

**CHAPTER 4 - SUBDIVISIONS..... 4**

**ARTICLE I. - IN GENERAL ..... 4**

    Sec. 4-1. - Authority; scope of provisions. .... 4

    Sec. 4-2. - Penalties..... 4

    Sec. 4-3. - Interpretation and purpose. .... 4

    Sec. 4-4. - Application of regulations. .... 4

    Sec. 4-5. - Subject developments. .... 6

    Sec. 4-6. - Exemptions..... 6

    Sec. 4-7. - Variances..... 8

    Sec. 4-8. - Duty of owner, subdivider..... 9

    Sec. 4-9. - Application for approval. .... 9

    Sec. 4-10. - Signs in residential subdivisions..... 10

    Secs. 4-11—4-30. - Reserved..... 12

**ARTICLE II. - PROCEDURES AND REQUIREMENTS..... 12**

    Sec. 4-31. - Purpose. .... 12

    Sec. 4-32. - Pre-application..... 12

    Sec. 4-33. - Land plan approval. .... 13

    Sec. 4-34. - Preliminary plat..... 16

    Sec. 4-35. - Final plat. .... 20

    Sec. 4-36. - Short form final plats (combination preliminary and final plat). .... 25

    Sec. 4-37. - Administrative (minor) plat..... 26

    Sec. 4-38. - Vacating of plat..... 27

    Sec. 4-39. - Replat. .... 27

    Sec. 4-40. - Amending plat..... 29

    Sec. 4-41. - Recordation. .... 29

    Secs. 4-42—4-50. - Reserved..... 30

**ARTICLE III. - SUBDIVISION DESIGN REQUIREMENTS (STANDARDS)..... 30**

**DIVISION 1. - GENERALLY ..... 30**

        Sec. 4-51. - Conformity to comprehensive master plan..... 30

        Sec. 4-52. - City policy and general requirements..... 30

        Sec. 4-53. - Changes or amendments to the design standards. .... 32

        Secs. 4-54—4-60. - Reserved..... 32

**DIVISION 2. - SPECIFIC REQUIREMENTS ..... 32**

        Sec. 4-61. - Streets. .... 32

        Sec. 4-62. - Alleys. .... 36

Sec. 4-63. - Easements..... 37

Sec. 4-64. - Curb radii at intersections..... 37

Sec. 4-65. - Blocks..... 38

Sec. 4-66. - Sidewalks..... 38

Sec. 4-67. - Lots, tracts, reserves..... 38

Sec. 4-68. - Building lines—Single-family lots..... 40

Sec. 4-69. - Building lines—Commercial lots..... 45

Sec. 4-70. - Building lines—Industrial lots..... 46

Sec. 4-71. - Street lights..... 47

Sec. 4-72. - Subdivision—Unit of a larger tract..... 47

Sec. 4-73. - Large-scale neighborhood development..... 48

Secs. 4-74—4-85. - Reserved..... 48

**DIVISION 3. - TOWNHOUSE SUBDIVISIONS ..... 48**

Sec. 4-86. - Reserved..... 48

Sec. 4-87. - Procedural requirements..... 48

Sec. 4-88. - Streets and other public ways..... 48

Sec. 4-89. - Building setback..... 49

Sec. 4-90. - Lots..... 49

Sec. 4-91. - Utilities..... 50

Sec. 4-92. - Other requirements..... 50

Secs. 4-93—4-105. - Reserved..... 50

**DIVISION 4. - PATIO HOME SUBDIVISIONS ..... 50**

Sec. 4-106. - Reserved..... 50

Sec. 4-107. - Procedural requirements..... 50

Sec. 4-108. - Streets and other public ways..... 50

Sec. 4-109. - Reserved..... 51

Sec. 4-110. - Lots..... 51

Sec. 4-111. - Utilities..... 51

Sec. 4-112. - Other requirements..... 51

**DIVISION 5. - PLANNED UNIT DEVELOPMENT..... 52**

Sec. 4-113. - Planned unit development..... 52

**DIVISION 6. - DUPLEX SUBDIVISIONS ..... 52**

Sec. 4-114. - Duplex subdivision..... 52

Sec. 4-115. - Reserved..... 53

**ARTICLE IV. - PARK LAND, PUBLIC SITES AND OPEN SPACES..... 53**

Sec. 4-116. - Areas for public use..... 53

Sec. 4-117. - Park land dedication..... 53

Sec. 4-118. - School sites..... 65

Sec. 4-119. - Public facilities..... 65

Sec. 4-120. - Wetlands..... 65

Secs. 4-121—4-130. - Reserved..... 65

**ARTICLE V. - IMPROVEMENTS AND ACCEPTANCE OF THE SUBDIVISION ..... 65**

Sec. 4-131. - Improvements..... 65

Sec. 4-132. - Flood damage prevention..... 69

Secs. 4-133—4-135. - Reserved..... 70

**ARTICLE VI. - MISCELLANEOUS..... 70**

Sec. 4-136. - Map update..... 70

Sec. 4-137. - Schedule of fees..... 70

## **CHAPTER 4 - SUBDIVISIONS**

### **ARTICLE I. - IN GENERAL**

#### **Sec. 4-1. - Authority; scope of provisions.**

The commission of the city, under such requirements, limitations and/or restrictions as are provided in this article, shall have the power and authority to recommend to the city council approval of plats for subdivisions within the corporate limits of the city and for a distance surrounding the corporate limits of the city within the extraterritorial jurisdiction of the city as authorized by Chapter 25, Texas Local Government Code.

#### **Sec. 4-2. - Penalties.**

The penalty upon conviction for violation of this chapter shall be by fine as provided in section 1-13, Code of Ordinances.

#### **Sec. 4-3. - Interpretation and purpose.**

- A. In the interpretation and application of the provisions of these regulations, it is the intention of the city council that the principles, standards and requirements provided for herein shall be minimum requirements for the platting and developing of subdivisions in the city and its extraterritorial jurisdiction. It is the purpose of this chapter to provide for the orderly, safe, and healthful development of the area within the city and its extraterritorial jurisdiction and to promote the health, safety, morals and welfare of the community.
- B. The city council at all times reserves to itself the power, duty and responsibility to provide such interpretation, meaning and understanding as shall be from time to time deemed desirable as to the intent, understanding and/or application of this chapter or any provision hereof, and the decision of the city council as may be expressed in any ordinance adopted from time to time shall be deemed controlling on all parties hereto as if the same had been repeated verbatim herein.

#### **Sec. 4-4. - Application of regulations.**

- A. No plat of a subdivision within the corporate limits or extraterritorial jurisdiction necessary for recording with the county clerk shall be approved by the city or any city official unless the same has been recommended by the commission and approved by the city council. It shall accurately describe the property to be conveyed or developed and be prepared in accordance with the subdivision regulations of this Code, current design standards and other applicable ordinances notwithstanding any other provisions in this Code to the contrary.
- B. No building permit, certificate of occupancy, plumbing permit, electrical permit, utility tap, or any other permit or authority required or permitted under this Code may be issued or granted, nor shall acceptance of required public improvements within the corporate limits be permitted, without a recorded plat as provided herein.

- C. Any subdivision within the city and its extraterritorial jurisdiction shall conform to the subdivision regulations, current design standards of the city, and other applicable ordinances and standards that may exist at the date of final enactment of this chapter or any amendments thereto that may be from time to time adopted.
- D. The following procedures shall be followed before any utility service connection, including but not limited to water, gas, sewer and electricity, may be made or any such utility service provided:
  - 1. Upon written request of an owner of land or a public utility, the city shall make the following determinations regarding the owner's land or the land in which the public utility is interested and that is located within the platting jurisdiction of the city:
    - i. Whether a plan, plat or replat is required by law; and
    - ii. If a plan, plat or replat is required, whether it has been prepared as required and approved by the city council.
- E. Such request must identify the land by a metes and bounds legal description prepared by a registered professional land surveyor, and the physical, common or street address of the property which is the subject of the request.
  - 1. If the city determines that a plan, plat or replat is not required, the city shall issue to the requesting party notice of that determination. If the city determines that a plan, plat or replat is required and that such a document has been prepared, reviewed and approved by the city council, the city shall issue to the requesting party notice of that determination.
  - 2. For purposes of this subsection only, the following definitions shall apply:
    - i. City shall mean the city engineer or other appropriate city official, as designated from time to time by the city manager.
    - ii. Public utility shall mean any entity, other than a municipality, that provides water, sewer, electricity, gas or other utility services.
- F. No plat shall be approved and/or signed by any city official as a prerequisite for filing with the county clerk or building permit or other legal authority for development or any part thereof unless all improvements have been approved in accordance with the subdivision regulations as set out in Chapter 4 of this Code, the current design standards as may be from time to time prepared and promulgated by the city, or other legal authority.

**Sec. 4-5. - Subject developments.**

- A. The provisions of the subdivision regulations of this Code and the current design standards shall apply to the following forms of land subdivision and development activity:
1. The division of land into two (2) or more lots, tracts, reserves, sites or parcels;
  2. All subdivision of land which was outside the jurisdiction of the subdivision regulations of the city and which subsequently came within the jurisdiction of the subdivision regulations of the city through annexation or extension of the extraterritorial jurisdiction of the city;
  3. The division of land previously subdivided or platted into tracts, sites or parcels and not recorded that were subject to and not in accordance with adopted city subdivision regulations in effect at the time of such subdividing or platting;
  4. The combining of two (2) or more contiguous tracts, lots, sites or parcels for the purpose of creating one (1) or more legal lots;
  5. The dedication or vacation, when no appropriation by use, entry or improvement has been made, of streets, fire lanes and alleys through any tract of land regardless of the area involved;
  6. The vacation of a previously recorded subdivision plat;
  7. Permanent public or semi-public spaces such as golf courses, recreational uses, institutional uses, schools, open spaces or park areas, and similar uses; and
  8. Any other development on an undeveloped or semi-developed site within the corporate limits or extraterritorial jurisdiction of the city.
- B. In the event a reasonable question shall exist at any time as to whether a proposed division of land is subject to the provisions of this article, the city council is hereby vested with full power and authority to make such determination and the decision thereon shall be on the property owner thereof.

**Sec. 4-6. - Exemptions.**

- A. The provisions of the subdivision regulations of this Code shall not apply to:
1. Land legally platted and approved prior to the effective date of the subdivision regulations of this Code except as otherwise provided herein (construction of facilities shall conform to the current design standards in effect at the time of construction);

2. Existing cemeteries complying with all state and local laws and regulations (exemptions do not apply to new cemeteries or expansion of existing cemeteries);
  3. Divisions of land created by order of a court of competent jurisdiction;
  4. Divisions of land into parts greater than five (5) acres where each part has access and no public improvement is being dedicated (see Section 212.004(a) of the Texas Local Government Code);
  5. Subdivision development that is exempt by other law;
  6. Two (2) or more adjoining lots or tracts of land within the City of Rosenberg, with common ownership, which the owner of the lots or tracts wishes to merge such lots or tracts into one (1) lot or tract in order to avoid the creation of a technical violation of the city's building and subdivision regulations relating to building setback lines. This exemption is only applicable if the joinder of lots or tracts does not require or necessitate the dedication or removal of any public rights-of-way, public easements or other public improvements, and the owner agrees, in writing and on a form approved by the city, that the merged lot or tract may not be divided in the future unless a subdivision plat authorizing such division has been first approved by the city and filed of record in accordance with applicable state laws and city ordinances governing plats and the subdivision of land. The form must also inform and declare that any subsequent purchaser will be bound by the requirements of this exemption; and
  7. A lot or tract of land within the City of Rosenberg that does not have a subdivision plat filed of record or does not otherwise have a valid plat that may be filed of record, which the owner of the lot or tract seeks a building permit, certificate of occupancy, plumbing permit, electrical permit, utility tap, or any other permit or authority required or permitted under this Code, may avoid the necessity of recording a subdivision plat as required by this Code, so long as the permit or other authority or other requirements by the city sought does not require or necessitate the dedication or removal of any public rights-of-way, public easements or other public improvements, and the owner agrees, in writing and on a form approved by the city, that the lot or tract may not be divided in the future unless a subdivision plat authorizing such division has been first approved by the city and filed of record in accordance with applicable state laws and city ordinances governing plats and the subdivision of land. The form must also inform and declare that any subsequent purchaser will be bound by the requirements of this exemption.
- B. If platting is not required, the city may, upon proper application and the submission of such information as shall be deemed necessary authorize the issuing of building permits or site plan approval.

