

## Chapter 16

### SUBDIVISION REGULATIONS\*

#### Article I. In General

- Sec. 16-1. Purpose; necessity.
- Sec. 16-2. Compliance with chapter required.
- Sec. 16-3. Definitions.
- Sec. 16-4. Sales of lots prior to approval of plat prohibited; public utility connections withheld; permits, addresses not issued.
- Sec. 16-5. Penalty.
- Secs. 16-6—16-25. Reserved.

#### Article II. Procedures

##### Division 1. Generally

- Sec. 16-26. City council meetings.
- Sec. 16-27. City council actions and review.
- Sec. 16-28. Expiration of plat approval.
- Sec. 16-29. Variances.
- Sec. 16-30. Plat submittal requirements.
- Sec. 16-31. Filing fees.
- Secs. 16-32—16-45. Reserved.

##### Division 2. Preliminary Plats

- Sec. 16-46. Requirements for submittal.
- Sec. 16-47. Topographic map.
- Sec. 16-48. Approval.
- Secs. 16-49—16-65. Reserved.

##### Division 3. Final Plats

- Sec. 16-66. Requirements for submittal.
- Sec. 16-67. Bond required.
- Sec. 16-68. Engineer's report.
- Sec. 16-69. Time period allowed for council action; city's obligation if approved.
- Secs. 16-70—16-85. Reserved.

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\*Cross references—Buildings and building regulations, ch. 4; fire prevention and control, ch. 6; flood damage prevention and protection, ch. 7; trailer parks, ch. 18; water, sewers and sewage disposal, ch. 20.

## SHEPHERD CODE

### Division 4. Recordation Procedures

- Sec. 16-86. Filing requirements.
- Sec. 16-87. Fees.
- Sec. 16-88. Plat reproductions.
- Secs. 16-89—16-105. Reserved.

### Division 5. Forms

- Sec. 16-106. Owner's acknowledgement.
- Sec. 16-107. Execution of owner's acknowledgement.
- Sec. 16-108. Lienholder's acknowledgement and subordination agreement.
- Sec. 16-109. Notary public acknowledgement.
- Sec. 16-110. Engineer's or surveyor's certificate.
- Sec. 16-111. City council certificate.
- Sec. 16-112. County commissioners' certificate.
- Sec. 16-113. County clerk's filing acknowledgement.
- Sec. 16-114. Encumbrance certificate.
- Sec. 16-115. Vacation of plat request.
- Sec. 16-116. Plat correction certificate.
- Secs. 16-117—16-130. Reserved.

### Article III. Required Improvements

- Sec. 16-131. Monuments.
- Sec. 16-132. Water system.
- Sec. 16-133. Sewer system.
- Sec. 16-134. Drainage system.
- Sec. 16-135. Streets.
- Sec. 16-136. As-built plans.
- Sec. 16-137. Maintenance bond.
- Secs. 16-138—16-150. Reserved.

### Article IV. Design Standards

- Sec. 16-151. Public streets.
- Sec. 16-152. Street names.
- Sec. 16-153. Block lengths.
- Sec. 16-154. Partial or half streets.
- Sec. 16-155. Easements.
- Sec. 16-156. Building setback restrictions.
- Sec. 16-157. Reserve tracts.
- Sec. 16-158. Lots.

**ARTICLE I. IN GENERAL****Sec. 16-1. Purpose; necessity.**

The enactment of the rules and regulations set out in this chapter is necessary for the immediate preservation of the public peace, property, health, safety, morals and general welfare of the community in that platting and replatting of land into subdivisions in accordance with rules and regulations promulgated in this chapter will lessen congestion in proposed streets; will provide adequate light and air; will prevent overcrowding of the land; will avoid undue concentration of population; and will facilitate the adequate provisions of water, sewers and other utilities, as well as parks, drainage, and other public requirements.

(Ord. No. 104, § 101.1, 6-13-1983)

**Sec. 16-2. Compliance with chapter required.**

All subdivisions of land within the corporate limits of the city and within one-half mile of such corporate limits shall conform to the rules and regulations set out in this chapter.

(Ord. No. 104, § 101.1, 6-13-1983)

**Sec. 16-3. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Access street* means any public street within a subdivision or along the boundaries of a subdivision that is located in a manner that would serve any properties outside the plat boundaries or provide a connection directly with a collector street.

*Block* means a tract or parcel of land established and identified within a subdivision which is surrounded by streets or a combination of streets and other physical features and intended to be further subdivided into individual lots or reserves.

*Building setback restriction* means a defined area designated on a subdivision plat in which no building structure may be

constructed and that is located between the adjacent street right-of-way line or other type of easement or right-of-way and the proposed face of a building.

*Collector street* means a public street designed for medium to heavy traffic and intended to feed traffic from residential areas to major thoroughfares; a street of limited length and continuity throughout the community and so designated by the latest edition of the major thoroughfare and collector street plan adopted by the city or designated by the city.

*Compensating open space* means those areas designated on a plat which are restricted from development, except for landscaping and recreational uses, and which all owners of residential properties within the plat have a legal common interest or which is retained in private ownership and restricted from development, except for landscaping and recreational uses, for the exclusive use of all owners of residential property within the plat. The terms "compensating open space" and "common open space" may be used interchangeably and can be considered the same.

*Correction plat* means a plat, previously approved by the city and duly recorded, which is resubmitted to the city for reapproval and recording, that contains dimensional or notational corrections of erroneous information contained on the originally approved and recorded plat. A correction plat is not to be considered as a replat or resubdivision and may not contain any changes or additions to the physical characteristics of the original subdivision, but is intended only to correct errors or miscalculations.

*Cul-de-sac* means a short street having one end open to traffic.

*Dead-end street* means a street having no outlet for traffic at its terminus and where a proper turnaround or cul-de-sac is not provided.

*Development plan* means a map or plat designed to illustrate the general design features and street layout of a proposed subdivision which is proposed to be developed and platted in sections. This plan, when approved by the city, constitutes a guide to which the city will refer in the subsequent review of more

detailed sectional plats as they are presented to the city covering portions of the land contained within the general overall plan and adjacent properties.

*Easement* means a grant by the property owner of the use of a strip of land by the public, a corporation, or persons for specified purposes.

*Engineer* means a person who is currently registered as a professional engineer in the state in accordance with the provisions of the Texas Engineering Practice Act (Vernon's Ann. Civ. St. art. 3271a).

*Extraterritorial jurisdiction* means a reference to the unincorporated territory extending one-half mile beyond the city limits and which has been established as a result of the provisions of the Extraterritorial Jurisdiction of Municipalities Act (V.T.C.A., Local Government Code ch. 42) and the state subdivision acts (V.T.C.A., Local Government Code ch. 212).

**State law reference**—Similar provisions, V.T.C.A., Local Government Code § 42.021.

*Filing date* means the date when a plat is formally presented to the city for its approval and registered as part of the city's official meeting agenda. This date is to be considered as the initial date of the statutory 30-day time period in which the city is required to act upon a plat submitted to it under the provisions of V.T.C.A., Local Government Code § 212.009.

*Final plat* means a map or drawing of a proposed subdivision prepared in a manner suitable for recording in the county records and containing accurate and detailed engineering data, dimensions, dedicatory statements and certificates and prepared in conformance with the conditions of preliminary approval previously granted by the city.

*Frontage* means that portion of any tract of land which abuts a public street right-of-way and where the primary access to such tract is derived.

*Improvements* means street pavements with or without curb or gutter, sidewalks, crosswalks, water mains, sanitary and storm sewers, street trees, and other appropriate items.

*Industrial street* means a street located in and serving industrial property, either existing or planned.

*Interior street* means any public street within a subdivision designed to serve only those properties within the boundaries of the subdivision in which it is dedicated and established. An interior street must be so designed and located as to form a closed circulation system. Cul-de-sac and loop streets or street systems beginning from streets within a subdivision may be considered as interior streets. An interior street may not, however, be any street that would allow access through the subdivision to other properties or directly connect with other streets outside the plat boundary.

*Local street* means any public street not designated as a major thoroughfare, freeway, highway, or collector street.

*Lot* means an undivided tract or parcel of land contained within a block and designated on a subdivision plat by numerical identification.

*Major thoroughfare* means a public street designed for fast heavy traffic and intended to serve as a traffic artery of considerable length and continuity throughout the community and so designated on the latest edition of the major thoroughfare and collector street plan adopted by the city.

*Master plan* means the comprehensive plan made and adopted by the city indicating the general locations recommended for the streets, parks, public buildings, zoning districts and all other public improvements.

*Minor street* means a street supplementary to a secondary street and of limited continuity which serves or is intended to serve the local needs of a neighborhood.

*Natural drainage* means watercourses, such as drains, creeks, bayous or rivers, not created by man.

*Preliminary plat* means a map or drawing of a proposed subdivision of land prepared to illustrate the features of the development for review and approval by the city, but not suitable for recording in the county records.

*Public street* means a public right-of-way, however designated, dedicated or acquired, which provides vehicular access to adjacent private or public properties.

*Right-of-way* means that area between property lines dedicated to public use which provides vehicular and pedestrian access to adjacent properties.

*Roadway* means that portion of the right-of-way which is surfaced and intended for the movement of vehicles and is measured from back to back when curb and gutter exist, or from surface edge to surface edge when curbs do not exist.

*Street dedication plat* means a map or drawing illustrating the location of a public street only passing through a specific tract of land.

*Street tree* means a tree located within the right-of-way of a street.

*Stub street* means a public street not terminated by a circular turnaround ending adjacent to undeveloped property or acreage and intended to be extended at such time the adjacent undeveloped property or acreage is subdivided. A stub street that has been dedicated, but cannot be extended into the adjacent property or terminated with a circular turnaround or cul-de-sac, can then be considered to be a dead-end street.

*Subdivider, developer* means any person or authorized agent thereof, proposing to divide or dividing land so as to constitute a subdivision conforming to the terms and provisions set out in this chapter. The term "developer" will mean the same as subdivider for the purposes of this chapter.

*Submittal date* means the date and time specified in this chapter when plats, related materials and fees must be received by the city in advance of the regular meeting of the city. The submittal date is not to be considered as the filing date as defined in this section or considered as the initial date of the statutory 30-day time period in which the city is required to act upon plats filed with it.

(Ord. No. 104, § 101.1, 6-13-1983)

**Cross reference**—Definitions and rules of construction generally, § 1-3.

**Sec. 16-4. Sales of lots prior to approval of plat prohibited; public utility connections withheld; permits, addresses not issued.**

(a) Until a subdivision map or plat as is required by this chapter is prepared by an owner or subdivider, presented to the city for approval, approved as required by this chapter, and placed on record in the office of the county clerk as required by law and required improvements constructed to city standards, it shall be unlawful for any owner of land to proceed with the development of any subdivision by selling lots by metes and bounds or any other subterfuge designed to evade the provisions of this chapter and create within the area embraced in this chapter a substandard subdivision which does not meet the minimum requirements of this chapter.

(b) It shall be further unlawful for the water department or any other public utility owned or operated by the city to connect to or to furnish water or sewer service to an area subdivided in violation of this chapter. The city will withhold all city improvements and services of whatsoever nature, including the maintenance of streets, water and sewer connections, and garbage collection, from all subdivisions that have not been approved by the city council.

(c) The city departments responsible shall not issue building, plumbing, electrical or other permits or street addresses for any piece of property in a subdivision that do not meet the standards of this chapter, save and except subdivisions prior to enactment of Ordinance No. 104 and resubdivisions, approved by the city, in a duly approved and recorded subdivision, without the expressed written approval of the city.  
(Ord. No. 104, § 403, 6-13-1983)

**Sec. 16-5. Penalty.**

Any person violating this chapter or any portion thereof shall upon conviction be guilty of a misdemeanor and shall be punished as provided in section 1-5 of this Code.  
(Ord. No. 104, § 404, 6-13-1983)

**Secs. 16-6—16-25. Reserved.**



**ARTICLE II. PROCEDURES****DIVISION 1. GENERALLY****Sec. 16-26. City council meetings.**

Regular scheduled meetings are held by the city council as prescribed in this Code. The time, date and place may be obtained from the city secretary. Special meetings may be called as the city council deems necessary to complete its assigned duties, save and except the filing of additional plats. Notice of such special meetings shall be posted as prescribed in this Code. (Ord. No. 104, § 102.1, 6-13-1983)

**Sec. 16-27. City council actions and review.**

The city council desires to review each subdivision plat submitted to it on a preliminary basis and then upon a final basis. On some occasions the council will consider a plat on a preliminary and final basis; however, special circumstances are required for this type of action. The city council's usual type and sequence of actions is as follows:

- (1) Preliminary approval or preliminary approval with conditions.
- (2) Defer preliminary action until the next regular meeting, not to exceed 30 days, if necessary.
- (3) Final approval, if in conformance with the conditions of preliminary approval or final approval subject to additional conditions.
- (4) Defer final action until the next regular meeting, not to exceed 30 days, if necessary.
- (5) Disapprove any plat, either preliminary or final, when it has been determined that the policies and standards contained in this chapter have not been complied with.
- (6) Simultaneous preliminary and final approval may be granted only when the council has previously reviewed a plat on the land involved and under the following conditions:
  - a. Approval previously granted has expired and such resubmitted plat is prepared in final form in full

- compliance with the previous approval conditions and where no changes are proposed within the original plat boundary.
- b. The plat is prepared in final form and covers a singular tract or unrestricted reserve contained within a general overall plan or street dedication plat previously approved by the city and where no new or additional streets or lots are proposed to be created and established.
  - c. An application is received containing an instrument for the vacation of a subdivision designed to convert such subdivision to acreage rather than replat or resubdivide the property in question.
  - d. The plat submitted is a correction plat, as that term is defined in this chapter.
- (7) Reconsider conditional plat approval when a subdivider requests the city council to reconsider any requirement or condition of approval rendered by the council during the period the approval granted is valid as specified in this chapter. Such request must be in writing and submitted to the city council in conformance with the date and time specified in this chapter regarding the submittal of plats to the city and must state the specific requirement or condition of approval to be reconsidered and the reasons necessary for such reconsideration. No fees will be charged to the subdivider for the reconsideration of requirements, and the council may reaffirm its previous actions, it may rescind its previous actions if the merits of the situation warrant, or the council may grant a variance as provided in this chapter. The council will not, however, be required to reconsider the same requirement or condition approval again once it has rendered a decision upon a request for reconsideration.

