subdivision covered by this Ordinance until:
 - A. Such time as the developer and/or owner has complied with the requirements of this Ordinance and the approved final plat regarding improvements with respect to the block facing the street and/or streets on which the property abuts, including the installation of streets with proper base and paving, curbs and sewers and alleys—all according to the specifications of the City; or
 - B. An escrow deposit has been made with the City Secretary; such deposit being sufficient to pay for the cost of such improvements and being accompanied by an agreement signed by the developer and/or owner authorizing the City to make such improvements at prevailing City costs, or to have the same made by a private contractor and pay for the same out of the escrow deposit. Cost of such improvements is to be determined by the Chief Administrative Officer and computed on the City costs basis. Should the developer and/or owner fail or refuse to install the required improvements within the time stated in such written agreement, the City shall in case be obligated to make such improvements itself, except that such deposit may be used by the owner and/or developer as a progress payment as the work progresses by making certified requisition to the City Secretary when supported by evidence of work done; or
 - C. The developer and/or owner files a corporate surety bond with the City Secretary in a sum equal to the cost of such improvements for the designated area, guaranteeing the installation thereof within the time stated in the bond, which time shall be fixed by the Chief Administrative Officer.

3. Extension to Extra-Territorial Jurisdiction. In the extra-territorial jurisdiction, where a permit is not required, no City water or sewer utilities shall be extended to the development until all sections of this Ordinance, applicable to subdivisions in extra-territorial jurisdiction, have been complied with. Where no water or sewer utilities are required to be extended to the subdivision in the extraterritorial jurisdiction of the City and where the developer/owner refuses to comply with the applicable regulations of this Ordinance, the Chief Administrative Officer of the City shall file action in District Court seeking to restrain the developer/owner from violating the applicable provisions of this Ordinance, as permitted by the Local Government Code.

SECTION 21. REQUIREMENTS—STREET SIGNS.

Within the corporate limits of the City, street signs will be furnished and installed at each intersection by the City at the expense of the subdivider. The subdivider shall pay the City the current standard charge for the cost of materials and installation of each street sign. In subdivisions lying beyond the corporate limits of the City, street-name signs shall be placed by the subdivider at all intersections within or abutting the subdivision. Such signs shall be of the type approved by the City and shall be installed in accordance with the standards of the City. The developer shall pay such sum as is computed by the Chief Administrative Officer for street signs, as set out herein, at the time at which the developer submits the final plat for approval, and this sum shall be in addition to the filing fee set forth herein above.

SECTION 22. VARIANCES.

The City Council may authorize a variance from these regulations when, in its opinion, undue hardship will result from requiring strict compliance. In granting a variance, the Council shall prescribe only conditions that it deems necessary or desirable to the public interest in making the findings herein below required. The Council shall take into account the nature of the proposed usage of land involved, the existing usage of the land in the vicinity, the number of persons who will reside or work in the proposed subdivision, and the probable effect of such variances upon traffic conditions and upon the public health, safety, convenience, and welfare of individuals in the vicinity. No variances will be granted unless the Council finds the following:

- A. Special Circumstances or Conditions. That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of his land.
- B. Preservation of Property Right. That the variances are necessary for the preservation and enjoyment of a substantial property right of the applicant, and that the granting of the variance will not be detrimental to the public health, safety, or welfare of individuals, or injurious to other properties in the area.
- C. Effect on Other Lands in the Area. That the granting of the variance will not have the effect of preventing the orderly subdivision of other lands in the area in accordance with the provisions of this Ordinance.
- D. Observance of Other Ordinances. The Council may not authorize a variance that would constitute a violation of any other valid Ordinance of the City.

Such findings of the Council, together with the specific facts upon which such findings are based shall be incorporated in the official minutes of the Council meeting at which such variance is granted. Variances may be granted only when in harmony with the general purpose and intent of this Ordinance so that the general health, safety and welfare of citizens may be secured, and substantial justice is done. Pecuniary hardship to the subdivider, standing alone, shall not be deemed to constitute undue hardship.