**Sec. 4-7. - Variances.**

- A. The commission shall review the variance request and make a recommendation to the city council. The city council may then authorize a variance from these regulations when in its opinion undue hardship will result from requiring strict compliance. The applicant shall have the responsibility of proving that compliance would create a hardship. In granting a variance, the city council may prescribe conditions that it deems necessary or desirable to the public interest. Any conditions that are prescribed shall be deemed continuing and shall be placed of record in the office of the county clerk either on the face of the subdivision plat or as an attachment thereto. The city council shall take into account the nature of the proposed use of land involved and existing uses of the land in the vicinity, the number of persons who will reside or work in the proposed subdivision, and the probable effect of such variance upon traffic conditions and upon public health, safety, convenience, and welfare in the vicinity. No variance will be granted unless the city council finds that an undue hardship exists. The following conditions must be present for consideration:
1. There are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of his land;
  2. The granting of the variance will not be detrimental to the public safety or welfare, or injurious to other property in the area;
  3. The granting of the variance will not have the effect of preventing the orderly subdivision of other lands in the area in accordance with the provisions of this chapter; and
  4. A more appropriate design solution exists which is not currently allowed in this chapter.
- B. A variance may not be granted in such cases where the only evidence for the granting of the variance is the loss of a potential profit at the time of the lot development and build out. Economic hardship to the subdivider, standing alone, shall not be deemed to constitute undue hardship.
- C. Such recommendations of the commission and findings of the city council, together with the specific facts on which such findings are based, shall be incorporated in the official minutes of the commission and the city council meetings at which such variance is recommended or granted. Variances may be granted only when in harmony with the general purpose and intent of this chapter so that the public health, safety and welfare may be secured and substantial justice done. The city council may reach a conclusion that a hardship exists if it finds that:
1. The applicant complies strictly with the provisions of this chapter, and no other reasonable use of the property may be made except for the use that is proposed and recommended;



2. The hardship to which the applicant complains is one suffered by the applicant rather than by neighbors or the general public;
  3. The hardship relates to the applicant's land, rather than personal circumstances;
  4. The hardship is unique to the property, rather than one shared by many surrounding properties; and
  5. The hardship is not the result of the applicant's own actions or neglectful conduct.
- D. In granting variances, the city may impose such reasonable conditions as will ensure that the use of the property to which the variance applies will be as compatible as practicable with the surrounding properties. All conditions as are imposed shall be placed of record on the face of the subdivision plat or may, as an alternative thereof, be placed of record by separate instrument duly filed for record with the subdivision plat in the office of the county clerk.
- E. A variance may, at the sole discretion of the city council, be issued for an indefinite duration or for a specified period of time.
- F. All conditions imposed by the city council are enforceable in the same manner as any other applicable requirement of this Code.

**Sec. 4-8. - Duty of owner, subdivider.**

It is the responsibility of the applicant for a subdivision plat to obtain such information and/or documentation as shall be necessary to ensure that the application is in accord with the provisions of this Code and all other law. In this regard, it is suggested that the applicant for a subdivision plat first confer with the city and obtain such written information as may be available from the city prior to making an application for subdivision plat approval and/or submitting any documents to the city for approval. The applicant shall be solely responsible for knowledge of all applicable law, policies and/or procedures as may be then promulgated by the city.

**Sec. 4-9. - Application for approval.**

Before a subdivision of any tract of land shall occur where the same is divided into two (2) or more tracts to sell or develop the same into separate parcels, or before any permit for the erection or placement of a structure, or for any other reason as may be required by this Code, the subdivider, owner, or proper agent thereof shall apply in writing to the city for initial consideration by the commission for approval of a land subdivision. The application of the subdivider, owner or agent shall conform to requirements of this chapter.

**Sec. 4-10. - Signs in residential subdivisions.**

- A. Signs shall not be permitted in residential subdivisions except as specifically authorized in this section. No person shall cause a sign to be erected, constructed, relocated, altered, repaired or maintained until a special sign permit for such has been issued by the city manager or his designee, and the requisite fee paid, except as otherwise provided in this section.
- B. For purposes of this section the term "sign" shall refer to the area where graphics are displayed, including the immediate supporting structure. "Graphics" shall refer to the lettering and or logos that will be attached to, or engraved into a sign. "Graphics area" shall be measured by drawing a rectangle around the largest area of actual lettering and or logos and measuring the inside area.
- C. All applications for a special sign permit under this chapter shall include a drawing to scale of all proposed signs, all existing signs maintained on the premises and visible from the right-of-way, a drawing of the plot plan indicating the proposed location of the sign(s), and specifications. All applications for signs in the right-of-way shall contain a provision where the applicant shall hold the city harmless from any and all claims, demands or cause of action brought by anyone or any entity for damages either directly or indirectly relating to the placement or existence of the proposed sign in the right-of-way. The city manager or his designee may at any time in the appropriate case determine that there exists special circumstances and conditions necessitating the applicant provide the city with additional security or impose additional conditions he determines necessary under the specific circumstances. The permit may also contain special conditions the city manager or his designee determines are necessary to insure compliance with this article or to protect the public and public property. It is unlawful for any person doing work under a permit to violate any special condition or other provision of the permit.
- D. To identify a single-family residential development, two (2) detached identification signs may be constructed at each subdivision street entrance on opposite sides. A street intersection with an esplanade may also include a blade sign in compliance with this section. For purposes of this section a "blade sign" shall refer to as a sign placed in the median of a boulevard street.
- E. Such signs will be subject to the following minimum conditions and restrictions:
  - 1. Building wall signs are prohibited.
  - 2. The signs must be of a masonry composition for permanent identification of a subdivision.
  - 3. Blade signs shall not exceed three and one-half (3.5) feet in height above finished grade within a distance of fifteen (15) feet of the nose of the esplanade. Outside of this area, the height of the blade sign shall not exceed seven (7) feet in height above finished grade. Finished grade at a blade sign shall not exceed

an elevation as determined by a 4:1 (horizontal: vertical) slope from the top of curb.

4. Signs that are setback zero (0) to nine and ninety-nine hundredths (9.99) feet from the street right-of-way shall not exceed one hundred (100) square feet in area; graphics area shall not exceed fifty (50) square feet.
5. Signs that are setback ten (10) to nineteen and ninety-nine hundredths (19.99) feet from the street right-of-way shall not exceed three hundred (300) square feet in area; graphics area shall not exceed eighty (80) square feet.
6. Signs that are setback over twenty (20) feet from the street right-of-way shall not have a specific limitation on area but shall be reviewed by the city manager or his designee, premised upon safety and the objectives of this section, but the graphics area shall not exceed one hundred (100) square feet.
7. The bottom of a sign shall not exceed a height of eighteen (18) inches above adjacent (natural) grade.
8. The sign shall not be illuminated except by reflective flood light type illumination. There shall not be any flashing or intermittent lights. Lights which are not effectively shielded to prevent beams of light from being directed at any portion of the traveled way and/or brilliance as to cause glare or impair vision, or which otherwise interfere with the driver's operation of motor vehicle, are prohibited. All lighting shall comply with Fort Bend County regulations and all other state, local and federal regulations and requirements.
9. The sign shall meet the wind load requirements of the building code.
10. All signs shall be located in such a manner to: (i) avoid conflicts with utility lines; (ii) not encroach upon traffic visibility and appropriate sight distances necessary for the safe movement of traffic and pedestrians; and (iii) any other related safety concerns as determined by the city manager or his designee.
11. All signs, trees, shrubs, flowers, grass, vegetation, ferns, watering systems, lighting systems, ornamental gates, columns, or other ornamental features, materials and related landscaping denoting the entrance to a neighborhood or subdivision shall be maintained by the applicant or applicant's assignees, with any such assignment requiring prior authorization of the city manager.

F. [Reserved.]

G. The city manager or his designee may suspend or revoke any permit issued under the provisions of this section whenever he shall determine that the permit is issued in error or on the basis of incorrect or false information supplied, or whenever such permit be issued in violation of any of the provisions of this section or any other ordinance of this city or laws of this state or the federal government. Such suspension or revocation shall be effective when communicated in writing to the

person to whom the permit is issued, or the owner of the sign facilities or the responsible party of the premises upon which the sign facility is located. If a permit is revoked the city may remove or cause to be removed the sign facilities without liability to the owner thereof. The city shall upon removal not be responsible for the storage and/or safe keeping of the sign facilities or remnants thereof and shall have no liability to preserve the same or to exercise reasonable care for the removed sign or parts thereof.

- H. Any sign located in the public right-of-way may be temporarily or permanently removed, destroyed, or relocated at any time as determined by the city without compensation to the person owning or placing the sign.
- I. The city council may consider appeals on the basis that such regulations and/or standards will, by reason of exceptional circumstances, aesthetics or surroundings, constitute a practical difficulty or unnecessary hardship. The appeal must be submitted in writing to the city manager or his designee within seventy-two (72) hours of the action being appealed. The city council in addressing such appeal may, in the interest of the public welfare and to ensure compliance with this section may establish conditions of operation, location, arrangement, proportionality scale, materials and construction of any use for which a permit is authorized herein. In authorizing the location of any use listed for a special sign permit, the city council may impose such development standards and safeguards as the conditions and location indicate important to the welfare and protection of adjacent property from glare, offensive view or other undesirable conditions. The revocation and appeal provisions in this section govern over any other conflicting provision in this Code.

**Secs. 4-11—4-30. - Reserved.**

**ARTICLE II. - PROCEDURES AND REQUIREMENTS**

**Sec. 4-31. - Purpose.**

The purpose of this article is to establish the procedures and requirements for the submittal, review, recommendation, consideration and action by the commission and the city council on a request for subdivision plat approval and to provide the procedures necessary to ensure the orderly processing of the application for subdivision plat approval in the city and its extraterritorial jurisdiction.

**Sec. 4-32. - Pre-application.**

Prior to submitting an application for subdivision plat approval, the applicant or subdivider may contact the city to obtain information and assistance in land subdivisions before preparing a land plan or the preliminary plat and filing a formal application for approval with the city.

**Sec. 4-33. - Land plan approval.**

- A. *General requirements.* A land plan consisting of a general plan, master plan, and/or concept plan shall be submitted to the city manager or designee for review by the commission prior to or in conjunction with the submittal of any preliminary plat, except as noted below, for any tract of land over fifty (50) acres in size. If the city manager or designee determines that an area less than fifty (50) acres contains unique features or is surrounded by existing or proposed subdivisions with potential limited access, a land plan may be required to be reviewed prior to the preliminary or final plat submittal. The decision of the city manager or designee to require a land plan shall be deemed final and binding as a condition prerequisite to further review of the proposed subdivision plan.
- B. *Purpose.* The purpose of the land plan is to allow the commission to review the proposed major thoroughfare and collector street patterns, land use, environmental issues, conformance to the comprehensive master plan, the property's relationship to adjoining subdivisions or properties, as well as such additional developmental or infrastructure review as deemed necessary by the city.
- C. While certain items may be required or supplied without requirement, recommendation of approval of a land plan by the commission to proceed is granted only for infrastructure, thoroughfare and collector street patterns, land use (not density or lot layout), environmental issues, conformance to the master plan, and relationship to adjacent properties. The commission cannot recommend approval beyond this scope.
- D. *Partial development.* Where a phased or partial development is proposed, the land plan area shall include the entire property from which the initial or any subsequent phase is being subdivided. Where the applicant can demonstrate that natural or manmade features, such as creeks and thoroughfares, make unnecessary the inclusion of the entire property in the land plan to adequately review the proposed subdivision for compliance with all of the terms and provisions of this Code, the subdivider may request approval from the commission for a submittal of a smaller land plan area. Boundaries such as thoroughfares (existing or proposed), creeks, political subdivisions, or other such natural or man-made features may be used to delineate the smaller land plan area.
- E. *Not required.* A land plan shall not be required if the preliminary plat(s) contains sufficient information to provide for the proper coordination of development.
- F. *Application and fees.*
  - 1. The land plan shall be accompanied by the completed application and appropriate fees at least twenty-one (21) days prior to the commission meeting at which it is to be considered.
  - 2. Two (2) copies of prints of the proposed subdivision, drawn on sheets at a size of twenty-four (24) inches by thirty-six (36) inches and twelve (12) copies of the

- print reduced to a size of eleven (11) inches by seventeen (17) inches shall be submitted. After an administrative review of the land plan, a revised submittal may be required. If required, the revised land plan shall be submitted seven (7) days prior to the commission meeting and shall include seven (7) copies of the plan drawn on sheets at a size of twenty-four (24) by thirty-six (36) and eleven (11) copies of the plan reduced to a size of eleven (11) inches by seventeen (17) inches.
- G. *Traffic impact analysis.* Any land plan or subdivision plat involving a change to a thoroughfare plan or is seventy-five (75) acres or more in size must accompany with its application a traffic impact analysis in such format and under such procedures as the city manager or designee may from time to time require or specify. Failure to provide a traffic impact analysis and/or traffic study or to meet any other requirements that may be imposed by the city manager or designee shall be grounds to deny the filing of any subdivision plat tendered or offered for filing.
- H. Additionally, a traffic impact analysis may be required by the city manager or designee, or by the commission, to address the following:
1. Increased traffic loadings on existing streets.
  2. Traffic patterns and street classifications within proposed development.
  3. Traffic control devices within the proposed development and on adjacent streets.
- I. *Effect of approval.* The recommendation by the commission to proceed in relation to the land plan shall not be deemed to grant or vest in the applicant any approvals or grants other than as specifically provided in this Code and does not constitute approval of the subsequent plats within the plan boundaries.
- J. The land plan recommendation does not exempt a developer from meeting all ordinances in effect at the time of the recommendation and any and all amendments or newly-adopted ordinances after recommendation and prior to final plat approval, unless agreed to by the city council under a separate development or utility agreement.
- K. *Length of recommendation.* Unless agreed to by the city council under a separate development or utility agreement, the recommendation of a land plan shall be valid for a period of eighteen (18) months. Extension(s) may be approved by the commission for up to an additional six (6) months for a total of two (2) years. Upon approval by the city council of a final plat of individual sections of the development, the land plan approval is automatically extended for an additional eighteen (18) months. However, unless agreed to by the city council under a separate development or utility agreement, the approval of a land plan shall not be valid for a combined period of more than five (5) years.
- L. *Graphic requirements.* The following are the graphic requirements of a land plan:

1. A scale of one (1) inch = two hundred (200) feet or one (1) inch = four hundred (400) feet.
2. A title block within the lower right corner of the land plan.
3. A vicinity or location map that delineates the location of the proposed subdivision with respect to major thoroughfares, freeways, water courses and ditches. The vicinity map shall be located in the upper right corner of the drawing or map.
4. Proposed name of the development.
5. The name and address of the subdivider and the land planner, engineer, or surveyor responsible for the design or survey.
6. A graphic scale indicating the scale at which the drawing is prepared.
7. Date of the drawing.
8. The legal description of the tract according to the abstract and survey records of the county.
9. North clearly indicated to the top or left of the plan.
10. The perimeter of the boundary drawn in a bold solid line.
11. The names of adjacent additions or subdivisions with respective recording information and/or owners of adjoining parcels of unplatted land with respective recording information.
12. The existing zoning on adjoining land, where applicable.
13. The location, width and names of all existing or platted streets or other public rights-of-way within and/or adjacent to the tract.
14. Existing permanent buildings.
15. Railroad rights-of-way.
16. Topography with contours at five-foot intervals.
17. Existing drainage channels or creeks and other important natural features.
18. Existing pipelines, fee strips and easements.
19. Adjacent political subdivisions and corporate limits.
20. Applicable district boundaries.