(Ord. No. 104, § 102.2, 6-13-1983)

**Sec. 16-28. Expiration of plat approval.**

All approvals granted by the city under this chapter and any conditions therein are for a period of one year. The city may, upon

receipt of a written request from the subdivider prior to the expiration date of the plat approval, extend this term of approval for any time period not to exceed an additional 12 months. The maximum term for the approval of any plat granted by the city council that has not been duly recorded must not exceed a total of two years from the date on which approval was granted by the city.

(Ord. No. 104, § 102.3, 6-13-1983)

### **Sec. 16-29. Variances.**

(a) When strict compliance with the specific terms, rules, conditions, policies and standards of the city provided for in this chapter would create an undue hardship by depriving the applicant reasonable use of his land or when, in the opinion of the city, there are unusual physical characteristics that affect the property in question and that would make strict compliance with the city's established policies as provided for in this chapter unfeasible, the city may grant the applicant a variance to these policies as long as the general purposes of these policies are maintained. The city council may not, however, grant any variance on any matter which has been adopted by city ordinance or included as a part of this Code.

(b) The city declares that any variances granted from the provisions contained in this chapter will only be applicable to the specific property upon which the city was requested to approve a plat and that such variance will and shall not constitute a change or, in any way, affect the application of the terms and conditions set out in this chapter to other properties within its jurisdiction.

(c) Every person desiring to secure a variance to this chapter must submit a written request at the same time and along with the other materials required to be submitted with plats under divisions 2 and 3 of this article, citing the specific rule, policy or standard contained in this chapter where a variance is desired, also citing the extent of the variance being requested and the specific facts or reasons why such a variance is needed or necessary.

(Ord. No. 104, § 102.4, 6-13-1983)

**Sec. 16-30. Plat submittal requirements.**

Any person desiring to submit a preliminary or final plat to the city is required to furnish the city secretary, or his authorized deputy, the following materials at the time and date stated, and these materials must be received in the offices of the city secretary at city hall:

- (1) All required materials, including appropriate fees must be received in the offices of the city secretary no later than 11:00 a.m. on the Monday four weeks in advance of the regular meeting of the city council.
- (2) An application form, published by and available from the city upon request, must be completed in full and provided along with other materials required.

(Ord. No. 104, § 102.4, 6-13-1983)

**Sec. 16-31. Filing fees.**

(a) *Payment to city.* All applications to the city for the approval of any proposed plat required to be submitted to the city pursuant to this chapter shall be submitted to the city and shall be accompanied by a filing fee of \$25.00. The applicant shall also furnish to the city additional fees as determined in conformance with the schedule in this section, and the city shall not act upon any plat submitted to it unless all fees have been received and certified by the city. The city shall receive all such fees and shall certify and receipt all such fees in triplicate. The city secretary shall retain one copy thereof for its files and one copy shall be furnished to the city treasurer and one copy shall be furnished to the applicant.

(b) *Preliminary plats.* Fees for preliminary plats shall be as follows:

- (1) Fifty cents per designated lot, tract or building site designated for residential purposes or dwelling units where lots are not designated on the plat.
- (2) Two dollars per acre or any fraction thereof for tracts, blocks, or areas not divided into lots and to be used for commercial, industrial, multiple-family dwellings or un-restricted uses.

(c) *Final plats.* Fees for final plats shall be as follows:

- (1) Fifty cents per designated lot, tract, or building site designated for residential purposes or dwelling units where lots are not designated on the plat.
- (2) Two dollars per acre or any fraction thereof for tracts, blocks or areas not divided into lots and to be used for commercial, industrial, multiple dwellings or unrestricted uses.

(d) *Vacation of subdivision.* The fees for vacation of a subdivision shall be as follows:

- (1) Filing fee of \$15.00.
- (2) Ten dollars per acre, gross area of whole tract or any fraction thereof.

(e) *General overall plans and street dedications.* Fees for general overall plans and street dedications shall be as follows:

- (1) General overall plans, filing fee of \$15.00 when the plan is submitted separately and not part of a preliminary or final plat.
- (2) Street dedication plats, filing fee of \$15.00 plus \$5.00 per acre (gross area of street rights-of-way being dedicated) or any fraction thereof.

(Ord. No. 104, § 106.1.4, 6-13-1983)

**Secs. 16-32—16-45. Reserved.**

## DIVISION 2. PRELIMINARY PLATS

### **Sec. 16-46. Requirements for submittal.**

The following data for a preliminary subdivision plat shall be submitted on one or more drawings on 24-inch by 36-inch sheets:

- (1) Proposed name of the subdivision or development, which must not be a duplicate of any subdivision or development of record within the city or within its extraterritorial jurisdiction.

- (2) Legal description of the property proposed to be subdivided listing the name of the county, survey and abstract number, together with a survey reference to the nearest survey corner or street right-of-way intersection in the same general area.
- (3) Total acreage and total number of lots, blocks and reserves.
- (4) Name of the owner of the property or subdivider. If the subdivider is a company or corporation, the name of the principal officer of the company or corporation responsible for the subdivision must be provided.
- (5) Name of the person who prepared the plat.
- (6) Date on which the plat was drawn.
- (7) North point. The drawing of the subdivision must be oriented with north to the top or right of the drawing.
- (8) The scale must be drawn numerically and a graphic scale must be provided. The scales acceptable for a preliminary plat should be either one inch equals 100 or 200 feet, or for small projects, less than ten acres, one inch equals 20, 30, 40, 50 or 60 feet.
- (9) A scale vicinity map, sometimes known as a key map, must be provided and made a part of the plat indicating the general location of the subdivision and its relationship with well-known streets, railroads, watercourses and similar features in all directions from the subdivision to a distance not less than one mile. The scale of the vicinity may be one inch equals one mile and shall be oriented with north to the top of the drawing and in the same direction as the detailed subdivision drawing.
- (10) Plat boundaries must be drawn with heavy lines to indicate the subdivided area with overall survey dimensions and bearings. Lines outside the plat boundary shall be drawn as dashed lines.
- (11) Adjacent areas outside the plat boundaries must be identified indicating the names of adjacent subdivisions, churches, schools, parks, bayous, drainageways, acreage, and all existing streets, easements, pipelines or other restricted uses.

- (12) The location and approximate width of existing and proposed watercourses, ravines, and drainage easements.
- (13) The location and identification of all tracts not to be designated as lots within the boundaries of the plat.
- (14) The location and width of all streets, roads, alleys, and easements, either existing or proposed, within the plat boundaries or immediately adjacent thereto.
- (15) The names of all existing and proposed streets located within the plat boundaries or immediately adjacent thereto.
- (16) The location of all lots, blocks, building setback lines and other features within the plat boundaries with approximate dimensions.
- (17) Approximate engineering data shall be provided for curves along the centerline of streets and for interior lot, reserve and other features within the plat boundaries.
- (18) Initial plat submittals must be accompanied with a title opinion or a statement or certificate, either in a separate writing or on the face of the plat, executed by the applicant or the person who prepared the plat, which certifies that all existing encumbrances, such as various types of easements, fee strips or significant topographical features, on the land being platted are fully shown and accurately identified on the face of the plat and further stating whether the plat being submitted includes all of the contiguous land which the subdivider owns or has a legal interest in or whether the subdivider owns or has a legal interest in any adjacent property. If the subdivider owns or has a legal interest in any adjacent property, the extent of such ownership and a boundary description of the land involved must also be provided. (See division 5 of this article for example certificate.)
- (19) Four paper prints from the original drawing of the plat reproduced on white paper with blue or black lines and one positive sepia transparency must be provided.
- (20) A current title report, statement or opinion, title policy or certificate or letter from a title guaranty company authorized to do business in the state or an attorney licensed as

such in the state must be provided certifying that a search of the appropriate records was performed within the past 30 days covering the land proposed to be platted and providing the following information concerning the title to such land:

- a. The date of the examination of the records.
  - b. A legal description of the property proposed to be subdivided including a metes and bounds description of the boundaries of such land.
  - c. The name of the recorded owner of fee simple title as of the date of the examination of the records, together with the recording information of the instruments whereby such owner acquired fee simple title.
  - d. The names of all lienholders together with the recording information and date of the instruments by which such lienholders acquired their interests.
  - e. A description of the type and boundaries of all easements and fee strips not owned by the subdivider of the property in question together with the recording information and date of the instruments whereby the owner of such easements or fee strips acquired their title.
  - f. A statement certifying that no delinquent city or county taxes are due on the property being platted.
- (21) A letter, statement or instrument from the holder of any privately owned easement or fee strip within the plat boundaries must be provided where such easements or fee strips are proposed to be crossed by streets or public utility or drainage easements, stating that the holder of such easement or fee strip approves such crossings of their private easements or fee strips for the purposes intended and depicted upon the plat. In those instances where an instrument of record is submitted in lieu of a letter or statement from the holder of any such private easement or fee strip, the city must then refer such instrument to the city attorney for his determination as to whether the conditions contained in such instrument are sufficient to adequately provide or accommodate the



crossings of such private easements or fee strips by the proposed streets, public utility or drainage easements depicted on the plat.

(Ord. No. 104, § 104.1, 6-13-1983)

**Sec. 16-47. Topographic map.**

If the surface is markedly uneven, the city council may require with the preliminary subdivision plat a contour map showing contour intervals of not more than two feet. The map shall also show subdivision boundary lines and street rights-of-way.

(Ord. No. 104, § 104.2, 6-13-1983)

**Sec. 16-48. Approval.**

When a preliminary subdivision plat is submitted, the city council shall approve or reject such plat within 60 days. Approval of any preliminary plat shall not constitute final acceptance of the subdivision, but is merely the authorization to have the developer authorize his engineer to proceed with the final plat and plans as required in this chapter.

(Ord. No. 104, § 104.3, 6-13-1983)

**Secs. 16-49—16-65. Reserved.**

**DIVISION 3. FINAL PLATS**

**Sec. 16-66. Requirements for submittal.**

The subdivision final plat must be drawn incorporating all of the provisions relating to form and content specified for preliminary plats as provided for in division 2 of this article and, where appropriate, shall reflect the conditions and requirements of final approval previously granted by the city, together with the following additional requirements:

- (1) The final plat must be drawn on linen tracing cloth or stable plastic film or positive photographic film with black lines and image and suitable for reproduction of direct positive prints and reproductions. Each original shall be 24 by 36 inches in size.

- (2) Scale for a final plat drawing may be any of the following: one inch equals 100, 50, or 20 feet.
- (3) All engineering and surveying data must be shown on the final plat sufficient to locate all of the features of the plat on the ground. This data must include but is not limited to full dimensions along all boundaries of the plat; street rights-of-way; easements and drainageways; gullies, creeks, and bayous together with the location of the high bank of such drainageways and watercourses; lots, blocks, reserves, out tracts or any other tracts designated separately within the plat boundaries; fee strips, pipelines or any other physical or topographical feature necessary to be accurately located by surveying methods. Such information must include line dimensions, bearings of deflecting angles, radii, central angles and degree of curvature, length of curves and tangent distances, all of which are to be shown in feet and decimal fractions thereof.
- (4) Benchmark elevations shall be established on at least one block corner of each street intersection and in no case more than 2,000 feet from any other benchmark. These elevations shall be based on U.S. Coastal and Geodetic Survey data with the location, description and elevations clearly shown on the plat.
- (5) The description and location of permanent survey reference monuments shall be shown.
- (6) The intended use of all lots and reserves designated and established within the plat boundaries must be identified and noted within the reserve. When the intended use has not been determined, such lots and reserves shall be identified as unrestricted and so noted within the lot, tract or reserve.
- (7) All dedication statements and certificates must be made a part of the final plat drawing and must include but not be limited to the statements, the general form and content of which are provided as examples in division 5 of this article. These dedication statements and certificates and various notations are as follows:
  - a. Owner's acknowledgement.