SECTION 23. REPEALER CLAUSE.

All ordinances, or parts of ordinances, with the exception of the Building Codes and/or comprehensive Zoning Ordinance of the City, which are inconsistent or in conflict with any of the provisions of this Ordinance be, and the same are, hereby repealed. Where the Building Codes and/or Zoning Ordinance of the City contain regulations that are more restrictive than the regulations contained herein, the Ordinances which are most restrictive shall control.

SECTION 24. EXCEPTIONS TO PROVISIONS OF ORDINANCE.

Plats or subdivisions which have received preliminary approval by the Council within one year prior to the effective date of this Ordinance shall be excepted from the requirements of this Ordinance; provided that the final plat of such subdivision is approved

and filed for record within one hundred eighty (180) days after the effective date of this Ordinance, or within one year after the approval date of the preliminary plat, whichever is greater.

SECTION 25. PENALTY

- A. Any person, firm, association of persons, corporations or other organizations violating provisions of this ordinance shall be deemed to be guilty of a misdemeanor and upon conviction shall be fined in an amount not in excess of Two Thousand Dollars (\$2,000.00), each violation of this ordinance shall be deemed a separate offense and each day that the violation continues shall be deemed a separate offense. Nothing herein shall prevent the enforcement of this ordinance by another means authorized by law and this ordinance may be enforced by any or all means, and the choice of one remedy is not to the exclusion of any other remedy.
- B. Any person who shall violate any of the provisions of this Ordinance, or who shall fail to comply with any of the provisions hereof, within the extra-territorial jurisdiction of the City, shall be filed on in District Court, as provided for in the Local Government Code, with the purpose of restraining and enjoining the violation of this Ordinance. In addition, utilities will not be extended into the subdivision until the provisions of this Ordinance are complied with.

SECTION 26. SEVERABILITY.

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are separable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional or invalid be the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of unconstitutional or invalid phrases, clauses, sentences, paragraphs, effective date clause or sections.

SECTION 27. ENGROSSMENT AND ENROLLMENT CLAUSE.

The City Secretary of the City is hereby directed to engross and enroll this ordinance by copying the caption, penalty clause (if any), publication clause and effective date clause in the minutes of the City Council and filing the ordinance in the ordinance records of the City.

SECTION 28. PUBLICATION CLAUSE.

The City Secretary is hereby directed to post or publish in the official newspaper of the City, the caption, penalty clause (if any), publication clause and effective date clause of this ordinance in one issue of the official newspaper of the City, provided that the official newspaper is a weekly paper, as authorized by Section 52.011 of the Texas Local Government Code.

PASSED AND APPROVED this 19th day of February 2001.

Resolution #1-2003

A RESOLUTION TO AMEND THE CITY OF VENUS ORDINANCE NO. 243-2001, AN ORDINANCE REGULATING THE SUBDIVISION OF LAND WITHIN THE CITY AND EXTRA-TERRITORIAL JURISDICTION OF VENUS, TEXAS, AS FOLLOWS:

WHEREAS, the subdivision of land imposes certain expenses upon the City of Venus, Texas, in its duty to protect the health, safety, and general welfare of the citizens, which rightfully should be borne by the person subdividing the land; and

WHEREAS, the city of Venus desires to recover those expenses by the establishment of a set of fees deemed necessary to recover those costs; and

WHEREAS, there is a necessity to establish certain bonding requirements for the performance and completion of the subdivision,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF VENUS, TEXAS:

That the following fees shall apply to any person, corporation, partnership, or any other individual or group submitting a Preliminary Plat or a Final Plat to the City of Venus for approval:

- a. Subdivision of 5 lots or less:
 \$150.00 – Subdivision Fee (Preliminary and Final)
 \$25.00 – per lot fee
- b. Subdivision of 6 – 20 lots:
 \$400.00 – Subdivision Fee (Preliminary and Final)
 \$25.00 – per lot fee
- c. Subdivision in excess of 20 lots:
 \$635.00 – Subdivision Fee (Preliminary and Final)
 \$24.00 – per lot fee (Preliminary and Final)
- d. Revision of a Preliminary or Final Plat – one half of fee schedule in effect at The time the plat is submitted.
- e. Replat Fee:
 \$250.00 – Subdivision Fee
- f. Maximum Fee: The maximum charge for a Preliminary Plat is \$4,500.00

NOTE: For the orderly process of plat approval both the Preliminary and Final Plat, including any and all documentation required must be submitted to the City Administrator at least twenty-one (21) days prior to the date the plat will be presented to the City Council for action.

Prior to the commencement of any construction work, such as streets construction, storm sewers, curb and/or gutter work, sanitary sewers, meter mains, and electrical utilities, shall not commence until final approved plat has been filed with the appropriate County Clerk and a Performance Bond, issued by a company licensed to do business in Texas has been presented to the City Administrator, in an amount equal to the estimated cost of all infrastructure planned in the subdivision. All work in the subdivision will be subject to inspection during construction and upon completion of construction by the proper authority of the city. All construction will comply with appropriate provisions of this and other applicable ordinances and public engineering standards.

Upon completion of the subdivision and the acceptance by the City a Maintenance Bond in an amount equal to 40% of the Performance Bond shall be presented to the City Administrator at which time the Performance Bond will be released by action of the City Council.

PASSED AND APPROVED THIS 11TH DAY OF FEBRUARY 2003.

ORDINANCE # 297-2005

AN ORDINANCE OF THE CITY OF VENUS, TEXAS, AMENDING THE SUBDIVISION CODE; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN ENGROSSMENT AND ENROLLMENT CLAUSE, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Venus, Texas is a general law city operating pursuant to the laws of the State of Texas, by and through the action of its duly elected council members;

WHEREAS, the City is authorized and empowered to enforce ordinances necessary to protect the welfare of its inhabitants (51.012, Texas Local Government Code),

WHEREAS, the City Council deems it necessary to amend Ordinance 243-2001, the Subdivision Ordinance, and

WHEREAS, the City Council has determined that it is necessary to enact this ordinance to protect the health and welfare of its residents.

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

SECTION 1. AMENDMENT

To change Ordinance #243-2001 Subdivision Ordinance, to include the requirement that any element of the project requiring engineering review, plan review, and similar reviews, the actual costs of these reviews will be passed on to the developer.

SECTION 2. REPEALER CLAUSE

All ordinances or parts of ordinances not consistent or conflicting with the provisions of this ordinance are hereby repealed; provided that such repeal shall be only to the extent of such inconsistency and in all other respects this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered in this ordinance. Any cause of action accruing prior to the passage of this ordinance shall continue as if this ordinance was not passed or any other ordinance had not been repealed.

SECTION 3. SEVERABILITY CLAUSE

That it is hereby declared that the sections, articles, subsections, paragraphs, sentences, clauses, and phrases of this ordinance are severable and if any phrase, clause, sentence, paragraph, subsection, article, or section of this ordinance shall be declared void, ineffective, or unconstitutional by a valid judgment or final decree of a court of competent jurisdiction, such voidness, ineffectiveness, or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, subsections, articles, or sections of this ordinance since the same would have been enacted by the City Council without the incorporation herein of any such void, ineffective, or unconstitutional phrase, clause, sentence, paragraph, subsection, article, or section.

SECTION 4. ENGROSSMENT AND ENROLLMENT CLAUSE.

The City Secretary of the City is hereby directed to engross and enroll this ordinance by copying the caption and effective date clause in the minutes of the City Council and filing the ordinance in the ordinance records of the City.

SECTION 5. EFFECTIVE DATE

This ordinance shall be effective after final passage.

PASSED AND APPROVED THIS THE 14TH DAY OF FEBRUARY, 2005.