21. The proposed layout and width of proposed thoroughfares, collector streets and minor streets.
22. Designation of tracts as lots or reserves in accordance with anticipated usage.
23. A table indicating the number of typical lot sizes and the percentages of each by phase or sections and total development.
24. The city shall be provided with an electronic file of the land plan in the format(s) designated by the city.

M. *Changes to land plan.* Changes to the land plan may be acceptable up through the platting procedures as long as the changes are minor and are not critical or greatly affect the configuration of thoroughfares and collector streets, drainage or other infrastructure, entrances, land uses, etc. The city manager or his designee will determine if a change is minor or if there is a need for a new land plan.

**Sec. 4-34. - Preliminary plat.**

- A. *General requirements.* A preliminary plat of any proposed subdivision shall be submitted for Commission review and approval in compliance with the schedule and requirements set forth in this chapter and as set forth below.
1. The preliminary plat shall be accompanied by the completed application and appropriate fees at least twenty-six (26) days prior to the commission meeting at which it is to be considered.
  2. Two (2) copies of prints of the proposed subdivision, drawn on sheets at a size of twenty-four (24) inches by thirty-six (36) inches and twelve (12) copies of the print reduced to a size of eleven (11) inches by seventeen (17) inches shall be submitted. After an administrative review of the preliminary plat, a revised submittal will be required. The revised preliminary plat shall be submitted nine (9) days prior to the commission meeting and shall include seven (7) copies of the plat drawn on sheets at a size of twenty-four (24) inches by thirty-six (36) inches and eleven (11) copies of the plat reduced to a size of eleven (11) inches by seventeen (17) inches. An electronic copy of the revised plat in the format(s) required by the city shall also be submitted.
  3. The preliminary plat shall show all designated land uses, lots or reserves, on the face of the plat in accordance with the approved land plan and all approved comprehensive, water, sewer, and thoroughfare plans
  4. The preliminary plat shall be prepared by a licensed professional engineer or a licensed professional land surveyor.
  5. The preliminary plat shall include preliminary plans for the following:
    - i. Water distribution system;



- ii. Sewerage collection system; and
  - iii. On-site and off-site drainage system.
6. The administrative officer shall be furnished with copies of letters from the officers and individuals named herein verifying contact and specifying that review has occurred and the activity as herein specified has been successfully completed:
- i. All applicable utility companies including gas, electrical and telephone, stating that these companies have knowledge of the proposed subdivision and are currently negotiating the necessary service easements and acknowledging receipt of the preliminary plat for the purpose of establishing easements.
  - ii. Any other applicable district or entity with jurisdiction in the area verifying adequate capacities and applicable fees.
- B. These verification letters must be received by the administrative officer either prior to final plat approval by the commission or at such other time as may be specified by the administrative officer.
- C. *Study and report.* The administrative officer shall initiate a study of the preliminary plat and give a written report to the commission before its consideration for recommendation. The subdivider or his designated representative shall be provided, upon request, with a copy of this report prior to the commission meeting.
- D. *Action by commission.* Following review of the preliminary plat and other material submitted, as well as discussions with the subdivider on changes deemed advisable and the kind and extent of improvements to be made by him, the commission may act thereon as submitted, or modified, if found by the commission to be in full compliance with the terms and provisions of this Code and in the best interest of the city in accordance with the requirements of law as follows:
- 1. Recommend approval;
  - 2. Recommend approval contingent upon conditions, corrections or changes to be made to the final plat; or
  - 3. Recommend disapproval.
- E. *Effect of recommended approval.* Recommendation of a preliminary plat by the commission shall be deemed an expression of conditional recommended approval to the layouts submitted on the preliminary plat as a guide for the preparation of the final plat and the future installation of streets, water, sewer, and other required improvements and utilities and to the preparation of construction plans.

- F. *Duration of recommended approval.* Recommendation of a preliminary plat shall be effective for one hundred eighty (180) days. The applicant who submitted the preliminary plat may request a one-time extension of the previously recommended preliminary plat. The request shall be made in writing on a prescribed form to the city manager or his designee at least thirty (30) days before the preliminary plat's expiration. The request shall state the reasons for the extension, the amount of time to reasonably accommodate the need, and acknowledgement that there are no additional extensions. The maximum extension shall not exceed one hundred eighty (180) days, and must be justified as determined by the city manager or his designee. Only one (1) extension will be granted regardless of the amount of time for the extension or additional extensions requested.
- G. *Commencement of work.* No construction work shall begin on the proposed improvements in the proposed subdivision prior to the approval by the commission and the city council and recordation of the final plat. The subdivider may at his own risk undertake certain ground excavations for clearing, grading and drainage purposes. Any required permits shall be issued prior to commencement of work.
- H. *Not required.* A preliminary plat shall not be required if the proposed subdivision meets the criteria as set forth for short form final plats.
- I. *Additional requirements.* Any plat within the extraterritorial jurisdiction of the city shall also be subject to county platting requirements and the more restrictive requirements shall govern.
- J. *Variations.* A variance request, if applicable and there is justification for same, shall be provided on the application form provided by the city.
- K. *Graphic requirements.* Preliminary plats which do not include the following data and information will be considered incomplete and may not be accepted for submission by the city. The required copies or prints of the proposed subdivision shall include the following:
1. The preliminary plat shall be drawn to a minimum scale of one hundred (100) feet to the inch. In cases of large developments which would exceed the dimensions of the sheet of one hundred (100) feet to the inch scale, preliminary plats may be two hundred (200) feet to the inch or a scale approved by the administrative officer. A graphic scale shall be shown on the plat.
  2. A vicinity or location map that delineates the location of the proposed subdivision with respect to major thoroughfares, freeways, water courses and ditches. The vicinity map shall be located in the upper right corner of the drawing.
  3. The boundary lines, abstract lines, survey lines, corporate boundaries, district boundaries, existing or proposed highways, and streets.

4. The name and location of all adjoining subdivisions or property owners shall be drawn to the same scale and shown in dotted lines adjacent to the tract proposed for subdivision in sufficient detail to show accurately the existing streets, easements and alleys and other features that may influence the layout of development of the proposed subdivision. Adjacent unplatted land shall accurately delineate property lines and owners of record.
5. The location and widths of all streets, alleys, railroads and easements existing or proposed within the subdivision limits, and the manner in which such streets, alleys and easements may eventually connect with those of the nearest existing subdivision.
6. Proposed street names are suggested but not required. Street names are required at the time the final plat is approved.
7. The location of all existing property lines, existing lot and block numbers and date recorded; existing buildings; existing drainage facilities, utilities, and pipelines showing pipe sizes and capacities of sewer or water mains, gas mains, or other underground structures, whether public or private, easements of record; or other existing features within the area proposed for subdivision. When appropriate, a separate submittal for utilities may be allowed by the administrative officer.
8. Proposed arrangement of lots (including lot and block numbers in accordance with a systematic, consecutive numbering arrangement) and proposed use of same and their relationship to streets, alleys and easements in adjacent subdivisions. Any nonresidential reserves shall also be shown.
9. The title under which the proposed subdivision is to be recorded; the name of the city, county, and state in which the subdivision is located; the name and complete address of the owner; and the name and complete address of the land planner, engineer, or registered professional land surveyor preparing the drawing shall be located in the lower right corner. The subdivision name shall not be duplicated, but phasing identification is allowed. The administrative officer shall determine if the proposed subdivision identification will be in conflict with existing plats. The description of the property shall include the approximate acreage.
10. Sites, if any, to be reserved or dedicated for parks, playgrounds, schools, or other public use.
11. North arrow, date, scale, and other pertinent data oriented to the top of the sheet.
12. All physical features of the property to be subdivided including location and size of all natural and artificial water courses, ditches, ravines, culverts, and bridges; one hundred (100) year flood plain according to Federal Emergency Management Agency information; the outline of major wooded areas or the

location, species and sizes of major specimen trees of thirty (30) inches or greater in diameter; and other structures or features pertinent to subdivision.

13. All preliminary plats shall be submitted in legible format on a good grade blue line or black line paper.
14. Location(s) of any existing structures to be retained shall be shown on the plat.
15. A copy of the proposed subdivision restrictions and/or covenants that are anticipated to be filed for record and will constitute encumbrances on the subject property shall be provided, if available.

**Sec. 4-35. - Final plat.**

A. *General requirements.* The final plat and engineering construction drawings and specifications are required for any area in the city or its extraterritorial jurisdiction and shall meet the following requirements:

1. The final plat shall be in general conformance with the preliminary plat as recommended and shall incorporate all conditions, changes, directions and additions recommended by the commission and if not directly incorporated, the terms or provisions thereof shall be inscribed on the face of the plat and/or set out on separate writing to be filed for record with the plat. The final approval of the plat shall be by the city council. If the subdivision is in the city's extraterritorial jurisdiction, it shall also be approved by the county commission. The final plat shall not be submitted for city council approval until detailed engineering construction plans have been submitted for approval by the city.
2. The final plat shall constitute only that portion of the approved preliminary plat which the subdivider proposes to record and then develop. Such portion shall conform to all the requirements of the regulations of this Code.
3. The final plat and construction plans shall be submitted for review at least twenty-six (26) calendar days prior to a regularly or specially scheduled commission meeting at which they are to be considered.
4. Two (2) copies of prints of the proposed subdivision on sheets at a size of twenty-four (24) inches by thirty-six (36) inches and drawn to a minimum scale of one hundred (100) feet to the inch and twelve (12) copies of the print reduced to a size of eleven (11) inches by seventeen (17) inches shall be submitted. The submittal shall include the following:
  - i. Completed application form;
  - ii. Copies and reductions of the plat;
  - iii. Transmittal letter;

- iv. Fees;
  - v. Tax certificates, in a form acceptable to the county clerk for plat recordation;
  - vi. Title commitment of specific tract of land; and
  - vii. Engineering construction plans.
5. All public utility easements shall be included as required for utility companies by the city.
6. The final plat (and any replats) shall be prepared by a registered professional land surveyor. After an administrative review of the final plat, a revised submittal may be required. If required, the revised final plat shall be submitted nine (9) days prior to the commission meeting and shall include seven (7) copies of the plat drawn on sheets at a size of twenty-four (24) inches by thirty-six (36) inches and eleven (11) copies of the plat reduced to a size of eleven (11) inches by seventeen (17) inches. An electronic copy of the revised plat in the format(s) required by the city shall also be submitted.

After an administrative review of the final plat, a revised submittal may be required. If required, the revised final plat shall be submitted seven (7) days prior to the commission meeting and shall include seven (7) copies of the plat drawn on sheets at a size of twenty-four (24) inches by thirty-six (36) inches and eleven (11) copies of the plat reduced to a size of eleven (11) inches by seventeen (17) inches. An electronic copy of the revised plat in the format(s) required by the city shall also be submitted.