- b. Execution of owner's acknowledgement.
  - c. Lienholder's acknowledgement and subordination statement.
  - d. Notary public acknowledgement for all signatures.
  - e. Certificate for engineer or surveyor.
  - f. Certificate for city.
  - g. Certificate for the county commissioners court, if not in the city limits.
  - h. County clerk filing acknowledgement statement.
  - i. Encumbrances certificate (preliminary plat).
  - j. Vacation of subdivision plat instrument, if applicable.
  - k. Certificate for correction plats, if applicable.
- (Ord. No. 104, § 105.1, 6-13-1983)

#### **Sec. 16-67. Bond required.**

All construction of complete water distribution systems and appurtenances, sewage collection systems and appurtenances, required lift stations and appurtenances, and complete paving and drainage improvements, all complete as described in this chapter, shall be completed prior to submission of the subdivision final plat. In lieu of completion of actual construction the developer may make a bond from a corporate surety company holding a certificate of authority as acceptable sureties on federal bonds payable to the city in the amount of the estimated cost as determined by the city. The time of this bond shall not exceed 180 calendar days, after which time the bonding company shall be required to complete the subdivision water system, sewer system and paving and drainage improvements. If such bond is furnished and approved by the city attorney, the final plat will be accepted for approval by the city.

(Ord. No. 104, § 105.2, 6-13-1983)

#### **Sec. 16-68. Engineer's report.**

The city engineer shall report to the city council by letter on the information submitted concerning all technical data such as

distances angles, reference points, control monuments and other survey data as may be necessary to enable the surveying out of the subdivision final plat upon the ground as on file in the office of the city engineer.

(Ord. No. 104, § 105.3, 6-13-1983)

**Sec. 16-69. Time period allowed for council action; city's obligation if approved.**

(a) Final approval or rejection of the subdivision final plat shall take place within 30 days of submission to the city council.

(b) The acceptance of a final plat by the city does not in any manner obligate the city to finance or furnish any storm sewers, drainage structures, streets, water or sewer improvements or any other improvements within or to the approved subdivision.

(Ord. No. 104, § 105.3, 6-13-1983)

**Secs. 16-70—16-85. Reserved.**

**DIVISION 4. RECORDATION PROCEDURES**

**Sec. 16-86. Filing requirements.**

To initiate the recording of any finally approved subdivision plat, the subdivider must furnish the original plat drawing and other materials and information stated in this section to the city, for checking for compliance with the conditions of final approval granted by the city. The following items and information must be provided with any request to initiate the recording of any plat or instrument given final approval by the city:

- (1) The original plat drawing must be prepared on any suitable permanent translucent material (usually tracing linen, plastic film or positive photographic film) with lines, lettering and signatures in black ink or image. Names of all persons signing any plat must also be lettered under the signature to ensure clarity in this regard. Two paper prints from the original plat drawing, white paper with blue or black lines and one sepia transparency must also be provided.

- (2) All plats determined to be in conformance with the city's final approval conditions must be executed by the mayor, or in his absence the mayor pro tem, and the city secretary and must be carried by an authorized employee of the city to the appropriate county offices for review and recording. If the platted area lies wholly or in part outside the corporate limits of the city, the plat will be routed through and approved by the county commissioners court before being filed for recording. No changes, corrections or alterations on the finally approved plat may be permitted after the certificate of the city is executed by the mayor and city secretary and prior to recording. When corrections are found to be necessary prior to recording, the original plat drawing must be returned to the city council, and such changes or corrections found to be necessary must then be made under the supervision of authorized city personnel and the plat recertified, dated and reexecuted by the mayor and city secretary prior to transmittal for recording.

(Ord. No. 104, § 106.2, 6-13-1983)

#### **Sec. 16-87. Fees.**

Recording fees are established by the county and are payable by the subdivider to the county clerk. Upon receipt of the executed plats, the county clerk will determine the appropriate fees and will notify the subdivider to arrange for the direct payment of these fees.

(Ord. No. 104, § 106.2, 6-13-1983)

#### **Sec. 16-88. Plat reproductions.**

Upon the recording of a subdivision plat in the county records, the plat must be returned to the city. The city will make arrangements to receive a positive reproduction or equivalent and a blueprint reproduction of the recorded plat for the permanent city files. The cost of these reproductions must be at the expense of the subdivider and payable directly to the blueprint reproduction company performing this work. Upon completion of this reproduction work, the original plat drawing must be returned to the engineer or surveyor who prepared the original

drawing. It will be the responsibility of the engineer or surveyor who prepares a plat to provide at no cost to the city the reproductions specified in this section for the permanent records of the city.

(Ord. No. 104, § 106.2, 6-13-1983)

**Secs. 16-89—16-105. Reserved.**

DIVISION 5. FORMS

**Sec. 16-106. Owner's acknowledgement.**

The following example form contains the owner's acknowledgement of establishment of the subdivision, dedication of streets, utility easements, restrictions, and additional items as appropriate:

STATE OF TEXAS

COUNTY OF (Name of County in which plat is located)

I (or we), (Name of owner or owners if individuals) or (Name of President and Secretary or authorized trust officer of a company or corporation) being officers of (Name of company or corporation) owner (or owners) of the (number of acres) tract described in the above and foregoing map of (Name of subdivision or development), do hereby make and establish said subdivision and development plan of said property according to all lines, dedications, restrictions and notations on said maps or plat and hereby dedicate to the use of the public forever, all streets (except those streets designated as private streets), alleys, parks, water-courses, drains, easements and public places shown thereon for the purposes and considerations therein expressed; and do hereby bind myself (or ourselves), my (or our) heirs and assigns to warrant and forever defend the title to the land so dedicated.

FURTHER, I (or we) do hereby dedicate for public utility purposes an unobstructed aerial easement five feet in width from a plane 20 feet above the ground level upward, located adjacent to all public utility easements shown hereon.

FURTHER, I (or we) do hereby declare that all parcels of land designated as lots on this plat are originally intended for the construction of residential dwelling units thereon (or the placement of mobile home subdivision) and shall be restricted for same under the terms and conditions of such restrictions filed separately.

FURTHER, I (or we) do hereby covenant and agree that all of the property within the boundaries of this plat shall be restricted to prevent the drainage of any septic tanks into any public or private street, road or alley or any drainage ditch, either directly or indirectly.

**ADDITIONAL PARAGRAPHS TO BE ADDED AS APPROPRIATE AND AS FOLLOWS:**

(When streets within the plat are to be developed without concrete pavement, gutters and storm sewers)

FURTHER, I (or we) do hereby covenant and agree that all of the property within the boundaries of this plat shall be restricted to provide that drainage structures under private driveways shall have a net drainage opening area of sufficient size to permit the free flow of water without backwater and in no instance have a drainage opening of less than  $1\frac{3}{4}$  square feet (18" diameter) with culverts or bridges to be provided for all private driveways or walkways crossing such drainage facilities.

(When plat contains natural drainageways such as bayous, creeks, gullies, ravines, draws or drainage ditches)

FURTHER, I (or we) do hereby dedicate to the public a strip of land 15 feet wide on each side of the centerline of any and all bayous, creeks, gullies, ravines, draws, sloughs, or other natural drainage courses located in said plat, as easements for drainage purposes, giving the City of Shepherd, San Jacinto County or any other governmental agency, the right to enter upon said easement at any and all reasonable times for the purpose of construction and maintenance of drainage facilities and structures.

FURTHER, I (or we) do hereby covenant and agree that all of the property within the boundaries of this plat and adjacent to any drainage easement, ditch, gully, creek or natural drainageway

shall hereby be restricted to keep such drainageways and easements clear of fences, buildings, planting and other obstructions to the operations and maintenance of the drainage facility and that such abutting property shall not be permitted to drain directly into this easement except by means of an approved drainage structure.

(When plat indicates building setback lines and public utility easements are to be established in adjacent acreage owned by the subdivider)

FURTHER, I (or we) do hereby certify that I am (or we are) the owners of all property immediately adjacent to the boundaries of the above and foregoing plat of (Name of subdivision) where building setback lines or public utility easements are to be established outside the boundaries of the above and foregoing plat and to hereby make and establish all building setback lines and dedicate to the use of the public forever all public utility easements shown in said adjacent acreage.

(When private streets are established within the plat)

FURTHER, I (or we) do hereby covenant and agree that those streets located within the boundaries of this plat specifically noted as private streets, shall be hereby established and maintained as private streets by the owners, heirs, and assigns to property located within the boundaries of this plat and always available for the general use of said owners and to the public for firefighters, firefighting equipment, police and other emergency vehicles of whatever nature at all times and do hereby bind myself (or ourselves), my (or our) heirs, and assigns to warrant and forever defend the title to the land so designated and established as private streets.

(The following paragraph is to be used when the subdivision is outside the City of Shepherd and within San Jacinto County)

FURTHER, I (or we), (Name of owner or names of owners), have complied with or will comply with the existing San Jacinto Subdivision Ordinances and all other regulations heretofore on file with the San Jacinto County Engineer and adopted by the Commissioners Court of San Jacinto County.

(Ord. No. 104, app. A, 6-13-1983)



**Sec. 16-107. Execution of owner's acknowledgement.**

For the purpose of this chapter, the following example form shows the style of execution of the owner's acknowledgement:

(When owner is an individual or individuals)

WITNESS my (or our) hand in the City of Shepherd, Texas, this (number) day of (month), (year).

(Signature of owner or owners)  
(Names to be printed)

(When owner is a company or corporation)

IN TESTIMONY WHEREOF, the (Name of company) has caused these presents to be signed by (Name of President), its President, thereunto authorized, attested by its Secretary (or authorized trust officer), (Name of Secretary or authorized trust officer), and its common seal hereunto affixed this (number) day of (month), (year).

\_\_\_\_\_  
(Name of company)  
By: \_\_\_\_\_ (Signature of President)  
President  
Attest: \_\_\_\_\_ (Signature of Secretary or  
authorized trust officer)  
Title  
(affix corporate seal)

NOTE: All owners' signatures shall be acknowledged by a Notary Public.  
(Ord. No. 104, app. B, 6-13-1983)

**Sec. 16-108. Lienholder's acknowledgement and subordination agreement.**

For the purpose of this chapter, the following example form is the acknowledgement and subordination of any lienholder:

NOTE: Holders of all liens against the property being platted must be made a part of the final plat or prepared as separate instruments which shall be filed for record with the plat.

I (or we), (Name of mortgagee or names of mortgagees), owner and holder (or owners and holders) of a lien (or liens) against the property described in the plat known as (name of plat), said lien (or liens) being evidenced by instrument of record in Volume \_\_\_\_\_, page \_\_\_\_\_, of the Mortgage Records of (Name of County in which the plat is located), Texas, do hereby in all things subordinate to said plat said lien (or liens), and I (or we) hereby confirm that I am (or we are) the present owner (or owners) of said lien (or liens) and have not assigned the same nor any part thereof.

By: (Signature of Lienholder)  
(Name to be printed)

NOTE: All lienholder signatures shall be acknowledged by a Notary Public.  
(Ord. No. 104, app. C, 6-13-1983)

**Sec. 16-109. Notary public acknowledgement.**

For the purpose of this chapter, the following example form shows the notarial acknowledgement:

STATE OF TEXAS

COUNTY OF \_\_\_\_\_

BEFORE ME, the undersigned authority, on this day personally appeared (Names of persons signing the plat, owners, corporation officers and lienholders) (corporation titles if appropriate), known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and considerations therein expressed (add for corporations, "and in the capacity therein and herein set out, and as the act and deed of said corporation").

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this (number) day of (month), (year).

BEFORE ME,

Signature of Notary Public  
Notary Public in and for  
(Name of County) County, Texas  
(affix notary seal)

(Ord. No. 104, app. D, 6-13-1983)

**Sec. 16-110. Engineer's or surveyor's certificate.**

For the purpose of this chapter, the following example form is the certificate of the engineer or surveyor as to the accuracy of the subdivision plat:

I, (Name of engineer or surveyor), am authorized under the laws of the State of Texas to practice the profession of engineering (or surveying) and hereby certify that the above subdivision is true and correct; was prepared from an actual survey of the property made under my supervision on the ground; that all boundary corners, angle points, points of curvature and other points of reference have been marked with iron (or concrete monument) pipes having a nominal diameter of not less than three-quarter-inch and a length of not less than two feet; and that the plat boundary corners have been tied to the nearest survey corner.

Signature of engineer or surveyor  
(Print name)  
Texas Registration No. \_\_\_\_\_  
(affix seal)

(Ord. No. 104, app. E, 6-13-1983)

**Sec. 16-111. City council certificate.**

For the purpose of this chapter, the following example form is for city council approval:

This is to certify that the City Council of the City of Shepherd, Texas has approved this plat (or instrument when appropriate) and subdivision of (Name of subdivision) in conformance with the

laws of the State of Texas and the ordinances of the City of Shepherd as shown hereon and authorized the recording of this plat (or instrument when appropriate) this (number) day of (month), (year).

By: (Signature of the Chairman or Vice Chairman)  
(Mayor or Mayor Pro Tem)

Attest: (Signature of City Secretary)  
(Secretary)

(affix city seal)

(Ord. No. 104, app. F, 6-13-1983)

**Sec. 16-112. County commissioners' certificate.**

For the purpose of this chapter, the following example form is for certification of the plat by the county commissioners:

NOTE: The following paragraph is to be used when the subdivision is outside the City of Shepherd and within San Jacinto County.

The San Jacinto County Commissioners Court, does hereby certify that the plat of this subdivision complies with all of the existing rules and regulations as adopted by the San Jacinto County Commissioners Court.

APPROVED by the Commissioners Court of San Jacinto County, Texas, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

\_\_\_\_\_  
(Print name)  
Commissioner, Precinct 1

\_\_\_\_\_  
(Print name)  
Commissioner, Precinct 2

\_\_\_\_\_  
(Print name)  
County Judge

\_\_\_\_\_  
(Print name)  
Commissioner, Precinct 3  
(Ord. No. 104, app. G, 6-13-1983)

\_\_\_\_\_  
(Print name)  
Commissioner, Precinct 4

**Sec. 16-113. County clerk's filing acknowledgement.**

The example form following is the acknowledgement of filing with the county clerk.

I, (Name of County Clerk), Clerk of the County Court of San Jacinto County, do hereby certify that the within instrument with its certificate of authentication was filed for registration in my office on (date and month), (year), at (time) o'clock (A.M. or P.M.), and duly recorded on (date and month), (year), at (time) o'clock (A.M. or P.M.) and in Volume (number), page (number) or when applicable Film Code numbers of the map records of San Jacinto County for said county.

Witness my hand and seal of office, at Shepherd, the day and date last above written.

---

(Name of Clerk), Clerk, County Clerk  
San Jacinto County, Texas

(Ord. No. 104, app. H, 6-13-1983)

**Sec. 16-114. Encumbrance certificate.**

For the purpose of this chapter, the following example form showing encumbrances is to be placed on all preliminary plats:

NOTE: The following paragraph is to be placed on the face of all preliminary plats to be filed separately with the materials required to be submitted with plats requesting preliminary approval.

I, (name of applicant or person who prepared the plat), do hereby certify that all existing encumbrances, such as various types of easements both public and private, fee strips and all significant topographical features which would affect the physical development of the property illustrated on this plat are accurately identified and located and further certify that this plat represents all of the contiguous land which the (owner or subdivider) owns or has a legal interest in. (In those instances where the owner or subdivider owns or has a legal interest in any adjacent property, this paragraph must be modified to reflect the

extent of such ownership and a boundary description of the land involved must be provided).

(Signature of applicant or  
person who prepared the plat)  
(Name to be printed)

**Sec. 16-115. Vacation of plat request.**

For the purpose of this chapter, the following example form requests vacation of a previously recorded plat:

STATE OF TEXAS

COUNTY OF (name of county in which plat is located)

KNOW ALL MEN BY THESE PRESENTS:

(Please note, the contents of this instrument may be modified and expanded to adequately meet the circumstances related to the land in question or any legal stipulations which may be required. The following represents a guideline for the preparation of a simple request for the vacation of a previously recorded subdivision plat)

I (or we), (Name of owner or owners if individuals) or (Name of President and Secretary or authorized trust officer of a company or corporation), being the sole owner (owners) and proprietor of the following described property in (Name of City and County), Texas, to wit:

(Provide legal description of the property including, but not limited to, the acreage, the name of the recorded subdivision, the name of the Survey and Abstract Number, and recording references)

Do hereby desire and declare that said plat, subdivision and dedication thereon be vacated and cancelled so as to convert all of said platted property to acreage tracts as same existed before such property was platted, subdivided and recorded.

(In those instances where a save and except clause is to be provided, such clauses shall be provided at this point fully

describing any rights-of-way, easements or any other feature established in the subdivision being vacated which will not be cancelled as a result of this vacation action)

NOTE: Please follow the example form for the execution of the owner's acknowledgement (see section 16-107), the lienholder's acknowledgement and subordination statement (see section 16-108 if appropriate) and the notary public acknowledgement for all signatures (section 16-109). Further, this instrument must include the certificate for the city (see section 16-111) and in those instances where the property involved lies outside the Shepherd city limits the certificate of the County Commissioners Court (see section 16-114).

(Ord. No. 104, app. J, 6-13-1983)

### **Sec. 16-116. Plat correction certificate.**

For the purpose of this chapter, the following example form is to be placed on the face of any correction plat:

NOTE: The following certificates and acknowledgements are required to be placed upon the face of all correction plats.

I, (Name of engineer or surveyor), hereby certify that the following corrections were necessary to eliminate errors which appear on the plat of (Name of subdivision), recorded on (date and month), (year), in Volume (number), page (number) (or, when applicable, Film Code numbers) of the map records of (Name of County), County, Texas:

(Provide brief explanation of corrections required)

Signature of engineer or surveyor  
(Print name)

Texas Registration No. \_\_\_\_\_  
(affix seal)

APPROVED BY THE SHEPHERD CITY COUNCIL, ON (date, month and year).

Signature of the Mayor  
or Mayor Pro Tem \_\_\_\_\_

Signature of City Secretary  
Secretary (Print name)

Mayor or Mayor Pro Tem  
(Print name)

(affix city seal)

NOTE: When correction plats are located outside the Shepherd city limits and in San Jacinto County, the following additional certificates are required.

APPROVED BY THE SAN JACINTO COUNTY COMMISSIONERS COURT on (date, month and year.)

\_\_\_\_\_  
(Print name)  
Commissioner, Precinct 1

\_\_\_\_\_  
(Print name)  
Commissioner, Precinct 2

\_\_\_\_\_  
(Print name)  
County Judge

\_\_\_\_\_  
(Print name)  
Commissioner, Precinct 3

\_\_\_\_\_  
(Print name)  
Commissioner, Precinct 4

COUNTY CLERK FILING ACKNOWLEDGEMENT STATEMENT (See section 16-113.)  
(Ord. No. 104, app. K, 6-13-1983)

**Secs. 16-117—16-130. Reserved.**

**ARTICLE III. REQUIRED IMPROVEMENTS**

**Sec. 16-131. Monuments.**

(a) Concrete monuments six inches in diameter by 24 inches long shall be placed at all corners of boundary lines of a subdivision and in any case not more than 800 feet apart. The exact intersection point on the monument shall be marked by a brass or



copper rod one-fourth inch in diameter with the top of the monument placed flush with the natural ground unless otherwise directed.

(b) Intermediate block corners, curve points, angle points, and lot corners shall be marked by three-fourths inch (1.050 inches outside diameter) iron pipe stakes 24 inches long driven flush with the ground.

(c) All surveying shall be done by a registered surveyor of the state.

(Ord. No. 104, § 107.1, 6-13-1983)

#### **Sec. 16-132. Water system.**

(a) *Generally.* The subdivision developer shall design, furnish and install a complete water distribution system including water mains and lines, service lines, valves and fire hydrants. If the subdivision, including future proposed developments, is sufficiently large or at such a location so that the city's existing water system cannot provide adequate service or fire protection, the city may require the developer to provide other wells, storage facilities, pumps, or other improvements to ensure that the subdivision is properly served with water or the city may require that a fixed amount be deposited with the city to help fund needed improvements to provide adequate service.

(b) *Distribution.* The water distribution system shall be designed and constructed in accordance with the master plan and the standard specifications of the city and in accordance with the rules and regulations of the state health department and the requirements of the state department of insurance, fire insurance division. Water mains and distribution systems shall be designed by a professional engineer registered in the state. Plans shall be drawn on a 24-inch by 36-inch transparency vellum or Mylar positive and shall be on a scale of one inch equals 20, 50, or 100 feet. Plans shall bear the seal of an engineer and shall be submitted to the state department of health, the state department of insurance, and the city for review and approval prior to the letting of any contracts.

(c) *Fire protection.* Water mains and distribution systems shall be designed to provide fire protection as required by the state department of insurance. Where fire hydrants are being served no line shall be no less than six inches in diameter. In commercial areas, high-density residential development of six units or more per acre, or in industrial areas, lines shall be no less than eight inches in diameter. To serve short culs-de-sac, dead-end streets, or through local streets where fire protection can be provided from the corner or intersecting streets, two-inch or four-inch (ID) lines, as needed, may be used for water services. Water mains or water lines shall be class 150 minimum, Underwriters' Laboratories, Inc., approved cast iron, asbestos cement pipe or polyvinyl chloride (PVC) (Dr 18 minimum) pipe. The layout of water lines and mains shall be designed in such a manner that there will be no permanent dead-end lines or mains except at culs-de-sac, and these permanent dead-end lines shall never be more than 400 feet in length from connection to a six-inch diameter or larger water main. One or more eight-inch inside diameter water mains shall be constructed if justified by the city master plan. If larger than eight-inch mains are required by the city, the difference in cost between the eight-inch mains and the required size mains shall be paid by the city. The bends, tees, plugs, valves, fire hydrants, and other appurtenances shall be properly thrust blocked for the maximum pressure expected on the system. The location of the main in the right-of-way shall be as shown in this chapter.

(d) *Hydrants.* Hydrants shall be properly located so there will be a fire hydrant every 300 feet in the mercantile and industrial areas, and every 600 feet in residential areas, so that every building in the city limits will be within 500 feet of a standard city fire hydrant. When the access between the fire hydrant and the buildings may be blocked, extra fire hydrants shall be provided to improve the fire protection.

(e) *Valves.* Sufficient valves shall be installed to isolate line segments, in accordance with good engineering practice.

(f) *Service lines.* Copper or plastic service lines shall be installed from the main to the property line.

(g) *Tests for leakage.* After the complete installation, the water system shall be tested with a hydrostatic test pressure of not less than 150 pounds per square inch, maintained over a continuous period of not less than two hours. If the tests indicate a leakage in excess of the allowable, as determined by the following formula, all known leaks shall be stopped regardless of this test requirement:

$$L = \frac{HDP}{3,700}$$

Where:

- L = Leakage in gallons per hour
- H = The number of joints in the section being tested
- D = The nominal pipe diameter in inches
- P = The average pressure in the line during the test in pounds-per-square-inch gauge.

(h) *Disinfection required.* Prior to the acceptance and before any open connections to the city mains, the distribution system shall be disinfected in accordance with current state health department regulations and AWWA C601 standards. After chlorination and flushing, the developer shall fill the water system with water and the city shall take samples of water from several locations, not less than one per section or two per mile, for bacteriological tests. If the bacteriological tests are positive (unsatisfactory) the developer shall drain the lines and repeat the chlorination until the test results are negative, or satisfactory. (Ord. No. 104, §§ 107.2, 301, 6-13-1983)

### **Sec. 16-133. Sewer system.**

(a) *Generally.* The subdivision developer shall design, furnish and install a complete sewage collection system including the mains, manholes, cleanouts, wye branches and service lines for all lots, lift stations and appurtenances. If the subdivision, including future proposed development, is sufficiently large or at such a location so that the city's existing system cannot adequately handle the proposed flow from the total development, the city may require that other lift stations, lines, or other needed

improvements be required or the city may require that a fixed amount be deposited with the city to help fund needed improvements.

(b) *Design standards generally.* The sewer system shall be designed and constructed in accordance with the master plan and standard specifications of the city and in accordance with the most current regulations of the state department of health. All plans shall be prepared by a professional engineer registered in the state and shall be submitted to the state department of health and to the city for review and approval. Plan and profile sheets shall be prepared on 24-inch by 36-inch vellum or Mylar positive, to a scale of one inch equals 20 or 50 feet, and shall bear the seal of the engineer.

(c) *Gravity and force mains.* The gravity sewer mains shall be not less than six inches nominal diameter and shall be vitrified clay pipe, polyvinyl chloride (PVC) (SDR 35), or an equal, approved in writing. Force mains shall be not less than four inches nominal diameter unless approved otherwise by the city, and shall be class 150 cast iron pipe or polyvinyl chloride (PVC) (SDR 26). The layout shall be designed in such a manner that the sewers may not be laid on less than the minimum grade specified by the state health department. Wye branch sewer services, one for each lot, and not less than four inches in nominal diameter, shall be installed in accordance with the specifications and requirements of the city. A service line shall be run to within five feet of each lot.

(d) *Lift stations.* All lift stations shall be designed and constructed with two or more sewage pumps with a capacity as required by the state department of health. Detailed design calculations, plans and specifications of lift stations shall be submitted to the state department of health and to the city with the sewerage plans for approval. The area to be served by lift stations shall be determined by the city. All sanitary sewers and force mains shall be designed and sized to adequately serve the area as determined by the city engineer. Where the city determines that a sewer line or main is required to serve an acreage larger than that presently owned by the developer of the subdivision under consideration, the developer shall furnish and in-

stall the sewer mains and lines to adequately serve the area as determined by the city engineer. Where sewer pipe lines or mains are required to serve the larger area, as determined by the city engineer, the city shall pay only the difference in the cost between the pipe materials for the oversized pipe lines or mains necessary to serve the other property and the pipe materials necessary to serve the developer's property. If the city requests the developer to install an oversize lift station beyond what is needed to serve the ultimate size of the subdivision, the city shall pay the difference in the cost based on the engineer's estimate.

(e) *Septic tanks.* In locations where sanitary sewers are not available and where there is no immediate prospect for installation of sanitary sewers, septic tanks of an approved type may be installed in conformity with the rules, regulations, and ordinances of the city pertaining to public health. However, in no case shall septic tanks be installed without the express written consent of the city.