- B. *Recommendation.* The administrative officer shall review the final plat for compliance with these regulations and make recommendation to the commission.
- C. *Action by commission.* The commission will consider the final plat and the written recommendation and may take one (1) of the following actions:
- 1. Recommend approval;
  - 2. Recommend approval contingent upon corrections or changes to be made to the plat; or
  - 3. Recommend disapproval.
- D. *Effect of approval.* In the event the commission should grant approval of a plat contingent upon corrections, the subdivider or his designated representative shall then submit the final plat with the required changes to the administrative officer for review and approval at least twelve (12) calendar days prior to a regularly or specially scheduled city council meeting. The submittal shall include the following:
- 1. Eleven (11) full size copies and reductions of the plat;

2. Resolution of any contingency items recommended by the commission;
  3. Current title report for the specific tract;
  4. Performance bonds, letter of credit for the cost of the public improvements, or assurance of completion of the public improvements.
- E. *Administrative review.* The administrative officer shall review the submittal for compliance with the regulations and recommendations of the commission and place the final plat on the city council agenda. Failure of the subdivider to provide any of the required items may cause disapproval of the plat.
- F. *Action by city council.* The city council shall take action on the plat within the time period specified by the filing date pursuant to subsection G. The action shall consist of:
1. Approval;
  2. Approval, contingent upon corrections or changes to be made to the plat; or
  3. Disapproval of the plat.
- G. *Filing date.* The filing date of an application for final plat approval with the city council shall be the date the commission recommends approval of the plat. However, if the commission recommends approval with contingencies, the plat will not be considered as "filed" until all contingencies have been met by the applicant. The administrative officer shall certify when contingencies have been addressed. The statutory thirty-day time period shall begin when all contingencies and all submittal requirements have been completed as certified by the administrative officer.
- H. *Resubmittal.* A substantial change to the approved final plat prior to recordation shall require resubmittal to the city council. With the approval of the administrative officer, minor changes including addition of easements, correction of clerical errors or omissions may be made prior to submittal for signature and recordation.
- I. *Duration of approval.* Recommendation for approval of the final plat by the commission is valid for one (1) year from the date of approval. Final approval by the city council shall expire if the plat is not recorded within such time. An extension of approval may be requested in writing at least thirty (30) days prior to the expiration date and submitted to the appropriate body for consideration and approval.
- J. *Construction plans.* Prior to the submittal of the final plat for city council approval, engineering construction plans showing paving and design details of streets, alleys, culverts, bridges, storm sewers, water mains, sanitary sewers and other engineering details of the proposed subdivision shall be submitted to the administrative officer for review by the city engineer. One (1) copy shall be

submitted with the final plat. Such plans shall be prepared by a registered professional engineer and shall conform to the current design standards, this Code and applicable ordinances adopted by the city.

- K. *Signature and recordation.* Following approval by the city council, the specified number of originals may be submitted for signature and the placement of the city seal. If the final plat is within the city limits, the originals shall be accompanied by the filing fee and the city shall record the final plat at the county clerk's office. If the final plat is in the extraterritorial jurisdiction, the plat originals shall be forwarded by the city to the office of the county engineer for review and action by the county commission court and recordation.
- L. *Commencement of work.* No construction work shall begin on the proposed improvements in the proposed subdivision prior to the approval and recordation of the final plat except as provided herein. The subdivider may undertake certain ground excavations for grading and drainage purposes if required permits are issued. Any excavation prior to approval of the final plat shall be at the subdivider's risk and any work done is to facilitate the subdivider's schedule and does not imply approval of the work. Engineering and construction plans shall also be submitted according to the current design standards, in addition to the requirements set forth herein.
- M. *Graphic requirements.* In addition to the graphic requirements for a preliminary plat the final plat shall include the following:
1. All final plats shall be submitted on sheets no larger than twenty-four (24) inches by thirty-six (36) inches and to a scale not greater than one hundred (100) feet to the inch.
  2. The exterior boundary of the subdivision shall be indicated by a distinct bold line and corner marked by individual symbols.
  3. The length and bearing of all straight lines, and the radii, arc lengths, chord length, tangent length and central angles of all curves shall be indicated along the lines of each lot or in a curve or line table. The curve data pertaining to block or lot boundaries may be placed in a curve table showing curve number, radius, delta, arc length, chord length, and chord bearing.
  4. The names and recording information of all adjoining subdivisions, all abutting lots, lot and block numbers and other recorded information.
  5. Course and distance.
  6. The names, accurate location and widths of all adjacent streets, watercourses, railroads, alleys, easements, city and utility district boundaries.
  7. Street names shall be shown and shall not duplicate existing street names in the City or the extraterritorial jurisdiction. Extensions of streets shall have the

- same name as the existing street. Similar spelling or pronunciations should be avoided to prevent confusion.
8. The location and dimension of any utility easement adjoining or abutting the subdivision or proposed within the subdivision shall be shown. It shall be applicant's responsibility to coordinate with appropriate utility companies for placement of utility easements.
  9. In all subdivisions and additions, sufficient permanent monuments shall be established at points to represent or reference boundary corners, angle points, and points of curvature or tangency along all street rights-of-way in the subdivision. Survey monuments shall be an iron rod or pipe not less than five-eighth (5/8) inches in diameter and thirty-six (36) inches long. Monuments shall be set flush with the top of the ground or curb. Each monument set by the surveyor shall include a cap with the surveyor's identification attached to it.
  10. The final plat shall show a title block in the lower right corner of the sheet. The name of the subdivision, the name, address, and telephone numbers of the subdivider and engineer or surveyor, the scale and location of the subdivision, and reference to original land grant or survey and abstract numbers shall be indicated. If more than one (1) page is required for the plat, the title block may be reduced in size on the subsequent sheets. The vicinity map is required on only one (1) sheet.
  11. An owner's dedication block or acknowledgment shall be attached to and be a part of the final subdivision plat and shall contain a minimum of information as required by the city. Examples of the information required on the final plat which would meet the above requirements shall be provided by the city.
  12. A statement signed by the owner and acknowledged before a notary public as to the authenticity of the signatures.
  13. Lien holder's certification and notarization.
  14. A signed registered professional land surveyor's certificate.
  15. Plat approval block for the signature of the mayor or person designated by city council and a place for the city secretary to attest such signature. A plat approval block shall also be provided for the signatures of the chairman and secretary of the commission.
  16. Any proposed reserve uses and the property dimensions shall be shown on the plat. The use of the reserve shall be specific if required by the city council.
  17. Any special restrictions shall be noted on the plat or referenced accordingly or in the general notes.



18. General notes shall be included on the final plat as specified by the city. These notes shall appear on the same page with the layout of the subdivision and shall include, but are not limited to the following:

- i. Standard abbreviations;
  - ii. Finished floor elevations;
  - iii. Reference to U.S.C. & G.S. benchmark and description and temporary benchmark within five hundred (500) feet of the subdivision;
  - iv. Elevation data;
  - v. Flood zone information;
  - vi. District boundaries;
  - vii. Zoning district, if applicable;
  - viii. Location of aerial easements; and
  - ix. Building permit note (if applicable).
- N. *Additional requirements.* The final plat shall comply with the following additional requirements:
1. The subdivision plat boundaries shall be tied to existing monuments with coordinates using Texas State Plane Coordinate System, South Central Zone.
  2. The city shall be provided with an electronic file of the final plat in the format(s) designated by the city.
  3. A copy of the proposed subdivision restrictions and/or covenants that are anticipated to be filed for record and will constitute encumbrances on the subject property shall be provided.

**Sec. 4-36. - Short form final plats (combination preliminary and final plat).**

The city manager or his designee may allow a final plat without the necessity of a preliminary plat (as required in Section 4-34) for currently platted property or replats if requested by the applicant.

- A. Application fees for short form platting shall be paid at the time of application.
- B. The final plat meets all of the conditions and requirements as outlined under the Texas Local Government Code, as amended, as well as the following:
  1. No more than four (4) lots, tracts or reserves are included.

2. The area to be platted lies within an existing public street circulation system already approved by the city council.
  3. The plat does not propose to vacate public street rights-of-way or easements.
  4. The plat does not propose creation or extension of public rights-of-way.
  5. The proposed development does not require any significant drainage improvements and, if contained wholly or partially within the one hundred-year flood plain, conforms to Federal Emergency Management Agency flood plain management rules.
  6. The proposed development is consistent with the thoroughfare plan and creates no significant traffic congestion on the existing public street system.
- C. The short form plat shall meet all of the requirements for a final plat in Section 4-35.
- D. Evidence that the proposed subdivision is adequately served by all existing utilities, including gas, water, sewer, electricity, etc., and is acknowledged as acceptable by the City Engineer, Public Works and Utilities Departments at the time the short form final plat is submitted.
- E. If it is a replat, a public hearing is held in accordance with the requirements of law for replats before final approval of the final plat.

**Sec. 4-37. - Administrative (minor) plat.**

The administrative or minor plat, as specified in the Texas Local Government Code, as amended, may be used in a limited manner in order to adjust property lines and/or easements as defined in the plat for the purpose of development flexibility. When requested by an applicant, the city manager or his designee, at his discretion, may allow an applicant to submit an administrative (minor) plat and follow such procedures.

The administrative (minor) plat must meet the following requirements:

- A. Is for currently unplatted property, a replat, or amending a plat that meets the following conditions:
1. Involves four (4) or fewer lots.
  2. All property after proposed adjustments has the required access on existing streets.
  3. Does not require the creation of any new street or public right-of-way.
  4. Does not require the extension or relocation of any utilities or municipal facilities.

5. Does not propose to eliminate or vacate public street rights-of-way or easements.
  6. Does not include the creation of any new lots or lines.
- B. Shall meet all requirements of a short form final plat with the exception of only requiring approval of city council, without need of review by the commission.
  - C. Evidence that the proposed subdivision is adequately served by all existing utilities, including gas, water, sewer, electricity, etc., and is acknowledged as acceptable by the city engineer and public works director at the time the short form final plat is submitted.
  - D. If it is a replat, a public hearing is held in accordance with the requirements of law for replats before final approval of the final plat.

**Sec. 4-38. - Vacating of plat.**

- A. A plat or any part of a plat may be vacated by request of the owners of all the lots in the plat. In addition to the procedure outlined in Chapter 212, Texas Local Government Code, as amended, the submittal requirements for the vacation to the commission and city council are the same as for approval of a final plat.
- B. A vacated plat shall be recommended by the commission and approved by the city council. The city council may reject any vacation instrument which abridges or destroys any public rights in improvements, easements, streets, alleys or similar public areas which are deemed by the city council necessary to serve the surrounding area.
- C. An approved vacated plat must be recorded and operates to destroy the effect of the recording of the vacated plat and to divert all public rights to the streets, alleys and other public areas laid out or described in the plat.

**Sec. 4-39. - Replat.**

- A. A replat is a redesign of all or a part of a recorded plat or subdivision of land which substantially changes the elements of the plat. The same procedures shall be followed as for preliminary, final or short form plat. The replat must be in accordance with Chapter 212, Texas Local Government Code. A public hearing shall be required before the commission or the city council on all residential replats when the previous plat is not vacated in compliance with the Texas Local Government Code.
- B. All proposed replats which are governed by the provisions of Chapter 212 of the Texas Local Government Code must be submitted with the following items in addition to those required for a preliminary, final or short form plat.

1. A written statement indicating intent to seek commission approval under the requirements of Chapter 212 of the Texas Local Government Code.
  2. A current (not more than thirty (30) days old) title report, statement, opinion, title policy, certificate or letter from a title company authorized to do business in the State of Texas or from an attorney licensed as such in the State of Texas which indicates the name of the record owner of fee simple title for every piece of property required to be given written notice of such replat under the provisions of Chapter 212 of the Texas Local Government Code.
  3. A certified list (not more than thirty (30) days old) of all owners of property as such ownership appears on the last approved ad valorem tax rolls of either the city or county in which such property is located, which are required to be given written notice of such replat under the provisions of Chapter 212 of the Texas Local Government Code. Certification for the purpose of this subsection shall be made by a title company authorized to do business in the State of Texas or an attorney licensed as such in the State of Texas.
  4. One (1) stamped envelope addressed to each landowner indicated on either the title report or the tax roll list as required above. Each envelope shall contain a copy of the required notice as set out in Chapter 212 of the Texas Local Government Code.
  5. An affidavit in separate writing signed by all the owners of property within the proposed replat which attests that the proposed replat "does not attempt to alter, amend or remove covenants or restrictions."
  6. The administrative officer will authorize the publication of the required notification of public hearing by the city secretary after the commission establishes a date for said public hearing.
- C. If action on a residential replat application must be deferred because sufficient written protest has been submitted, the thirty-day period in which action must be taken by the city council is extended by the period of time necessary to verify the written protest.
- D. The replat of a subdivision shall meet all the requirements for a new subdivision that may be pertinent, as provided for herein. It shall show the existing property being re-subdivided. No preliminary plat shall be required on replats if waived by the administrative officer.
- E. The title shall identify the documents as "Lots \_\_\_\_\_, being a replat of Lots \_\_\_\_\_ of Block \_\_\_\_\_ of the \_\_\_\_\_ Subdivision." A reason for the replat shall also be stated on the plat.
- F. A partial replat of only the affected lots will be accepted when the conditions and/or opinions allowed by the amending plat procedure are not applicable.

**Sec. 4-40. - Amending plat.**

The amending plat procedure shall be in accordance with Chapter 212, Texas Local Government Code, as may be amended.

- A. An amending plat shall meet all of the informational requirements set forth for a final plat.
- B. Where an amending plat meets the requirements for an administrative plat as specified in this chapter, it does not require the review of commission.
- C. In no instance may an amending plat be submitted that creates more than four (4) lots.