(Ord. No. 104, §§ 107.3, 302, 6-13-1983)

#### **Sec. 16-134. Drainage system.**

(a) *Generally.* The subdivision developer shall design, furnish and install all drainage system improvements, including but not limited to ditches, storm sewers, channels, culverts and bridges, within his development and as may be required on access roads to his development and downstream from his development if affected by his development.

(b) *Registered engineer required.* All drainage calculations and improvements shall be completed and designed by a professional engineer registered in the state. All plans shall bear his seal. With the submission of his preliminary plat and prior to the preparation of construction drawings, the developer shall have his engineer submit to the city for approval his drainage calculations and sizes of proposed drainage improvements as outlined in this section. Final design shall not begin until calculations are approved by the city.

(c) *Streets paved after utilities, storm sewer installation.* In no case shall streets be paved until all underground utilities and storm sewers have been installed and provisions are made for the

extension of the necessary laterals across the right-of-way of such locations as may be determined by the city so as to serve any prospective property owner without the necessity of cutting through paving improvements in the future.

(d) *Requirements for area map and design frequencies.* The developer shall have his engineer submit to the city a drainage area map at a scale not smaller than one inch equals 200 feet and width contour lines at intervals not greater than five feet and hydraulic calculations for all storm sewers, drainage structures, ditches, channels and curb and gutters. The map should indicate the proposed improvements. All runoff, or discharge, within the watershed shall be computed, and all drainage facilities shall be designed for the hydraulic loads to be accommodated in accordance with the hydraulic manual, or the latest revision thereto, as prepared by the state department of transportation. The following design frequencies shall be used for the various drainage facilities: Where the curb and gutter is unable to contain a five-year frequency runoff, inlets and storm sewers will be required. Inlets and storm sewers shall be designed to accommodate a hydraulic load from a ten-year frequency. Pipe and box culverts shall be designed to accommodate a hydraulic load from a 15-year frequency. Bridges shall be designed to accommodate a hydraulic load from a storm of 25-year frequency. A natural drainageway shall be capable of carrying within its existing banks the hydraulic load from a storm of 25-year frequency or it shall be improved, in an acceptable manner, to handle this flow. Where streets with ditches are provided, the ditches shall be designed to handle a ten-year-frequency storm.

(e) *Storm drainage.* The developer shall provide an adequate storm drainage system when the paved section of the roadway is unable to contain the hydraulic loads from storms as stipulated in subsection (d) of this section. The system shall include natural drainageways, structures, bridges and other appurtenances necessary to prevent erosion and control flooding.

(f) *Areas subject to periodic flooding.* Areas that are subject to periodic flooding shall not be considered for development until an adequate drainage system has been approved. The city shall

require the developer to provide adequate guaranties to secure the installation of the drainage system in compliance with the approved system.

(g) *Easements to city.* The city shall be dedicated all drainage easements required for the maintenance, improvements, replacement and addition to the drainage facilities. The city shall be dedicated utility easements adjacent to natural drainageways.

(h) *Standards of design, construction.* The design and construction of storm sewers shall be in accordance with the city's standard specifications.

(Ord. No. 104, § 303, 6-13-1983)

#### **Sec. 16-135. Streets.**

(a) *Generally.* The subdivision developer shall design, furnish, and install all streets as approved in the preliminary plat within his development and as may be required by the city for access to his development. All streets shall be designed by a professional engineer and submitted to the city for approval.

(b) *Pavement options.* The paving of all streets within the city is mandatory. The developer may select curb and gutter streets or ditched streets as allowed in this section and, also, has the option of the following finished surfaces according to the nature of the subdivision:

- (1) Concrete.
- (2) Asphaltic concrete.
- (3) Two-course surface treatment of asphalt and gravel.

(c) *Pavement widths.* The pavement widths to be accommodated within various street right-of-way widths are as follows; details in this respect shall be submitted on the preliminary plat and approved by the city:

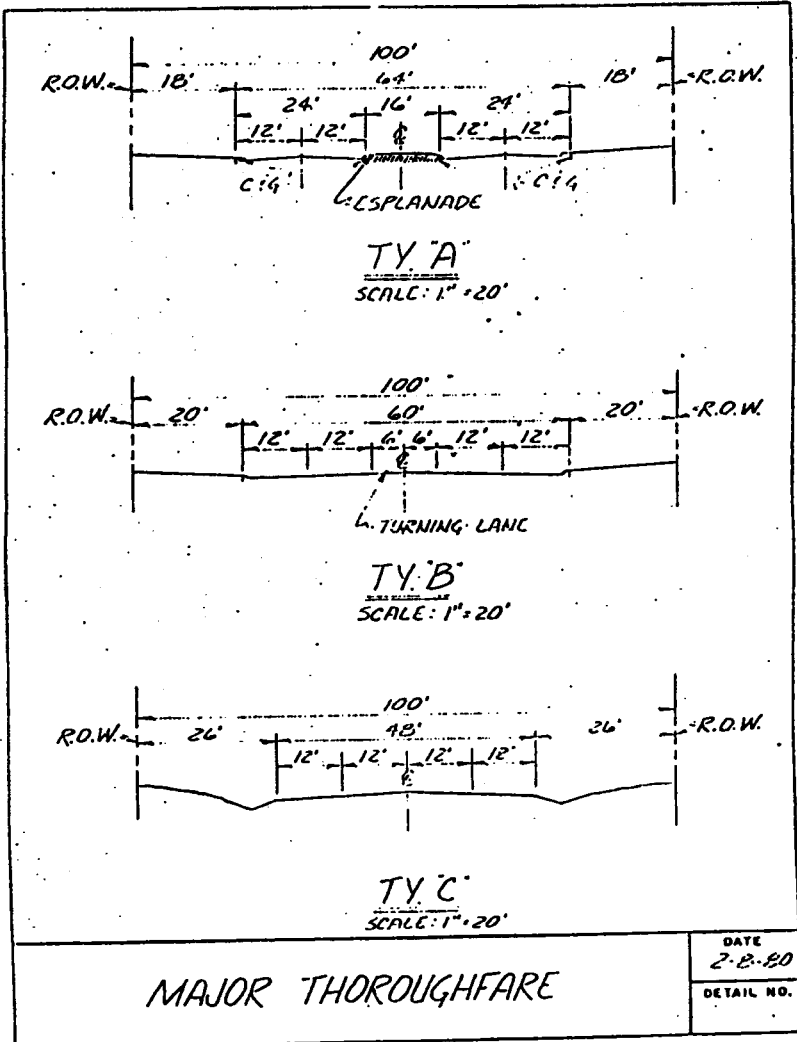
- (1) *Major thoroughfare.* For a major thoroughfare with a 100-foot right-of-way, the developer shall provide the following:
  - a. Dual 24-foot-wide roadway pavement with curbs and storm sewers separated by a 12-foot-wide esplanade.

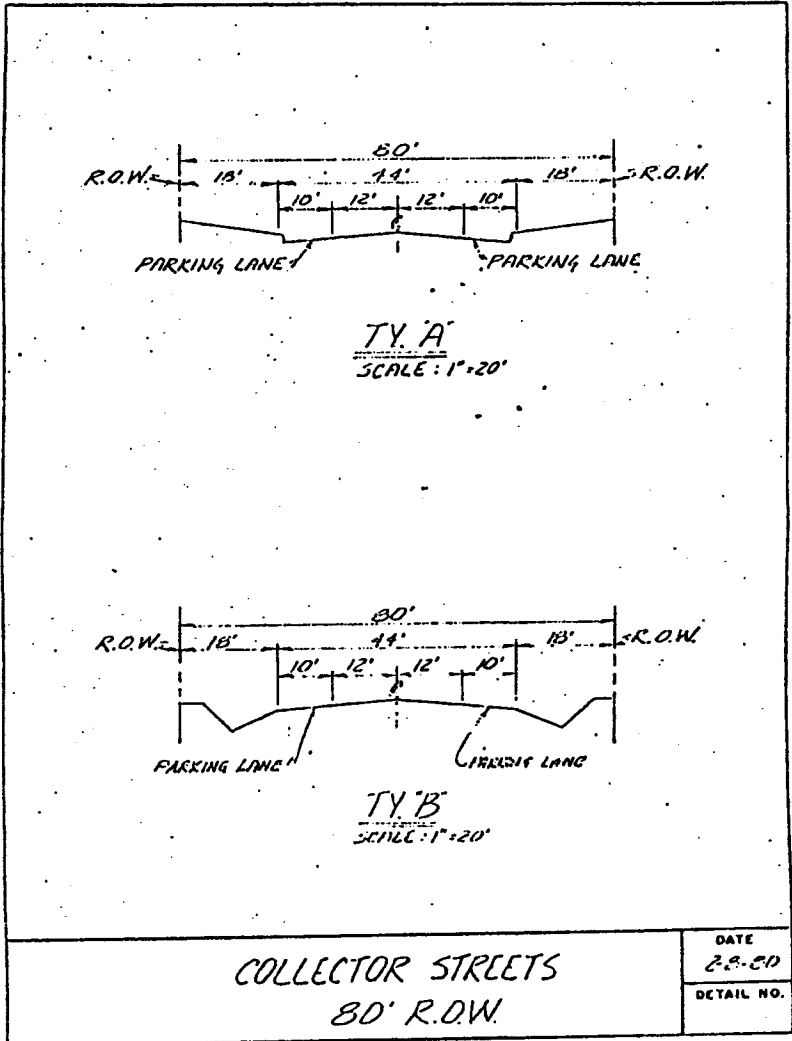
- b. A 60-foot roadway with curb and gutters and with four lanes of traffic and a center turnaround.
  - c. A 48-foot roadway with four lanes of traffic with ditches for drainage.
- (2) *Collector streets.* For collector streets the developer shall provide the following:
- a. With an 80-foot right-of-way, the developer shall provide:
    - 1. A 44-foot-wide roadway pavement with curbs and storm sewers with two 12-foot driving lanes and two ten-foot parking lanes.
    - 2. A 44-foot-wide roadway pavement with ditches, two 12-foot driving lanes and two ten-foot parking lanes.
  - b. With a 60-foot right-of-way, the developer shall provide:
    - 1. A 38-foot-wide roadway pavement with curbs and storm sewers with two ten-foot driving lanes and two nine-foot parking lanes.
    - 2. A 34-foot-wide roadway pavement with ditches and with two 12-foot driving lanes and two five-foot paved shoulders.
- (3) *Local streets.* For local streets the developer shall provide the following:
- a. For a 60-foot right-of-way the developer shall provide:
    - 1. A 29-foot-wide roadway paving with curb and gutters.
    - 2. A 20-foot-wide roadway paving with two five-foot-wide paved shoulders and ditches.
  - b. For a 50-foot right-of-way (cul-de-sac streets or streets less than 1,000 feet) the developer shall provide:
    - 1. A 27-foot-wide roadway paving with curbs and gutters.
    - 2. An 18-foot-wide roadway with two five-foot-wide shoulders and ditches.

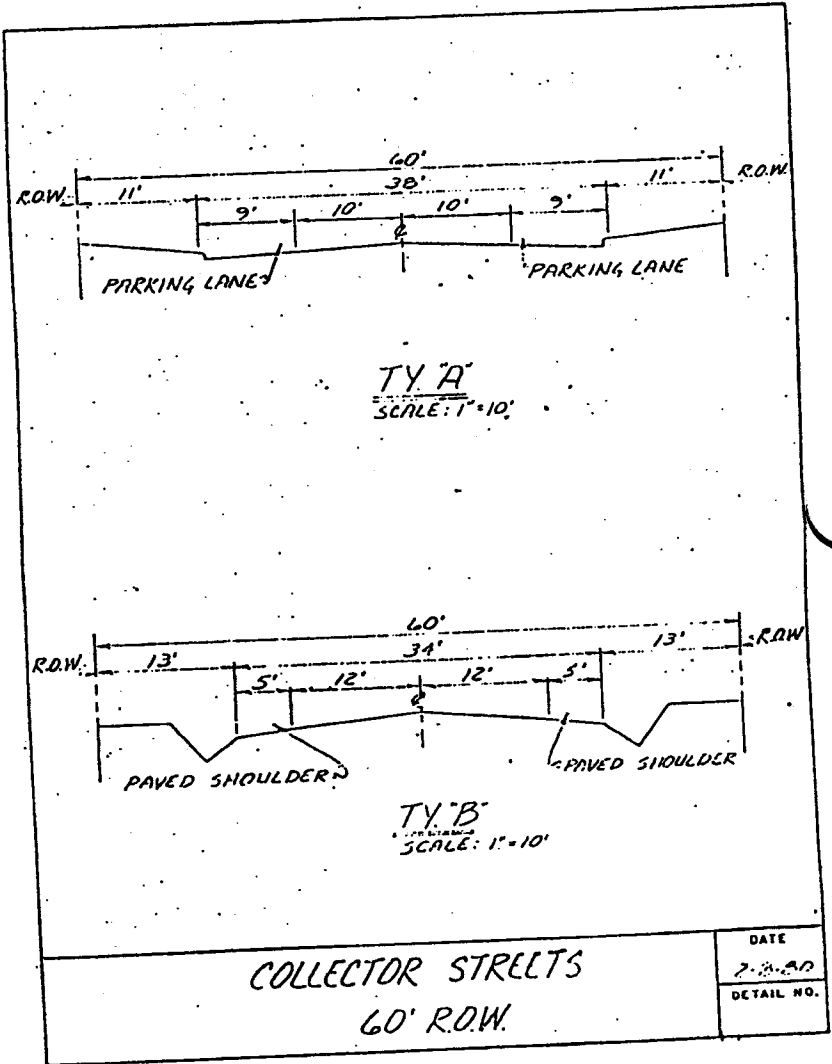


- (4) *Industrial streets.* For industrial streets the developer shall provide the following:
- a. For an 80-foot right-of-way, curb and storm sewers, the developer shall provide:
    1. Dual 12-foot-wide roadway paving with curbs and storm sewers separated by a 16-foot-wide esplanade.
    2. An 11-foot-wide left turn lane with a minimum storage length of 250 feet at all intersecting streets and as directed by the city.
  - b. For a 100-foot right-of-way, open ditch, the developer shall provide:
    1. Dual 12-foot-wide roadway paving with a ten-foot-wide paved shoulder separated by a 16-foot-wide esplanade.
    2. An 11-foot-wide left turn lane with a minimum storage length of 250 feet at all intersecting streets and as directed by the city.

(d) *Pavement thicknesses and types.* The pavement thickness and type are illustrated in the drawings and tables which follow. (Ord. No. 104, § 304, 6-13-1983)

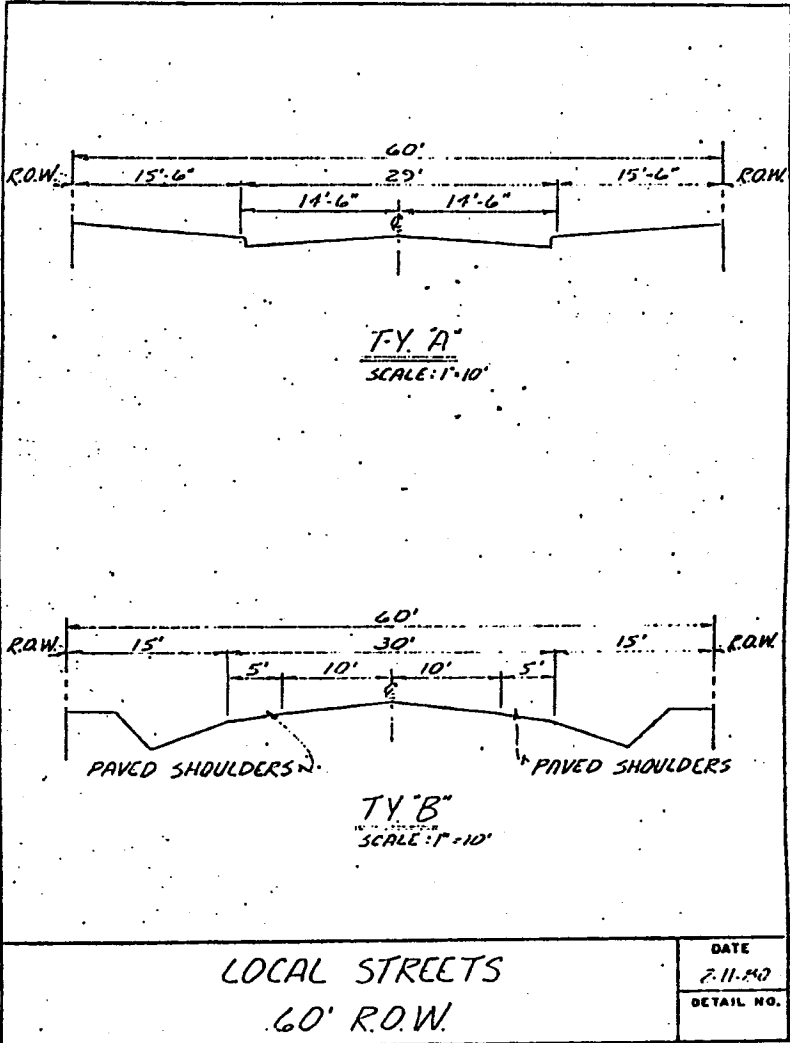


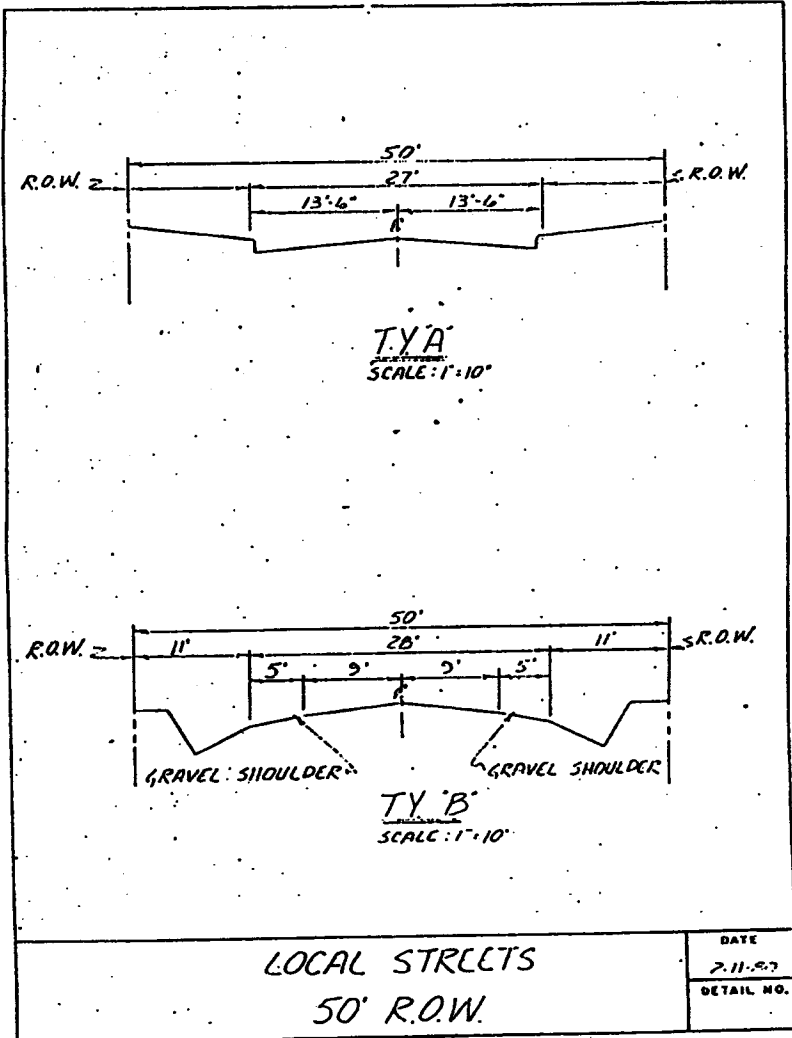


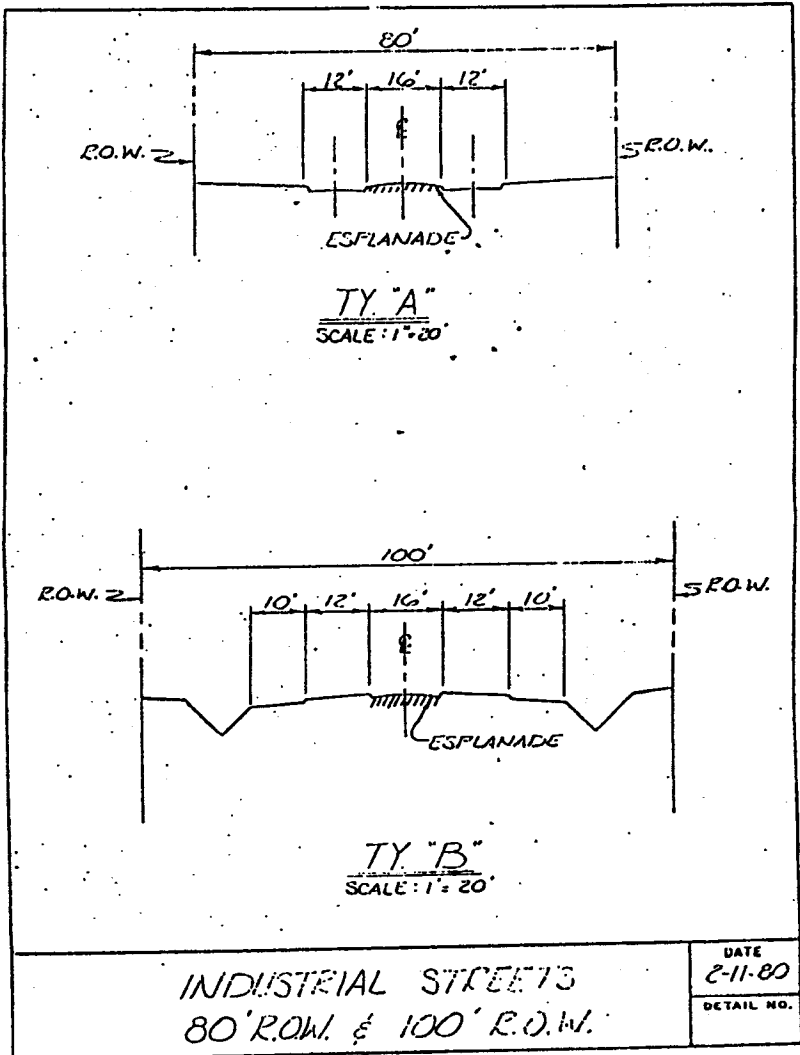


COLLECTOR STREETS  
60' R.O.W.

DATE
7-28-80
DETAIL NO.







Street Classification	HOT MIX PAVING				Paved Shoulders		
	Driving & Parking Lanes		Curb & Gutter	Type Paving	Base Course	Subgrade	Subgrade
Surface Course Thickness	Base Course	Subgrade					
Major Thoroughfare: 100' R.O.W.							
A. Dual, 24 ft., C&G	1 1/2"	4 1/2" hot sand base or 6" cr. stone or iron ore	6" thi. cement or stabilizer	Yes	None	None	None
B. 60 ft., C&G	"	"	"	"	"	"	"
C. 48 ft., ditches	"	"	"	No	"	"	"
Collector Streets: 80' R.O.W.							
A. 44 ft., C&G	"	"	"	Yes	"	"	"
B. 44 ft., ditches	"	"	"	No	"	"	"
60' R.O.W.	"	"	"	Yes	"	"	"
A. 53 ft., C&G	"	"	"	No	1 crs. surface treat.	6" crushed stone or iron ore	6" cement or lime stabilized
B. 34 ft., ditches	"	"	"	Yes	None	None	None
Local Streets: 60' R.O.W.							
A. 29 ft., C&G	"	"	"	No	1 crs. surface treat.	6" crushed stone or iron ore	6" cement or lime stabilized
B. 20 ft., ditches	"	"	"	Yes	None	None	None
50' R.O.W.	"	"	"	Yes	None	None	None
A. 27 ft., C&G	"	"	"	No	1 crs. surface treat.	6" crushed stone or iron ore	6" cement or lime stabilized
B. 18 ft., ditches	"	"	"	No	None	None	None
Industrial Streets: 80' R.O.W.							
A.	2"	6" hot sand base of 10" cr. stone or iron ore	"	Yes	None	None	None
B. 100' R.O.W.	"	"	"	No	1 crs. surface treat.	6" crushed stone or iron ore	6" cement or lime stabilized



SUBDIVISION REGULATIONS

§ 16-135

CONCRETE PAVING							
Street Classification	Driving & Parking Lanes				Paved Shoulders		
	Slab Thickness	Base Course	Subgrade	Curb & Gutter	Type Paving	Base Course	Subgrade
Major Thoroughfare: 100' R.O.W. A. Dual, 24 ft., C&G	6"	6" cement stabilized sand	Compacted to 95% std. Proctor	Yes	None	None	None
B. 60 ft., C&G	"	"	"	"	"	"	"
C. 48 ft., ditches	"	"	"	No	"	"	"
Collector Streets: 80' R.O.W.	"	"	"	Yes	"	"	"
A. 44 ft., C&G	"	"	"	No	"	"	"
B. 44 ft., ditches	"	"	"	No	"	"	"
60' R.O.W.	"	"	"	Yes	"	"	"
A. 38 ft., C&G	"	"	"	No	1 crs. surface treat.	6" crushed stone or iron ore base	6" cement or lime stabilized
B. 34 ft., ditches	"	"	"	Yes	None	None	None
Local Streets: 60' R.O.W.	"	"	"	No	1 crs. surface treat.	6" crushed stone or iron ore	6" cement or lime stabilized
A. 29 ft., C&G	"	"	"	No	1 crs. surface treat.	6" crushed stone or iron ore	6" cement or lime stabilized
B. 20 ft., ditches	"	"	"	Yes	None	None	None
50' R.O.W.	"	"	"	Yes	None	None	None
A. 27 ft., C&G	"	"	"	No	None	None	None
B. 18 ft., ditches	"	"	"	No	None	6" crushed stone or iron ore	6" cement or lime stabilized
Industrial Streets: 80' R.O.W.	8"	"	"	Yes	None	None	None
A.	"	"	"	No	1 crs. surface treat.	6" crushed stone or iron ore	6" cement or lime stabilized
B.	"	"	"	No	1 crs. surface treat.	6" crushed stone or iron ore	6" cement or lime stabilized