**Sec. 4-41. - Recordation.**

Following the approval of the city council, a plat shall follow the following procedures for recordation:

- A. Within one (1) year following the approval of the final plat by the city council, the subdivider shall submit the required number of originals to the city for signatures and recordation. The originals shall be on at least four (4) mil camera positive matte finish (both sides) film. All signatures shall be clearly affixed in permanent black ink. All seals shall be affixed in permanent black ink or a raised seal.
- B. A current title report for the specified tract and current tax certificate, in a form acceptable to the county clerk for plat recordation, shall be submitted and verified prior to the city signatures and seals being affixed on the plat.
- C. If the subdivision is within the city, the city shall record the plat in the county clerk's office. The subdivider shall forward a check for the appropriate amount with the submittal of the originals for signatures. If the plat is in the extraterritorial jurisdiction, the plat originals shall be forwarded by the city to the county for approval and recordation. One (1) recorded original shall be returned to the city.
- D. All requirements of applicable ordinances shall have been met.
- E. The final plat shall not be submitted for recordation until detailed engineering plans have been approved by the city and/or the public improvements are complete. The approval of the plat and construction plans shall be valid for one (1) year, after which time they must be re-approved by the city, subject to current requirements before recordation.
- F. The restrictive covenants shall be provided and the recording information shall be shown in a note on the plat.
- G. An address map shall be provided. All addresses shall be coordinated with the appropriate utility company or the city.

**Secs. 4-42—4-50. - Reserved.**

**ARTICLE III. - SUBDIVISION DESIGN REQUIREMENTS (STANDARDS)**

**DIVISION 1. - GENERALLY**

**Sec. 4-51. - Conformity to comprehensive master plan.**

The proposed subdivision shall conform to the projected future land use pattern as outlined by the comprehensive master plan that has been formulated and adopted by the city council.

**Sec. 4-52. - City policy and general requirements.**

A. *City policy.* The city council shall require that all land subdividers and developers shall, on all subdivisions of land in the city and within its extraterritorial jurisdiction, as that term is defined in the Texas Local Government Code, adhere to and be governed by the policies that have been established for the provision and construction of underground utilities, street improvements, alleys or easements.

B. *General requirements.*

1. *Water lines, sewer lines and storm sewers.*

i. The subdivider or developer shall be required to construct, at his own expense, all water lines, sewer lines, storm sewer lines, drainage ditches, detention facilities, if required, and structures in accordance with the current design standards in effect at the time of construction. This shall include all engineering costs for design, layout and construction supervision. Preliminary plans and layouts for all such utility lines shall be submitted by the subdivider or developer to the commission for study along with the submission of the preliminary plat of the subdivision. Final construction plans will be submitted by the subdivider at the time of filing his final plat with the commission in the same number of copies as required of the subdivision plat.

ii. There will be no participation by the city in the cost of any of the underground utility lines or drainage facilities within the subdivision except in the event of the requirement for oversize lines to serve land areas and improvements beyond the subdivision in question, or to serve other subdivisions. Each installation of this character and the terms and extent of city participation will be considered individually upon the merits of each facility and the conditions involved.

iii. Trunk lines of such systems to serve the subdivision under consideration will be considered upon each facility's individual merits for each subdivision.

2. *Street improvements, curb and gutter, pavement.*

- i. The subdivider shall be required to construct, at his own expense, concrete curb and gutter streets in accordance with current design standards in effect at the time of construction. This shall include all engineering costs for design, layout and construction supervision. Preliminary plans for such improvements shall be submitted to the commission for study and for tentative approval before any work is started in the subdivision. Detailed construction plans, including plan and profile for each street, shall be filed with the submission of the final plat in the same number of copies as required of the final subdivision plat.
  - ii. The city may participate in the cost of street surfacing and construction of arterial streets or thoroughfares in excess of the standard width and thickness of pavement for residential or service streets required to be constructed by the subdivider.
  - iii. Each street installation project will be considered by the city upon the individual merits of each project prior to construction.
  - iv. Subdivisions abutting on main arterial shall have fences erected on the common property line with the public street right-of-way which shall be of wood or metal construction, not less than six (6) feet in height, and shall be constructed of materials designed to prevent visual invasion by any person upon the public street right-of-way with any person or property located upon any part of the subdivision. The degree of visual blockage shall not be less than ninety (90) percent.
3. *Alleys and easements.*
- i. The city may require in a new subdivision twenty-foot wide easements in lieu of alleys except in certain cases as may be determined by the commission.
  - ii. If a subdivider desires to include alleys in a subdivision, the expense of development of the same shall be borne by the owner of the subdivision or the developer, and the same shall be constructed in accordance with current design standards for city streets in effect at the time of construction.
  - iii. Any construction plans related to this type of improvement shall be submitted to the commission along with the final plat of the subdivision.
4. *Water and sewer facilities; land subject to flooding and otherwise inhabitable.*
- i. The commission may refuse to approve a plat when it is evident that adequate water and sewer facilities cannot be supplied within a reasonable time.
  - ii. Land subject to flooding and land deemed by the commission to be uninhabitable shall not be platted for residential occupancy nor shall it be

platted for such other uses as may increase danger to health, safety, life or property or aggravate the flood hazard, but such land within the plat shall be set aside for such uses as shall not be endangered by periodic or occasional inundation and shall not produce unsatisfactory living conditions.

**Sec. 4-53. - Changes or amendments to the design standards.**

The current design standards will, from time to time require revisions and updates to allow for changing construction technology. The design standards referenced herein shall mean the current standards as of the date of adoption of this Code amendment, to-wit, October 18, 2005, or as they may be revised from time to time.

**Secs. 4-54—4-60. - Reserved.**

**DIVISION 2. - SPECIFIC REQUIREMENTS**

**Sec. 4-61. - Streets.**

A. *General requirements.* The arrangement, character, extent, width, grade, and location of all streets shall conform to the city thoroughfare plan and the current design standards manual and shall be considered in their relation to existing and planned streets or driveways, to topographical conditions, to public safety and in their appropriate relation to the proposed uses of the land to be served by such streets. Unless required by the city, strips of land controlling access to or egress from other property, or to or from any street or alley, or having the effect of restricting or damaging the adjoining property for subdivision purposes or which will not be taxable or accessible for special improvements shall not be permitted in any subdivision. All streets shall be paved in accordance with the current design standards. All lots, tracts and reserves shall have frontage on an approved public right-of-way or access easement(s).

*Exception:* Rural streets for rural lots as provided in Section 4-67 (Lots, tracts, reserves) Subsection (G)(2)., may be constructed in accordance with Section 4-61 Streets (Q), provided that open side ditches used for drainage meet all applicable specifications provided by the city and the county. This exception applies only to:

1. Areas identified as Rural Rosenberg in the Rosenberg 2035 Comprehensive Plan Future Development Map; and
2. Areas with existing, predominantly asphalt streets with open ditches for which rural streets are determined to be appropriate by the City Engineer.

B. *Private streets.* Private streets or any similar privately maintained access ways are prohibited in single-family residential developments.

C. *Access.* Primary access through a mutual access easement in a commercial, town home or condominium development shall conform to all design and



construction standards stated herein and in current design standards.

1. If the easement contains public utilities, including but not limited to water lines, sanitary sewer lines, storm sewer lines, electrical lines, or gas lines, the easement shall meet all of the requirements set forth for a public street, including but not limited to construction standards, width, curves, building lines, sight distance visibility and landscape maintenance.
2. If the easement does not contain public utilities, then the easement shall meet the following requirements:
  - i. The minimum width of the easement shall be thirty (30) feet.
  - ii. The minimum pavement width shall be thirty (30) feet, back-of-curb to back- of-curb.
  - iii. The geometry and construction standards shall meet all of the requirements for a public street, with the exception that asphalt surfacing shall not be permitted.
  - iv. The pavement shall have a standard six-inch reinforced concrete curb in accordance with the current design standards.
  - v. Access to the easement shall be via approved curb cuts with spacings in accordance with current design standards. No direct parking access shall be allowed to the easement.
  - vi. Building lines and parking setbacks shall be measured from the back-of-curb.
  - vii. The minimum parking setback shall be ten (10) feet.

Any mutual access agreement between the property owners and/or lessors shall be submitted to the city for approval and filed of record with the county clerk's office, and so noted on the plat prior to recordation of the plat. A note shall be placed on the plat defining the accessibility to the access easement by police, fire and emergency vehicles, utility operations and maintenance personnel.

- D. *Streets not on plan.* When a street is not on the thoroughfare plan, the arrangement of streets in a subdivision shall:
1. Provide for the continuation or appropriate protection of existing streets in surrounding areas; or conform to a plan for the neighborhood as adopted by the city to meet a particular situation where topographical or other conditions make continuance or conformity to existing streets impracticable.
  2. Provide for future access to adjacent vacant areas which will likely develop in the future.

3. Resolve alignment with existing right-of-way and driveway openings.
- E. *Minor streets.* Minor residential streets shall be so designed that their use by through traffic will be discouraged.
  - F. *Geometric street design.* Standards for curvature, intersecting streets, and offset intersections are detailed in the design standards.
  - G. *Street widths.* Street right-of-way widths shall be shown on the thoroughfare plan and shall be designed in accordance with the design standards. Lane widths and median widths shall also be in accordance with the design standards. Except as otherwise provided in this Chapter for Townhouse and Patio Home Subdivisions, all local streets not identified as collectors or arterials in the Thoroughfare Plan shall have a minimum right-of-way width of sixty (60) feet and a minimum pavement width of thirty (30) feet, measured inside of curb to inside of curb. Should any pavement width in this Chapter conflict with the Design Standards, the more restrictive provision will control.
  - H. *Half streets.* Half streets shall be prohibited, except when essential to the reasonable development of the subdivision in conforming to the other requirements of these regulations and the thoroughfare plan, and where the city council finds it will be practical to require the dedication of the other one-half ( $\frac{1}{2}$ ) when the adjoining property is subdivided. When a partial street has been platted previously along a common property line, the other portion of the street shall be dedicated. Construction of half streets and improvements made to all on-site facilities are defined in the design standards.
  - I. *Cul-de-sacs.* A cul-de-sac street may be provided where the shape of a portion of the proposed subdivision or where the terrain of the land would make it difficult, uneconomical or unreasonable to plat with connecting streets. These cul-de-sacs shall be so arranged as to provide access to all lots and shall conform to the most current design standards.
  - J. *Dead end streets.* Dead end streets are temporary in nature and are not allowed except to provide for access to adjacent land areas and in no case shall be more than two hundred fifty (250) feet in length or equal to one (1) lot depth, whichever is greater. A temporary turnaround shall be provided and indicated on the plat and built in accordance with the design standards.
  - K. *Reserves.* A one-foot reserve shall be established along the side or the end of a street that abuts acreage tracts. A note shall be on the plat to define the one-foot reserve.
  - L. *New streets.* New streets which are an extension of existing streets shall bear the names of existing streets and shall be dedicated with appropriate transitions and widths.

- M. *Street names.* No new street names shall be used which will duplicate or be confused with the names of existing streets. All street names shall demonstrate good judgment and character on behalf of the subdivider based upon commonly accepted use of names and places. Street names shall be subject to the approval of the city council at the time of final plat approval.
- N. *Points of access.* Single-family residential subdivisions, including patio home and townhouse subdivisions, shall have an adequate number of access points to provide for an orderly and safe movement of vehicular traffic. The minimum number of points of access from said subdivisions shall be as follows:
1. Subdivisions with fifty (50) or fewer lots - One (1) point of access.
  2. Subdivisions with fifty-one (51) to one hundred twenty-five (125) lots-Two (2) points of access, or one (1) point of access if that access is via a boulevard street section with no lots having direct access to the divided boulevard street section serving as said access.
  3. Subdivisions with one hundred twenty-six (126) to two hundred fifty (250) lots- Two (2) points of access, with at least one (1) point of access via a boulevard street section of at least one hundred twenty (120) feet in length (end of median to end of median), with no lots having direct access to the boulevard street section serving as said access, and at least one (1) point of access being directly to a collector or major thoroughfare.
  4. Subdivisions with more than two hundred fifty-one (251) lots-The number of access points shall be determined by the city; however, there must be at least two (2) points of access, with at least one (1) point of access via a boulevard street section of at least one hundred twenty (120) feet in length (end of median to end of median), with no lots having direct access to the boulevard street section serving as said access, and at least one (1) point of access being directly to a collector or major thoroughfare.
  5. For the purposes of this subsection, a boulevard street shall mean a divided four- lane street with a minimum fifteen-foot wide median and minimum eighty-foot right-of-way.
- O. *Construction.* All streets dedicated within a subdivision in the city or its extraterritorial jurisdiction shall be constructed in accordance with paving widths and specifications as set forth in the current design standards of the city at the time at which the final plat is recorded.
- P. *Future streets.* When a tract of land is subdivided into parcels that are larger than normal building lots, such parcels shall be arranged to permit the opening of future streets and a logical ultimate resubdivision.

Q. *Rural streets.* Rural streets may be provided in subdivisions where lots conform to the minimum requirements for rural lots (section 4-67 (G)(2) Rural Lots) in:

1. Areas identified as Rural Rosenberg in the Rosenberg 2035 Comprehensive Plan Future Development Map; and
2. Areas with existing, predominantly asphalt streets with open ditches for which rural streets are determined to be appropriate by the City Engineer.

A rural street shall have a minimum seventy-foot right-of-way with a twenty-eight-foot pavement, which may be asphalt or concrete, provided applicable city and county standards are met. Curbs are not required and open road side ditches may be used for drainage. No parking shall be allowed along a rural street right-of-way.

R. *Points of access.* Multi-family dwelling subdivisions, including apartment and condominium subdivisions, shall have an adequate number of access points to provide for an orderly and safe movement of vehicular traffic. The minimum number of points of access from said subdivisions shall be as follows:

1. *Subdivisions with fifty (50) or fewer dwelling units-*One (1) point of access.
2. *Subdivisions with fifty-one (51) to one hundred twenty-five (125) dwelling units-* Two (2) points of access, or one (1) point of access if that access is via a boulevard street section with no dwelling units having direct access to the divided boulevard street section serving as said access.
3. *Subdivisions with one hundred twenty-six (126) to two hundred (200) dwelling units-*Two (2) points of access, with at least one (1) point of access via a boulevard street section of at least one hundred twenty (120) feet in length (end of median to end of median), with no dwelling units having direct access to the boulevard street section serving as said access, and at least one (1) point of access being directly to a collector or major thoroughfare.
4. For the purposes of this subsection, a boulevard street shall mean a divided four-lane street with a minimum fifteen-foot wide median and minimum eighty-foot right-of-way.

#### **Sec. 4-62. - Alleys.**

A. Alleys may be allowed in commercial and industrial districts, except that the city council may require that definite and assured provision is made for service access, such as off-street loading, unloading and parking consistent with and adequate for the use proposed. Service alleys in commercial and industrial districts shall

conform to the most current design standards or as may be established by the commission or the city council. An access easement may be substituted upon approval of the city council if the easement is also a fire lane easement.

- B. Residential alleys may not be required, except that the same may be required where alleys of adjacent subdivisions already platted would be closed or dead-ended by failure to provide alleys in the new subdivision. Residential alleys shall conform to the most current design standards or as may be established by the commission and or the city council.
- C. Dead end alleys shall be avoided where possible, but, if unavoidable, shall be provided with adequate turnaround at the dead end as determined by the city council.
- D. Alleys may not exceed a maximum length of fourteen hundred (1,400) feet unless otherwise waived by the city council.

**Sec. 4-63. - Easements.**

- A. All utility easements, including those for water, sewer, storm sewer and fire lanes, shall be shown on the final plat.
- B. Easements across lots or centered on or adjacent to rear or side lot lines shall be provided for utilities where necessary and shall be of such widths as may be reasonably necessary for the utility or utilities using same. It shall be the subdivider's responsibility to determine appropriate easement widths as required by the current design standards.
- C. Where a subdivision is traversed by a watercourse, ditch, drainage way or channel, there shall be provided a storm water easement or drainage right-of-way conforming substantially with such course and of such additional width as may be designated by the city and/or the county drainage district, subject to determination using proper engineering considerations. Maintenance easements shall also be specified. Approved utilities are permitted within the drainage easement if specified and approved as drainage and utility easement.
- D. Fire lane easements shall be specified on all multi-family and nonresidential plats and shall conform to the design standards. The design and paving material in the fire lane shall conform to the design standards.
- E. In all cases, easements shall connect with already established easements in adjoining property, and utilities shall be located within such easements and conform to the design standards.

**Sec. 4-64. - Curb radii at intersections.**

Curb radii at street intersections shall conform to current design standards and property lines shall be adjusted accordingly.

**Sec. 4-65. - Blocks.**

- A. The length, width, and shape of blocks shall be determined with due regard to:
  - 1. Provision of adequate building sites suitable to the special needs of the type of use contemplated; and
  - 2. Needs for convenient access, circulation, control and safety of street traffic.
- B. Lengths and widths shall be in conformance with the design standards. In general, intersecting streets determining the lengths and widths of the blocks shall be provided at such intervals as to serve cross-traffic adequately and to meet existing streets or customary subdivision practices.
  - 1. Minimum block length shall be five hundred (500) feet; however, this standard may be varied in cases where physical barriers or property ownership creates conditions where it is appropriate that these standards be varied having due regard for connecting streets, circulation of traffic and public safety.
  - 2. Maximum block length shall be twelve hundred (1,200) feet, except where no existing subdivision controls, the block length may increase to fourteen hundred (1,400) feet.
  - 3. When possible, the block width or depth shall allow two (2) tiers of lots, back-to-back, except when prevented by the size of the property or the need to back on an identified thoroughfare. When adjacent to a thoroughfare, the subdivider may not double front lots.
- C. Blocks shall be numbered consecutively within the overall plat and shall be consistent with adjacent plats.

**Sec. 4-66. - Sidewalks.**

Sidewalks shall be required as provided in Chapter 1, Article XXII of this Code.

**Sec. 4-67. - Lots, tracts, reserves.**

Lots, tracts and reserves within the city, unless the commission, for cause, may otherwise approve, shall conform to the following minimum requirements:

- A. Each residential lot, tract or reserve shall front on and have access from a dedicated public street; provided however, such access may be provided from a private street or access easement where permitted by this chapter. Any residential lot, tract or reserve having access only from an alleyway shall not be permitted. No residential lot shall have access to a major thoroughfare or collector street, except as permitted below.

1. The lot shall have a minimum frontage on the major thoroughfare of collector street of one hundred seventy-five (175) feet, and
  2. The lot shall contain a minimum area of three (3) acres, and
  3. The lot shall be provided access to the major thoroughfare or collector street via one (1) driveway only, having a maximum width of twenty (20) feet, measured at the right-of-way line, and shall have a minimum radius of twenty-five (25) feet at the point of connection to the paving of the major thoroughfare or collector street, and
  4. Access driveways shall be located in accordance with the following:
    - i. Greater than one hundred (100) feet from a street intersection as measured from the center of the driveway to the right-of-way line of the street intersecting the major thoroughfare or collector street,
    - ii. Greater than sixty-five (65) feet from a property line as measured from the centerline of the driveway.
- B. The width of a lot shall be measured at the front building line. Cul-de-sac and radial lots shall also meet additional specified minimum width requirements as measured at the property/right-of-way line using the chord or straight line distance.
- C. The depth of the lot shall be measured as an average between the side lot lines from the property-line/right-of-way.
- D. A lot area size shall be computed inclusive of all easements. There shall be a minimum buildable area, exclusive of easements, for each lot to meet the requirements set forth herein.
- E. Corner lots shall be increased in size whenever necessary so as to provide that any structure to be placed thereon shall conform to the building line requirements of each street.
- F. No lots may be split by any jurisdictional boundary lines.
- G. Residential lots, tracts or reserves shall conform to the following requirements:
1. Urban lots.
    - i. Lot widths.
      - (a) Single-family subdivisions of any size.
        - (1) A minimum lot width of sixty (60) feet.
        - (2) Cul-de-sac/radial—Fifty (50) feet at the street right-of-way with a minimum width of sixty (60) feet at the front building line.

- (b) Patio home subdivisions—See Division 4, Patio Home Subdivisions.
- (c) Townhouse Subdivision—See Division 3.
- (d) Duplex Subdivision—See Division 6, Duplex Subdivisions.
- ii. Lot size—Minimum.
  - (a) Single-family subdivisions of any size—Average area of all lots within each section shall be a minimum of seven thousand (7,000) square feet. However, the minimum area of any lot shall not be less than six thousand five hundred (6,500) square feet.
  - (b) Patio home subdivision—See Division 3, Patio Home Subdivisions.
  - (c) Townhouse subdivision—See Division 4, Townhouse Subdivisions.
  - (d) Duplex subdivision—See Division 6, Duplex Subdivisions.
- 2. Rural lots. Rural lot subdivisions for single-family detached dwellings may be approved, provided that each lot within the proposed subdivision has an area of at least one (1) acre and said development conforms to applicable state law, and other applicable codes and ordinances of the city and the county.
- H. All reserves shall be labeled with their appropriate use. Landscape and detention reserves may also be designated as utility easements. When in the determination of the city council the proposed land use is essential to the signage of public facilities, the city council may require the intended use of the reserve to be specified.
- I. All nonresidential and multifamily tracts or reserves shall front on a dedicated public street or dedicated access/fire lane easement. The design of driveways, access easements and fire lanes shall be in conformance with the current design standards.
- J. In no case shall a rectangular or irregularly shaped lot contain less than the minimum square footage as designated.

**Sec. 4-68. - Building lines—Single-family lots.**

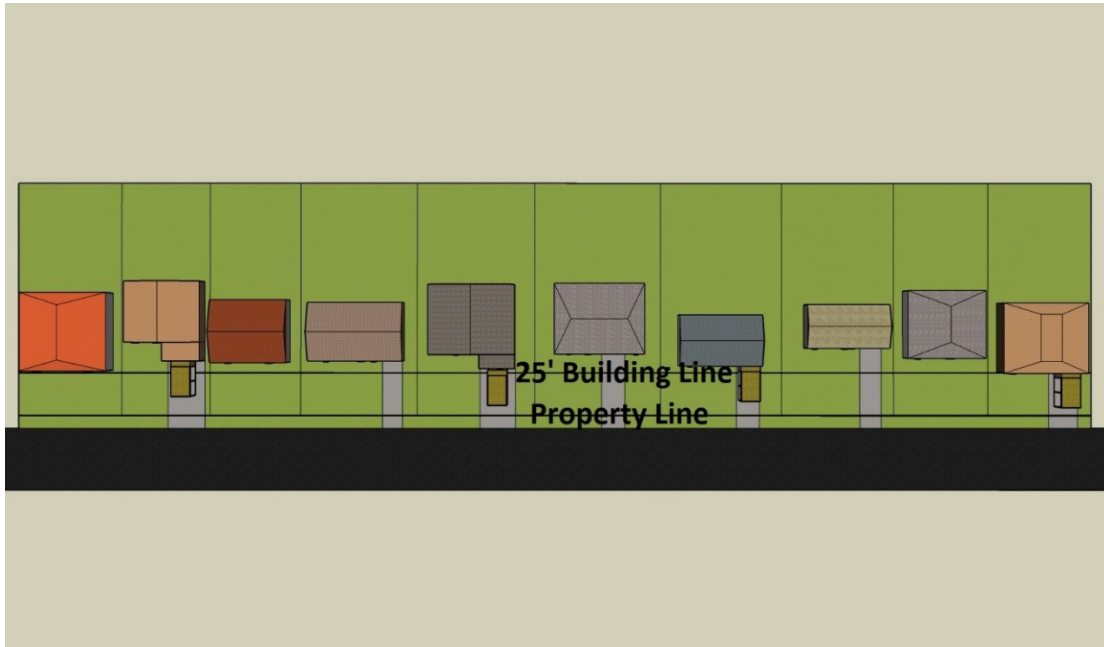
Building lines or setback lines shall be established for all single-family residential lots and so indicated on all subdivision plats as stipulated below:

- A. Corner lots equal to or greater than fifty (50) feet in width:
  - 1. Front Setback: Twenty-Five (25) feet.
  - 2. Side Setback:



- i. Minor Streets: Fifteen (15) feet.
  - ii. Collector Streets: Twenty (20) feet.
  - iii. Major Thoroughfares: Twenty-Five (25) feet.
- B. Corner lots less than fifty (50) feet in width:
  - 1. Front Setback: Twenty-Five (25) feet.
  - 2. Side Setback:
    - i. If the required right-of-way for the street does exist according to the City of Rosenberg's Thoroughfare Plan, then five (5) feet.
    - ii. If the required right-of-way for the street does not exist, then five (5) feet plus the required right-of-way according to the City of Rosenberg's Thoroughfare Plan.
  - 3. Subsection (ii) of this section does not apply to a lot within a townhouse subdivision as defined by this chapter.
- C. Interior lots.
  - 1. Front Setback: Twenty-Five (25) feet.
  - 2. Side Setback: Five (5) feet.
- D. Carports, Car Covers, Breezeways, and Porte-Cocheres.
  - 1. Location.
    - i. Generally. Structures may be located outside of the building envelope (the area on a lot that is in compliance with the setback requirements of Subsections (A), (B) and (C) above) including but not limited to, structures, building height, decks, roof overhangs, porches, and driveways, as follows:
      - (a) Setbacks:
        - (1) Carports must meet all residential setbacks as stated in Section 4-68, Subsections (A)-(C).
        - (2) Exception: When two (2) or more existing carports on the same street or block as the subject property (see Figure 1 below), or five (5) or more in the same subdivision, encroach on the setbacks required in Subsections (A), (B), and (C) above, the newly constructed carport may have a minimum setback of five (5) feet from the street right-of-way provided it complies with other requirements in this Subsection (D).

Figure 1



- (b) They shall not encroach upon or extend over a sidewalk;
- (c) Drainage from the structure shall not impact adjacent properties, public sidewalks, or a public right-of-way;
- (d) The canopy or roof structure (including overhang) shall not extend past the support posts by more than two feet and in no case shall be closer than three (3) feet to the property line;
- (e) Carports and car covers (including trellises, arbors, and similar structures used for this purpose) shall be open on all sides unless backing and/or siding to the principal building;
- (f) Carports and car covers shall not encroach into easements unless written permission is granted from the owner or lessee of the easement and proof of such permission is provided to the City prior to the issuance of permits or clearances for such structures;
- (g) The roof, in terms of materials or colors and pitch, is constructed to appear as part of the original construction of the principal dwelling;
- (h) The materials or colors, including supporting posts and roof, are compatible with the principal dwelling;
- (i) Metal carports shall be painted to match the primary structure and be maintained in good repair; and

- (j) On corner lots, garages and carports are only permitted where a driveway length of twenty (20) feet can be provided to satisfy the off-street parking requirements.