Street Classification	TWO COURSE SURFACE TREATMENT				
	Driving & Parking Lanes		Paved Shoulders		
Surface Course Thickness	Subgrade	Curb & Gutter	Type Paving	Base Course	Subgrade
Major Thoroughfare: 100' R.O.W.	6" thick cr. stone or iron ore	6" cement or lime stabilized			
A. Dual, 24 ft., C&G	"	Yes	None	None	None
B. 60 ft., C&G	"	"	"	"	"
C. 48 ft., ditches	"	No	"	"	"
Collector Streets: 80' R.O.W.	"	Yes	"	"	"
A. 44 ft., C&G	"				
B. 44 ft., ditches	"	No	"	"	"
60' R.O.W.	"	Yes	"	"	"
A. 38 ft., C&G	"				
B. 34 ft., ditches	"	No	1 crs. surface treat.	6" crushed stone or iron ore	6" cement or lime stabilized
Local Streets 60' R.O.W.	"	Yes	None	None	None
A. 29 ft., C&G	"				
B. 20 ft., ditches	"	No	1 crs. surface treat.	6" crushed stone or iron ore	6" cement or lime stabilized
50' R.O.W.	"	Yes	None	None	None
A. 27 ft., C&G	"				
B. 18 ft., ditches	"	No	None	6" crushed stone or iron ore	6" cement or lime stabilized
Industrial Streets: 80' R.O.W.	10" thick cr. stone or iron ore		None	None	None
A.	"	Yes	None	None	None
B.	"	No	1 crs. surface treat.	6" crushed stone or iron ore	6" cement or lime stabilized

**Sec. 16-136. As-built plans.**

Upon completion of the subdivision sewer, water, street paving, and drainage installation, the developer's registered professional engineer shall present the city one set of Mylar reproducible and two sets of blue line prints of complete as-built plans for all paving, drainage structures, storm drains, water lines and sewer lines within 30 days of the completion of each contract. The registered professional engineer shall certify that the as-built plans are in fact true representations of actual construction. (Ord. No. 104, § 401, 6-13-1983)

**Sec. 16-137. Maintenance bond.**

Upon completion of street, alley, and drainage improvements and utility lines for a subdivision, the developer shall furnish the city a good and sufficient maintenance bond executed by a corporate surety (a company holding a certificate of authority from the U.S. Treasury Department as an acceptable surety on federal bonds) in an amount equal to the total cost of such improvements and covering maintenance of them for a period of one year from the date of acceptance of such improvements. However, upon agreement of the city, the city may accept such bond from the developer's contractor. (Ord. No. 104, § 402, 6-13-1983)

**Secs. 16-138—16-150. Reserved.****ARTICLE IV. DESIGN STANDARDS****Sec. 16-151. Public streets.**

(a) *General arrangement and layout.* The public street system pattern proposed within any subdivision plat or development shall be based upon the design concepts in this subsection. The design concepts shall provide for:

- (1) Adequate vehicular access to all properties within the subdivision plat boundaries.

- (2) Adequate street connections to adjacent properties to ensure adequate traffic circulation within the general area.
- (3) A local street system serving properties to be developed for residential purposes which discourages through traffic while maintaining sufficient access and traffic movement for convenient circulation within the subdivision and access by firefighters, police and other emergency services.
- (4) A sufficient number of continuous streets and major thoroughfares, particularly in those areas designed for the development of high-density multifamily residential, commercial, and industrial land uses, to accommodate the increased traffic demands generated by these land uses.

(b) *Major thoroughfares.* The location and alignment of designated major thoroughfares must be in general conformance with the latest edition of the major thoroughfare and collector street plan adopted by the city. Proposals that constitute a change in the location or alignment of any designated major thoroughfare or freeway illustrated on this plan may be approved by the city council. Standards for major thoroughfares are as follows:

- (1) The minimum width of the right-of-way to be dedicated for any designated major thoroughfare shall not be less than 80 feet. Where the plat is located adjacent to an existing designated major thoroughfare having a right-of-way of less than 80 feet, sufficient additional right-of-way must be dedicated to accommodate the ultimate development of the major thoroughfare. Where the construction of concrete pavement with curbs, gutters and storm sewers is not feasible and open ditch drainage is planned, the minimum right-of-way width required for the development of a designated major thoroughfare must be 100 feet and of sufficient width to accommodate the approved roadway pavement and attendant drainage facilities.
- (2) Curves proposed for the right-of-way of designated major thoroughfares must have a centerline radius of 2,000 feet or more. Exceptions to this requirement may be consid-

ered by the city upon receipt of a request from the subdivider for a variance as provided for in this chapter. In no instance, however, will the city grant a variance indicating the centerline radius of any designated major thoroughfare to be less than 1,150 feet. Reverse curves shall be separated by a tangent distance of not less than 100 feet. Intersections with other public streets shall be at right angles except when the subdivider requests a variance. The city may not grant a variance indicating the angle of any major thoroughfare intersection to be more than five degrees. Where acute angle intersections are approved, however, a radius of at least 35 feet in the right-of-way line at the acute corner must be provided.

(c) *Collector and local streets (secondary)*. The location and alignment of collector and local streets proposed to be dedicated and established within a subdivision or development plat shall be designed in conformance with the concepts listed in this section. Street jogs with centerline offsets of less than 125 feet are prohibited. Standards for collector and local streets are as follows:

- (1) The width of the right-of-way to be dedicated for any public street not designated as a major thoroughfare must be 60 feet except as provided in this subsection. When a subdivision plat is located adjacent to an existing public street not being designated as a major thoroughfare, having a right-of-way width less than 60 feet, sufficient additional right-of-way must be dedicated within the subdivision plat boundary to accommodate the ultimate development of the subject street to a total right-of-way width of not less than 60 feet.
  - a. A right-of-way width of 50 feet may be provided when the street is not designed to be extended into properties outside the plat boundaries, when the street has an ultimate length not to exceed 500 feet, as a cul-de-sac, or when in the configuration of a loop having an internal block length of less than 1,000 feet and the street is proposed to have curb and gutters.
  - b. A right-of-way width of 80 feet may be required when storm sewers are not planned to be installed

and storm drainage is proposed to be accommodated within the street right-of-way, where the street is designed to be extended into properties outside the plat boundaries, and where the adjacent properties are not proposed to be divided into lots designated and restricted for residential purposes.

- (2) Curves proposed for the right-of-way of designated collector streets must have a centerline radius of 750 feet or more. Exceptions to this requirement may be considered by the city council upon receipt of a request from the subdivider for a variance. In no instance, however, will the city council grant a variance indicating the centerline radius of any designated collector street to be less than 480 feet. Reverse curves shall be separated by a tangent distance of not less than 75 feet. Intersections with other public streets shall be at right angles except when the subdivider requests a variance. The city may not grant a variance indicating the angle of any collector street intersection to be more than ten degrees. Where acute angle intersections are approved, however, a radius of at least 25 feet in the right-of-way line at the acute corner must be provided.
- (3) Curves along streets may have centerline radius, except that the centerline radius on a reverse curve may not be less than 300 feet. Reverse curves shall be separated by a tangent distance of not less than 50 feet. Intersections with designated major thoroughfares shall be at right angles except when the subdivider requests a variance. The city may not grant a variance indicating the angle of any local street intersection with a designated major thoroughfare to be more than ten degrees. Where acute angle intersections are approved, however, a radius of at least 25 feet in the right-of-way line at the acute corner must be provided.
- (4) The radii of the right-of-way at the end of minor streets terminated with a circular cul-de-sac turnaround must be 50 feet except when storm sewers are not planned to be installed and storm drainage is proposed to be accommodated in ditches. A right-of-way radius of 60 feet must then be provided.

- (5) Dead-end streets will not be approved except when the street is terminated by a circular cul-de-sac turnaround or when the street is designed to be extended into adjacent property.

(Ord. No. 104, § 201.2, 6-13-1983)

**Sec. 16-152. Street names.**

All public streets contained in any subdivision plat or development plan approved by the city must be named in conformance with the following considerations:

- (1) A new street name, not an extension of an existing street, must not be a duplicate of any existing street name located within the city or its exclusive extraterritorial jurisdiction.
- (2) Existing street names must be used when a new street is a direct extension of an existing street or a logical extension thereof.
- (3) A street name suffix such as "court," "circle" and "loop" shall be designated on a street that is a cul-de-sac or in a configuration of a loop street. Suffixes such as "boulevard," "speedway," "parkway," "expressway" and "drive" shall be confined to designated major thoroughfares or local streets designed to handle traffic volumes in excess of normal neighborhood traffic generation. Suffixes such as "highway" or "freeway" must be used only to designated highways or freeways falling under the jurisdiction of the state department of transportation.
- (4) Street name prefixes such as "north," "south," "east" and "west" may be used to clarify the general location of the street. However, such prefixes must be consistent with the existing and established street naming and address numbering system of the general area in which the street is located.
- (5) Alphabetical and numerical street names must not be designated on any subdivision plat or development plan except when such street is a direct extension of an existing street with such a name and is not a duplicate street name.

(Ord. No. 104, § 201.3, 6-13-1983)

**Sec. 16-153. Block lengths.**

(a) *Measurement criteria.* Block lengths in a subdivision are to be determined by the measurement along the face of a block (being the adjacent street right-of-way line) from street intersection to another street intersection where such streets provide cross traffic circulation. When a loop street configuration is involved, the interior block formed by the loop street is measured through the center of such block and between adjacent street right-of-way lines. Variations in the block lengths specified may be considered by the city upon receipt of a request from the subdivider for a variance. In no instance, however, will the council grant a variance indicating that a block adjacent to major topographic features be more than 2,640 feet (one-half mile) in length measured along the block face.

(b) *Major thoroughfares.* The maximum length for blocks adjacent to designated major thoroughfares must not be more than 1,800 feet.

(c) *Collector and secondary streets.* The maximum length for blocks adjacent to collector, etc., streets must not be more than 1,400 feet, except under the following circumstances:

- (1) Loop streets may have an internal block length of not more than 1,000 feet.
- (2) Culs-de-sac may have a block length of not more than 800 feet, measured from the intersection with the right-of-way of a cross street along the centerline of the cul-de-sac street to the center of the circular turnaround at the end of the cul-de-sac.
- (3) Stub streets or dead-ends may have a block length of not more than 800 feet unless terminated with a circular turnaround suitably modified to accommodate future extension of the street into adjacent property.

(d) *Minor streets.* Minor streets shall conform to the criteria in subsection (c) of this section.

(Ord. No. 104, § 202, 6-13-1983)

**Sec. 16-154. Partial or half streets.**

For a subdivision, partial or half streets may be dedicated when the city concurs that it is necessary for the proper develop-



ment of the land and in the public interest to locate a public street right-of-way centered on a property line. The council will not approve a partial or half street dedication within a subdivision dedicating less than a 50-foot right-of-way width on a designated 80-foot street or less than a 30-foot right-of-way width on any other type public street. Appropriate notations and one-foot reserve must be placed upon the plat.

(Ord. No. 104, § 203, 6-13-1983)

### **Sec. 16-155. Easements.**

(a) *Public utility easements.* Public utility easements are those easements established within a subdivision plat that are designed to accommodate publicly owned or controlled utility facilities necessary to provide various types of utility services to the individual properties within the plat boundaries. Public utility easements may be used for but not limited to facilities necessary to provide water, electrical power, natural gas, telephone, telegraph and sanitary sewer services. Storm sewers or open drainageways must not be constructed within public utility easements unless specifically approved by the city and where additional easement width is provided to conform to the standards established in this section for drainage easements.

- (1) Public utility easements must be provided along the rear of all lots designed for the development of a structure containing residential dwelling units and in such other locations as determined to be necessary by the city and worked out with the individual private utility companies involved. Public utility easements located along the outer boundaries of a plat must contain the full width required for such easement except when the adjacent property is within a portion of a previously approved plat and under the same ownership as the property being platted or where additional easement width is dedicated by a separate instrument by the owner of such adjacent tract. In such cases one-half of the required easement width may be dedicated within the plat boundary with the other half provided outside the plat boundary by separate instrument or through notation on the plat certifying the ownership and dedication of such easement.

- (2) All public utility easements established within any subdivision plat must not be less than ten feet in width. When multiple utilities are to be installed within the public utility easement, such easement width must not be less than 15 feet in width. No dead-end public utility easements will be permitted by the city.

(b) *Drainage easements.* All drainage easements must be located and dedicated to accommodate the drainage requirements required for the proper development of the property within the subdivision boundaries and within its natural watershed and in conformance with the requirements of the city and other governmental agencies charged with the responsibility of storm drainage or flood control within the area the subdivision is located. A suitable note on the plat must restrict all properties within the subdivision ensuring that drainage easements within the plat boundaries shall be kept clear of fences, buildings, planting and other obstructions to the operations and maintenance of the drainage facility.