2. Design. Structures must:

- i. Have no less than fifty (50) percent open space on all sides, except when abutting the principal building and applied to trellises, arbors, and similar structures;
- ii. Be integrated with the principle building design when visible to the public right-of-way. This includes:
  - (a) Structural supporting elements;
  - (b) Roof materials, pitch, and design; and
  - (c) Allows an administrative exception if the roof is a trellis, arbor, or similar open-roof type structure.

3. Code Compliance Required. Structures must:

- i. Be firmly anchored in compliance with all building and fire codes; and
- ii. Comply with all building, life safety, and fire code requirements when attached to the principle building or another accessory building.

4. Abrogation and Greater Restrictions.

- i. The City has no duty to search for the existence of private restrictions or to administer or enforce any private restriction.
- ii. It is not the intent of Section 4-68 (D) to interfere with, abrogate, or annul any private easement, covenant, deed restriction, or other agreement between private parties.
- iii. When the provisions of Section 4-68 (D) impose a greater restriction that imposed by such private agreements, the provisions of this Section shall control.
- iv. When a private agreement imposes a greater restriction than that imposed by this Section, the private agreement shall control.

E. Special Exception.

- 1. Upon written request of the property owner, the Planning Commission may grant a special exception to the provisions of this Section.

2. The purpose of a special exception shall be to authorize a modification of standards applicable to development within the city, which is consistent with the overall intent of the Code, but that requires additional review to determine whether the development with the modifications is compatible with adjoining properties and the character of the neighborhood in which the development is proposed.
  3. In granting a special exception under this article, the Planning Commission may impose such criteria and conditions as necessary to protect adjacent property owners.
  4. Application requirements. An application for a special exception shall be accompanied by the following:
    - i. Completed application, as provided by the planning department.
    - ii. A statement detailing the specifics of the site any and other information deemed appropriate by the planning director.
    - iii. A site plan of the subject property.
  5. Application processing.
    - i. The Planning Commission shall consider an application for a special exception. The Commission's decision may be appealed to the city council.
    - ii. The planning department shall cause notice to be sent by regular mail before the tenth day before the date in which the special exception is considered by the Planning Commission, to each owner of real property located within two hundred (200) feet of the exterior boundary of the property in question.
    - iii. The planning department shall cause notice to be published in a newspaper of general circulation in the city before the tenth day before the date in which the special exception is considered by the Planning Commission.
    - iv. The Planning Commission shall hold a public hearing and receive public comments regarding the special exception.
- F. Previous Subdivisions. Lots in subdivisions platted prior to the effective date of this ordinance shall not be required to meet the setback requirements in Subsections (A), (B) and (C) if the applicant can present information, and City staff can verify, that the proposed construction will have setbacks greater than or equal to the average setback on the same block or street as the subject property.

**Sec. 4-69. - Building lines—Commercial lots.**

Building lines or setback lines shall be established for all commercial lots and indicated on all subdivision plats as provided below:

A. Corner lots. The setback lines for corner lots shall be as follows:

1. A minimum building setback of twenty-five (25) feet shall be provided on the front and fifteen (15) feet on the side of all corner lots that side upon minor streets.
2. A minimum building setback of twenty-five (25) feet shall be provided on the front and twenty (20) feet on the side of all corner lots that side upon collector streets.
3. A minimum building setback of twenty-five (25) feet shall be provided on the front and twenty-five (25) feet on the side of all corner lots that side upon major thoroughfares.
4. A minimum building setback of thirty (30) feet shall be provided, for all commercial structures up to fifty (50) feet in height, on the side and rear of all corner lots that are adjacent to a residential use. An additional one (1) foot of setback shall be required for every additional one (1) foot in height of the commercial structure above fifty (50) feet. Side and rear setbacks for lots lines that are not adjacent to a street, thoroughfare, or residential use, shall be established in accordance with the most recently adopted version of the International Building Code. The minimum building setback for the side and rear of all corner lots adjacent to a residential use shall be inclusive of one-half ( $\frac{1}{2}$ ) the width of any adjacent platted and recorded public alley or easement, provided that:
  - i. The minimum width of the alley or easement is twenty (20) feet; and
  - ii. The alley or easement is, and remains accessible, unenclosed and unobstructed.

B. Interior lots. The setback lines for interior lots shall be as follows:

1. A minimum building setback of twenty-five (25) feet shall be provided on the front of all interior lots that front upon minor and collector streets and major thoroughfares.
2. A minimum building setback of thirty (30) feet shall be provided, for all commercial structures up to fifty (50) feet in height, on the side and rear of all interior lots when the side is adjacent to a residential use. An additional one (1) foot of setback shall be required for every additional one (1) foot in height of the commercial structure above fifty (50) feet. Side and rear setbacks for lots lines that are not adjacent to a street, thoroughfare, or residential use, shall be

- established in accordance with the most recently adopted version of the International Building Code. The minimum building setback for the rear of all interior lots adjacent to a residential use shall be inclusive of one-half ( $\frac{1}{2}$ ) the width of any adjacent platted and recorded public alley or easement, provided that:
- i. The minimum width of the alley or easement is twenty (20) feet; and
  - ii. The alley or easement is, and remains accessible, unenclosed and unobstructed.
- C. Variance procedure for lots of record. Lawfully preexisting lots on the date of adoption of this section, which are of a size that strict compliance with the setback requirements set forth in this section would create an undue hardship by significantly affecting the development of the tract for commercial purposes, are hereby entitled to seek a variance from the provisions hereof, as authorized under Section 4-7 of this Code.
- D. The Downtown Area, as defined in the Definitions Chapter of this Code, is exempt from the setback requirements set forth in this subsection; however, all structures constructed in the Downtown Area shall comply with all setback requirements established in the International Building Code and the International Fire Code, as adopted.

**Sec. 4-70. - Building lines—Industrial lots.**

Building lines or setback lines shall be established for all industrial lots and indicated on all subdivision plats as provided below:

- A. Corner lots. The setback lines for corner lots shall be as follows:
1. A minimum building setback of twenty-five (25) feet shall be provided on the front and fifteen (15) feet on the side of all corner lots that side upon minor streets.
  2. A minimum building setback of twenty-five (25) feet shall be provided on the front and twenty (20) feet on the side of all corner lots that side upon collector streets.
  3. A minimum building setback of twenty-five (25) feet shall be provided on the front and twenty-five (25) feet on the side of all corner lots that side upon major thoroughfares.
  4. A minimum building setback of sixty (60) feet shall be provided, for all industrial structures up to sixty (60) feet in height, on the side and rear of all corner lots that are adjacent to a residential use. An additional one (1) foot of setback shall be required for every additional one (1) foot in height of the industrial structure above sixty (60) feet. Side and rear setbacks for lots lines that are not adjacent

to a street, thoroughfare, or residential use, shall be established in accordance with the most recently adopted version of the International Building Code.

B. Interior lots. The setback lines for interior lots shall be as follows:

1. A minimum building setback of twenty-five (25) feet shall be provided on the front of all interior lots that front upon minor and collector streets and major thoroughfares.
2. A minimum building setback of sixty (60) feet shall be provided, for all commercial structures up to sixty (60) feet in height, on the side and rear of all interior lots when the side is adjacent to a residential use. An additional one (1) foot of setback shall be required for every additional one (1) foot in height of the commercial structure above sixty (60) feet. Side and rear setbacks for lots lines that are not adjacent to a street, thoroughfare, or residential use, shall be established in accordance with the most recently adopted version of the International Building Code.

C. The Downtown Area, as defined in the Definitions Chapter of this Code, is exempt from the setback requirements set forth in this subsection; however, all structures constructed in the Downtown Area shall comply with all setback requirements established in the International Building Code and the International Fire Code, as adopted.

**Sec. 4-71. - Street lights.**

Each subdivision shall have street lights installed with a maximum spacing of three hundred (300) feet between each light, and arranged so that one (1) light is installed at every street intersection. The wiring shall be placed underground and the light mounted on a steel standard. The light intensity of each lamp shall be a minimum of sixteen thousand (16,000) lumens and the light shall be high pressure sodium vapor. Each subdivider will be required to pay to the city, annually for three (3) years (beginning from the date the lights are installed), a fee equal to the actual cost to the city for the upcoming year of installing and maintaining newly installed streetlights requested by such subdivider, which cost will be established by the city's power provider in the beginning of each year.

**Sec. 4-72. - Subdivision—Unit of a larger tract.**

Where the proposed subdivision constitutes a unit of a larger tract owned by the subdivider which is intended to be subsequently subdivided as additional units of the same subdivision, the preliminary and final plats shall be accompanied by a layout of the entire area showing the tentative proposed layout of streets, blocks, drainage, water, sewer and other improvements for such area. The overall layout, if approved by the commission, shall be attached to and filed with a copy of the approved subdivision plat in the permanent files of the city. Thereafter, plats of subsequent units of such subdivisions shall conform to such approved overall layout, unless changed by the commission.

However, except where the subdivider agrees to such change, the commission may change such approved overall layout only when the commission finds:

- A. That adherence to the previously approved overall layout will hinder the orderly subdivision of other land in the area in accordance with this chapter; or
- B. That adherence to the previously approved overall layout will be detrimental to the public health, safety or welfare, or will be injurious to other property in the area.

**Sec. 4-73. - Large-scale neighborhood development.**

The standards and requirements of the regulations contained in this chapter may be modified by the commission and city council in the case of a plan and program of development of a new town, a complete large residential community of neighborhood units, or mass housing project, which contains adequate provisions for circulation, recreation, light, air and service needs of the tract when fully developed and populated and equal to or better than the detailed requirements of the regulations of this Code and which also provides such covenants or other legal provisions as will assure conformity to the comprehensive master plan of the city.

**Secs. 4-74—4-85. - Reserved.**

**DIVISION 3. - TOWNHOUSE SUBDIVISIONS**

**Sec. 4-86. - Reserved**

**Sec. 4-87. - Procedural requirements.**

All persons proposing or intending to develop a townhouse subdivision within the city or within its extraterritorial jurisdiction shall comply with the procedural requirements set out in Article II of this Chapter.

**Sec. 4-88. - Streets and other public ways.**

- A. Interior streets shall have a minimum right-of-way width of fifty (50) feet and shall be developed with a minimum of a twenty-seven-foot paving section (inside of curb to inside of curb) with concrete curb and gutter in accordance with the current design standards. For the purposes of this section, interior streets may be public or private streets.
- B. Access streets shall have a minimum right-of-way width of fifty (50) feet and shall be developed with a minimum of a thirty-six-foot pavement section (inside of curb to inside of curb).
- C. All townhouse subdivisions shall have direct access streets to at least one (1) dedicated and accessible public street having a right-of-way width of not less than sixty (60) feet.



- D. All townhouse lots shall have direct access to an interior street, an access street, or a rear access easement having a width of thirty-eight (38) feet and a twenty-eight-foot paving section (inside of curb to inside of curb). Dead-end access easements shall not be greater than two hundred (200) feet in length. All rear access easements shall not be dedicated as public rights-of-way, but shall be private rights-of-way and shall be privately maintained.
- E. In the event private interior streets or private rear access easements are utilized in a townhouse subdivision, provisions shall be included in the restrictive covenants for such subdivision to ensure that there is adequate funding for the perpetual maintenance of such private streets and rear access easements.

**Sec. 4-89. - Building setback.**

- A. Building setback lines of twenty-five (25) feet shall be required on all lots fronting or backing on an access street.
- B. Building setback lines of twenty (20) feet shall be required on all lots siding on access streets or upon a plat boundary.
- C. No building setback lines shall be required on the sides of lots abutting interior streets, except where traffic safety or other factors necessitate the establishment of such setbacks.
- D. Where townhouse lots and dwelling units are designed to face upon an open or common access court rather than upon a street, such open or common court shall be at least forty (40) feet wide and not more than two hundred (200) feet long, measured from the street upon which the court must open. Such court may not include vehicular drives or parking area in front of dwelling units.

**Sec. 4-90. - Lots.**

- A. Lot area shall be a minimum of two thousand five hundred (2,500) square feet.
- B. Lot width shall be a minimum of twenty-five (25) feet.
- C. Dwelling units may be constructed up to side lot lines, and openings shall not face a side lot line unless the side wall of the dwelling unit is at least ten (10) feet from the side lot line.
- D. Lot size may be reduced under the provisions that open space be dedicated according to the following schedule:

For every one hundred (100) square feet of open space per lot, provided the minimum lot area may be reduced by two hundred (200) square feet. No lot shall, however, have a lot area of less than two thousand (2,000) square feet, and a width of less than twenty-five (25) feet.

Open Space Per Dwelling	Minimum Lot Area (sq. ft.)
0	2,500
100	2,300
200	2,100
250	2,000
300	1,900
350	1,800

E. The subdivision shall include two and one-half (2.5) parking spaces per townhouse lot. Garage parking spaces up to two (2) spaces per lot may be included in the total number of required spaces. All off-street parking shall be designated as such and comply with Chapter 1, Article XVIII, Sections 1-416 through 1-418 of this Code.

**Sec. 4-91. - Utilities.**

All utilities such as sanitary sewer, water, gas, telephone, television cable and electrical, shall be placed underground.

**Sec. 4-92. - Other requirements.**

A townhouse subdivision shall meet all requirements of Divisions 1 and 2 of this article as well as all other requirements in this chapter, the provisions of this division being variations permitted especially for townhouse subdivisions.