(c) *Federal flood insurance program.* The city has agreed to participate in the federal flood insurance program and through this participation the limits of the 100-year floodplain for all natural drainageways have been determined and special regulations for construction of facilities which fall within the designated 100-year floodplain have been established. It is the policy of the city to inform persons who submit plats to the city council if the property illustrated on the plat falls within the established floodplain and to suggest that they seek more detailed information from the agencies who control construction in these areas. Such information can be secured from the city on properties that fall within the corporate limits. For properties within the county, the office of the county commissioners should be contacted.

(d) *Private easements, fee strips.* All easements or fee strips created prior to the subdivision of any tract of land shall be shown on the subdivision plat of such land with appropriate notations indicating the name of the holder of such easement or fee strip; the purpose of the easement and generally the facilities contained therein; the dimensions of the easement or fee strip tied to all adjacent lot lines, street right-of-way and plat boundary lines;

and the recording reference of the instruments creating and establishing such easement or fee strip. When easements have not been defined by accurate survey dimensions such as over-and-across type easements, the subdivider shall request the holder of such easement to accurately define the limits and location of his easement through the property within the plat boundaries. If the holder of such undefined easement does not define the easement involved and certifies his refusal to define such easement to the city, the subdivision plat must provide accurate information as to the centerline location of all existing pipelines or other utility facilities placed in conformance with the easement holder's rights, and building setback lines must be established 15 feet from and parallel with both sides of the centerline of all underground pipelines or pole lines involved.

(e) *Establishment of special use easements.* The establishment of special use utility easements may be provided on a subdivision plat when such easement is for the purpose of accommodating a utility facility owned, operated and maintained by a unit of government and is restricted to either water mains, sanitary sewers, storm sewers or for drainage purposes and where it has been determined by the city that these facilities cannot or should not be accommodated within a general purpose public utility easement or public street right-of-way. Easements proposed to be established for any private utility company or private organization providing utility services and restricted for their exclusive use cannot be shown on or established by a subdivision plat; however, such private utility facilities can be accommodated and placed within the general purpose public utility easements, and public streets established within the plat boundary. Nothing in this subsection, however, may prevent such private utility companies or the subdivider from granting and establishing special or exclusive use easements by separate instrument if such arrangements are deemed necessary to properly serve the properties within the plat boundaries.

(Ord. No. 104, § 204.4, 6-13-1983)

**Sec. 16-156. Building setback restrictions.**

(a) *Generally.* Building setback restrictions have traditionally been required in various degrees in subdivisions dependent upon the type and design characteristics of the streets on which such

restrictions parallel. These restrictions are designed and applied to ensure that occupied buildings, particularly residential and commercial buildings where a concentration of people is involved, are located a sufficient distance away from the adjacent street to avoid damage to the structure and occupants by errant vehicles; to lessen or minimize the effect of noise and pollutants generated by traffic on the occupants of adjacent buildings; to ensure that the location of buildings does not create any traffic hazard by blocking or restricting lines of sight, particularly at intersections and along curves; to provide some additional open space in addition to the space within the street right-of-way for the free movement of police, firefighters and others in emergency situations; and, when appropriate, sufficient yard space and open space separating building structures that may enhance the visual character and value of a particular development. Therefore, the building setback restrictions of this section are based upon the design characteristics of the adjacent street, its right-of-way width, and the type of use proposed for the land adjacent to such streets.

(b) *Major thoroughfares.* Properties adjacent to designated major thoroughfares that are divided into lots restricted for the construction of detached residential dwellings appropriate for individual ownership shall have a front building setback from the adjacent major thoroughfare right-of-way of not less than 35 feet. When such lot sides on a major thoroughfare, a side building setback of at least 20 feet shall be provided. When such a lot backs on a major thoroughfare, a rear building setback of not less than 20 feet shall be required. Building setback restrictions for properties adjacent to major thoroughfares designed for uses other than residential are the same as those building setback restrictions specified for properties adjacent to collector, etc., streets and as provided in this section.

(c) *Collector and local streets.* Properties adjacent to collector or local streets that are divided into lots restricted for the construction of residential dwellings suitable for individual ownership must have a front building setback from the adjacent street right-of-way of not less than 25 feet. When such lots side on

a collector or local street, a side building setback of 15 feet must be provided. When such lots back on a collector or local street, a rear building setback of 20 feet must be provided.

- (1) For properties adjacent to collector or local streets that are planned to be developed for residential apartments with multiple dwelling units under a single ownership or management where the principal entrances to such units front on the adjacent street, a front building setback restriction of 20 feet must be provided. If, however, such units side or back on the adjacent street and have no entrances from such street, a side or rear building setback of ten feet must be provided.
- (2) All other properties not divided into lots or designed for the development of residential dwelling units that are adjacent to collector or local streets (or major thoroughfares) must have a ten-foot building setback restriction provided along all adjacent streets. If, however, such properties are located directly across a street from residential lots or properties having a building setback restriction on such properties in excess of ten feet, the building setback restriction required on the nonresidential property must be equal to or exceed the building setback restrictions established on the opposite residential properties.

(d) *Adjacent property.* The minimum building setback distance for lots adjacent to other lots on property shall be as follows:

- (1) Side setback, seven feet.
- (2) Rear setback, 20 feet.

(e) *Building setback line off-sets and transitions.* When the required building setback restriction line changes from one tract to another, a transitional building setback line must be provided having a minimum angle of 45 degrees. Such transition must take place on the lot or tract having the lesser building setback restriction requirement.

(f) *Pipelines, railroad right-of-way.* Where underground pipelines carrying flammable products under pressure through properties within a plat boundary or where properties within the plat

back or side along a railroad right-of-way, a 15-foot building setback restriction must be provided adjacent to such pipeline easement or fee strip (or the centerline of the pipeline facility if no easement is defined) or railroad right-of-way line.  
(Ord. No. 104, § 205.5, 6-13-1983)

**Sec. 16-157. Reserve tracts.**

(a) *Generally.* Reserve tracts are those individual parcels of land created within a subdivision plat that are not divided into lots, but are established to accommodate some specific purpose such as a commercial center; an industrial site; a golf course or other type of private recreational facility; schools or church sites; or sites for utility facilities such as water wells and storage areas, wastewater treatment plants, electrical power stations, or other activities and land uses for which division into lots is not suitable or appropriate. Because the use of reserve tracts may not be completely determined by the subdivider or developer at the time plats are prepared and submitted to the city, these reserve tracts are often established as "unrestricted reserves," which allows maximum flexibility in the determination of the ultimate use planned for such properties.

(b) *Public street access.* Reserves established on any subdivision plat must have frontage on and must be immediately adjacent to at least one public street, with such frontage being not less than 60 feet in width.

(c) *Identification and designation.* All reserves must be labeled and identified on the plat, and a description of the use intended for such reserve must be noted. If the use of the reserve is not restricted for any specific use, the reserve must then be identified and noted as being unrestricted. All reserves are to be identified and designated by alphabetical letters, not numbers, and an indication as to the total acreage of such reserves must be shown within each reserve boundary.  
(Ord. No. 104, § 206.3, 6-13-1983)

**Sec. 16-158. Lots.**

(a) *Generally.* This section provides general overall guidelines for the establishment of individual lots within a subdivision designed to accommodate various types of residential housing

schemes without resorting to more specific and detailed standards strictly associated with a particular housing type or market label which may be associated with a subdivision of land containing lots designed to be offered for sale to the general public.

(b) *General lot design.* The general lot design within any subdivision shall be based upon the concept that such lots are created and established as undivided tracts of land and that purchasers of such lots can be assured that these tracts of land meet the basic criteria that the lot is:

- (1) Of sufficient size and shape to allow the construction of a residential dwelling unit that can meet the requirements of established building or construction codes, housing and public health codes and ordinances and accepted family living standards.
- (2) Of sufficient size and shape to accommodate easements for all public and private utility services and facilities to adequately serve any residential dwelling unit constructed thereon.
- (3) Of sufficient size and shape and is so located that direct vehicular access is provided from a public street and that the required number of vehicles can be parked on the lot without encroachment within any adjacent public street.

(c) *Lot shapes.* Lots shall be designed, so far as possible, with side lot lines being at right angles or radial to any adjacent street right-of-way line. Where all lots are either perpendicular and at right angles or radial to the adjacent street right-of-way, a suitable notation may be placed upon the plat in lieu of lot line bearings.

(d) *Double-front lots.* Double-front lots will not be approved except when lots are restricted for residential use and back upon an adjacent designated major thoroughfare or where special circumstances would warrant a variance to this subsection.

(e) *Street access limitations.* Rear and side vehicular driveway access from lots, restricted for the construction of residential dwelling units, to adjacent streets designated as major thoroughfares, highways, or any other public street which carries a traffic volume where additional vehicular driveways would create a

traffic hazard or impede the flow of traffic will not be approved, and such access restriction must be noted directly upon the plat and adjacent to the lots in question.

(f) *Unsewered lots.* Lots established in any plat or subdivision designed not to be served by a public or off-site sanitary sewer system will not be permitted to be established in any flood hazard area (100-year floodplain) as determined under the federal flood insurance program and the minimum lot sizes must be determined in conformance with the results of percolation tests performed and certified by an engineer licensed to practice the profession of engineering in the state and approved by the city. Such percolation tests must be performed within the plat boundaries and in sufficient numbers and locations to determine the average subsurface absorption rate or percolation rate of all of the property within the plat boundary. When there is a substantial difference in the soil absorption characteristics within the plat boundaries, the lot sizes may vary within the plat dependent upon the lowest soil absorption characteristics of the area within the lot or any part thereof. For the purpose of city policies in this regard, percolation rates above two inches per hour are considered satisfactory; rates from one to two inches will be considered marginal; and rates below one inch per hour must be considered unsatisfactory for subsurface sewage absorption systems. Regardless of the percolation tests, however, and the rates derived therefrom, the city engineer may determine, due to topography, soil conditions, water table, springs or other factors, that the land within the boundaries of the plat or any part thereof are not suitable for on-site sewage disposal systems and may recommend that the city refuse approval of any plat proposing to establish unsewered lots. All unsewered lots must contain the following specified lot area, which is determined by the average percolation rate of the soil within the subdivision; however, no unsewered lot



will be approved that has an area of less than 10,000 square feet and that has an average width of less than 100 feet:

<i>Average Percolation Rate (inches per hour)</i>	<i>Minimum Lot Area (square feet)</i>
4 and above	10,000
2—4	15,000
1—2	20,000

**NOTE:** The area of the unsewered lot provided for in the table in this subsection must be exclusive of any drainage easements established or required to be established within the lot and adjacent to drainage ditches or natural drainageways. Lots that have on-site disposal of sewage and on-site water supply shall have a minimum size of one acre.

(g) *Minimum lot sizes.* Minimum lot sizes shall be as follows:

- (1) Lots to be established in any subdivision plat that are designed or intended for nonresidential uses or that are intended to be unrestricted must have a minimum lot area of not less than 5,000 square feet and must have frontage along and adjacent to at least one public street having a right-of-way width of not less than 60 feet.
- (2) Lots to be established in any subdivision plat that are designed or intended for residential uses must meet the following criteria:
  - a. Radial lots, being those lots adjacent to curved streets or circular culs-de-sac, must have a width for lots specified in this section.
  - b. Corner lots in blocks containing lots having an average width of less than 60 feet must be ten feet wider than the average interior lots within such block and where such corner lots are located at the intersection of local streets. Where corner lots are located at the intersection of a street and a designated major thoroughfare or at the intersection of two major thoroughfares and are contained in blocks

where the average lot width within such block is less than 60 feet, such corner lots must be 20 feet wider than the average interior lot within such block.

- c. When lots are backing on a natural drainageway (bayou, creek, gully, etc.), an open drainage facility or other encumbrances, such lots must have a depth sufficient to provide at least 70 feet from the drainage easement line or encumbrances boundary to the front building setback line.
- d. When lots are facing or backing on a designated major thoroughfare, such lots must have a depth at least 20 feet deeper than the average depth of lots within the interior of the subdivision having frontage on local streets.
- e. The minimum lot area for sewerred lots must not be less than 6,000 square feet, with a minimum width of 60 feet.

(h) *Street access.* In general, all lots shall have frontage and be adjacent to at least one public street having a right-of-way of not less than 50 feet.

(i) *Compensating open space required.* When the proposed lot has a gross area of less than 6,000 square feet, compensating common open space must be established and provided within the plat boundary and based upon the following schedule:

**COMPENSATING OPEN SPACE REQUIREMENTS**  
(Lots Less than 6000 sq. ft. in Area)

<i>Average Area of Lots (sq. ft.)</i>	<i>Compensating Open Space Required Per Lot (sq. ft.)</i>
3500—4000	300
4001—5000	200
5001—less than 6000	100

In no instance, however, will the compensating open space contained within any subdivision having special lots be less than

21,780 square feet (one-half acre) nor shall the compensating open space required be in excess of 25 percent of the gross area of the property within the plat boundary exclusive of any public street right-of-way involved.

(j) *Off-street parking requirements.* A minimum equivalent of two parking spaces off the street right-of-way shall be provided for each residence. This requirement can be fulfilled by the length or width of the driveway. For multifamily dwellings this requirement may be reduced to 1½ parking spaces for each dwelling unit. For multifamily dwellings for the elderly, this may be reduced to one parking space for each dwelling unit.  
(Ord. No. 104, § 207, 6-13-1983)