**Secs. 4-93—4-105. - Reserved.**

**DIVISION 4. - PATIO HOME SUBDIVISIONS**

**Sec. 4-106. - Reserved**

**Sec. 4-107. - Procedural requirements.**

All those persons proposing or intending to develop a patio home subdivision shall comply with the procedural requirements set out in Article II of this Chapter.

**Sec. 4-108. - Streets and other public ways.**

A. Access streets shall have a minimum right-of-way width of sixty (60) feet and shall be developed with a minimum of a thirty-six-foot paving section (inside of curb to inside of curb) with concrete curb and gutter in accordance with current design standards.

- B. Interior streets shall have a minimum right-of-way width of sixty (60) feet and shall be developed with a minimum of a twenty-eight-foot paving section (inside of curb to inside of curb) with concrete curb and gutters in accordance with current design standards.

**Sec. 4-109. - Reserved.**

**Sec. 4-110. - Lots.**

- A. Lot area shall be a minimum of six thousand (6,000) square feet.
- B. Lot width shall be a minimum of fifty-five (55) feet. Cul-de-sac/radial lot width shall be a minimum of forty-five (45) feet at the street right-of-way with a minimum width of fifty-five (55) feet at the front building line.
- C. Dwelling units shall be constructed with a zero lot line clearance on one (1) side of lot. Doors shall not be installed in sides with zero lot line clearance.
- D. Ten (10) feet must be maintained between sides of any two (2) dwelling units placed on adjacent lots.
- E. Deed restrictions for zero lot line clearance must provide a ten-foot easement to the owner whose dwelling unit is on the property line for maintenance purposes.
- F. Deed restrictions must provide that: "No autos, trucks, boats, campers, other trailers, or vehicles of any kind shall ever be left parked on the grass or yard except as provided for in paved off-street parking space and then only as temporary parking incident to the contemporaneous use of such vehicle or object, nor shall same be left parked on any lot unless parked inside a garage."

**Sec. 4-111. - Utilities.**

All utilities such as sanitary sewer, water, gas, telephone, television cable, and electrical service shall be placed underground.

**Sec. 4-112. - Other requirements.**

- A. A patio home subdivision shall meet all requirements of Division 1 and 2 of this Article as well as all other requirements in this Chapter, the provisions of this division being variations permitted especially for patio home subdivisions.
- B. A patio home subdivision shall contain no less than twenty (20) lots and shall be located on no less than three (3) acres.

## **DIVISION 5. - PLANNED UNIT DEVELOPMENT**

### **Sec. 4-113. - Planned unit development.**

A planned unit development (PUD) promotes the development of a tract of land in a unified manner and may allow for deviation from the development standards in this Code and in such other ordinances as may exist. Variances to the established criteria for lot widths, lot depths, building lines and location of open space may be considered for recommendation and approval as part of a PUD when the following requirements are met:

- A. All single-family residential lots shall front on a public street right-of-way.
- B. Provision shall be made for adequate separation between the fronts of buildings.
- C. Lot widths and depths shall be adequate for residential construction in accordance with established building codes.
- D. Building lines shall be established to provide adequate off-street parking for each residential unit.
- E. Provision shall be made for compensating open space with the PUD.
- F. Justification shall be made for the design of the subdivision.
- G. A finding shall be made that there is no negative impact on health, safety or welfare in the area.

## **DIVISION 6. - DUPLEX SUBDIVISIONS**

### **Sec. 4-114. - Duplex subdivision.**

For purposes of this chapter, "duplex" shall be defined as a building containing two (2) dwelling units to be occupied by two (2) families living independently of each other. A duplex subdivision shall meet all of the requirements of Division 1 and 2 of this Article, as well as all other requirements in this chapter, the provisions of this division being variations permitted specifically for duplex subdivisions. The following building lines, set back lines, and parking requirements shall be established for all duplexes/duplex subdivisions, and so indicated on all subdivision plats as delineated below:

- A. Minimum lot size. The minimum lot size shall be eight thousand (8,000) square feet.
- B. Minimum lot width. The minimum lot width shall be eighty (80) feet.
- C. Minimum rear setback. The minimum rear setback shall be twenty-five (25) feet.
- D. Setback—Corner lots.

1. A minimum building setback of twenty-five (25) feet shall be provided on the front and fifteen (15) feet on the side of all corner lots where such lots side upon minor streets.
  2. A minimum building setback of twenty-five (25) feet shall be provided on the front and twenty (20) feet on the side of all corner lots where such lots side upon collector streets.
  3. A minimum building setback of twenty-five (25) feet shall be provided on the front and twenty-five (25) feet on the side of all corner lots where such lots side upon thoroughfares.
- E. Setback—Interior lots. A minimum building setback of twenty-five (25) feet shall be provided on the front and ten (10) feet on each side of all interior lots fronting on minor and collector streets and thoroughfares.
- F. Minimum on-site parking. There shall be a minimum of four (4) on-site covered parking spaces per duplex within the required building lines, setback requirements.
- G. Access restriction. There shall be no driveway access permitted to any lot from a collector or thoroughfare street.

**Sec. 4-115. - Reserved.**

**ARTICLE IV. - PARK LAND, PUBLIC SITES AND OPEN SPACES**

**Sec. 4-116. - Areas for public use.**

The subdivider shall give consideration to suitable sites for parks, playgrounds, schools, and other areas for public use so as to conform to with the recommendations of the city council and comprehensive master plan. Any provisions for schools, parks, and other public uses, shall be indicated on the preliminary plat.

**Sec. 4-117. - Park land dedication.**

- A. Purpose of land dedication requirements. This section is enacted in accordance with the home rule powers of the city, granted under the Texas Constitution, and the Statutes of the State of Texas, including, but not by way of limitation, Texas Local Government Code, Chapter 212, as amended. It is hereby declared by the city council that open space and recreational areas in the form of parks are necessary for the health, safety, and welfare of the public. It is further; declared by the city council that the only procedure to provide for such open space and recreational areas is by integrating such a requirement into the procedure for the planning and development of property or subdivisions in the city limits or extraterritorial jurisdiction of the city. All single-family and multiple-family residential subdivisions, therefore, shall be required to comply with this section.

The primary purpose of the parkland requirements is to ensure that the need for parkland that arises from new development is satisfied by the development, so that those who generate the need for park areas and recreation facilities contribute their proportionate share. Accordingly, when new development occurs, a reasonable contribution is to be made for open space for those who live in the new development so that they may engage in active and passive recreational activities within or near the new development. In some instances, the need for parks resulting from new development may be addressed most effectively through the development and acquisition of community or regional parks, or the improvement or expansion of an existing park, serving several neighborhoods.

It shall be required that a developer of any residential subdivision set aside and convey to the public sufficient and suitable lands for the purpose of parkland, or contribute cash in lieu of land conveyance, or a combination thereof, as determined by the planning commission.

The requirements for the conveyance of parkland established by this section are based in part on the goals and recommendations, needs and standards set forth in the parks and recreation master plan, as amended from time to time, and adopted by the city council. The master plan describes the needs prioritization and implementation plan, standards for parks and recreation units, as well as goals and objectives.

- B. Application. This section applies to all property within the city limits and extraterritorial jurisdiction of the city. This section also applies to subdivision applications submitted after the effective date of this section, for which plat approval is sought under Articles I and II of this Code, as may be amended from time to time.
- C. Exemptions. This section shall not apply and have no effect on the following:
  - 1. Any subdivision that a final plat application has been filed prior to the passage of this section.
  - 2. A division of land into parts greater than five acres, where each part has access and no public improvement is being dedicated, pursuant to Texas Local Government Code, Section 212.004, Plat Required, Subchapter A, Regulation of Subdivisions.
  - 3. Alterations or expansion of an existing residential unit or building of multiple units where no additional residential units are created and where the use is not changed.
  - 4. The construction of accessory buildings or structures.
  - 5. The installation of a replacement HUD-Code manufactured home.

6. The replacement of a destroyed or partially destroyed residential unit or building of multiple units with a new building of the same size and use.

Any claim of exemption shall be made no later than the time of application for preliminary plat approval. Any claim not so made shall be deemed waived.

- D. Park zones. Park zones established by the city council, after recommendation from the parks board, and shown on the parks and recreation system plan, which is included in the adopted Rosenberg Parks and Recreation Master Plan, shall be prima facie proof that any park located therein is within such a convenient distance from any residence located therein. The primary costs of neighborhood and community parks should be borne by the ultimate residential property owners who, by reason of the proximity of their property to such parks, shall be the primary beneficiaries of such facilities.
- E. Therefore, the following requirements are established to effect the purposes stated above and shall apply to any land to be used for residential purposes.
- F. Parkland dedication, fee in-lieu, and public or private development. Dedication of land suitable for parkland and recreation purposes or a contribution of cash in lieu of parkland shall be required for a subdivider who proposes to plat land under the city's subdivision regulations, as may be amended from time to time.

*Subsequent change.* If the actual number of completed dwelling units exceeds the figure upon which the original dedication or cash contribution was completed, such additional dedication or cash contribution shall be required, and shall be made by payment of cash in lieu of land, or by conveyance of an equivalent land area. All new lots within a replat or addition to an existing subdivision shall comply with the parkland dedication or cash contribution requirements as outlined in this subsection, as specified below.

Methods of dedication, contribution, or development:

1. Parkland dedication. Whenever a final plat is filed of record with the County Clerk of Fort Bend County for residential development in accordance with the platting regulations of the City, such plat shall contain a clear fee simple dedication of an area of land to the City for park purposes.
  - i. On-site conveyance of parkland. The amount of land required to be dedicated for parkland will be calculated at a rate of six and one-quarter acres of parkland per 1,000 residents, or an equivalent ratio thereof. The following formula shall be used to determine the amount of parkland to be dedicated:

$$\frac{6.25 \times (\text{No Units}) \times (\text{Persons/Unit})}{1,000} = \text{Acres to be dedicated}$$

The number of persons per unit is based on an average household size of 3.00 persons per household.<sup>1</sup> This ratio shall be reviewed and adjusted from time to time, as necessary.

<sup>1</sup> Source: U.S. Census Bureau.

- (a) Land plan. Parkland to be conveyed or privately owned shall be designated on the land plan with its general location and acreage denoted.
  - (b) Preliminary and final plats. Parkland to be conveyed shall be designated as a reserve on both the preliminary and final plats as "Parkland Dedicated to the City of Rosenberg" with the perimeter dimensions and acreage denoted. A note referencing the dedication shall be placed on the final plat. Parkland to be privately owned shall be designated as a private park reserve and so noted on both the preliminary and final plat.
  - (c) Deed required. Prior to recording the final plat, the subdivider shall deliver to the city a deed, in a form approved by the city attorney, conveying parkland shown on the final plat as approved by the planning commission. The parkland deeded to the city shall not be subject to reservations of record, encumbrances or easements that will interfere with the use of the land for park purposes. The deed delivered to the city shall be recorded in conjunction with the recordation of the final plat.
- ii. Off-site conveyance of parkland. Upon affirmative recommendation from the parks board and planning commission and approval of the city council, the city may accept parkland that is not part of a subdivision in order to meet the parkland requirement, subject to the following:
- (a) The site proposed to meet the parkland requirement is within the same park zone as that ordinarily required within the subdivision; and
  - (b) The site meets the park development standards of this section, as described in (iii) below; and,
  - (c) The site exceeds that required by the subdivision or addition, as specified in (1)(i) above by 20 percent, and
  - (d) A deed shall be required in accordance with the provisions of (1)(i)(c) above.
  - (e) No park less than ten acres in size shall be conveyed to the city.
- iii. Park improvements required. Parkland conveyed to the city shall be improved as required by this paragraph. The subdivider shall indicate the proposed parkland improvement(s), which shall be constructed in



accordance with the site plan, as required in (i) below. Such improvements shall be completed by the subdivider within the time period specified for construction of public improvements in (i) below. An improved park shall, at a minimum, include the following:

- (a) Paved frontage with curbs and gutters for all required street frontages abutting the outside perimeter of the parkland;
- (b) A sidewalk or trail installed in the park, and/or sidewalk installed along all street frontage of the park with the location approved according to the approved site plan;
- (c) Water, wastewater, electrical services, and all other utilities provided to the remainder of the subdivision shall be provided to the park as part of standard subdivision improvements;
- (d) Lighting along those portions of the required street frontage(s) as well as ample overhead and/or bollard lighting within and throughout the park to provide for a safe and secure environment; and,
- (e) The grading of site and installation of grass with irrigation.
- (f) Permanently constructed restroom facilities built to city standards and the requirements of the American's with Disabilities Act (ADA). Restroom facilities are required for parks that are three acres or larger in size. Developments for which the cumulative required park acreage is less than three acres in size shall pay a fee equal to 60 percent of the development fee required under subsection (2)(ii) below;
- (g) One playscape structure and edged fall surface area with a minimum capacity of 15 children, per industry standards;
- (h) Covered picnic table, grill, and trash container at a rate of one per acre, or portion thereof;
- (i) Drinking fountain at a rate of 0.25 per acre, but no less than one per park; and,
- (j) Park benches at a rate of two per acre, but no less than two per park.

All park areas and playground equipment shall be in accordance with the U.S. Consumer Products Safety Commission, Publication 325, as currently amended.

2. Cash in lieu of parkland. The city requires a dedication of land to satisfy at least a portion of the requirements of this section. The amount of parkland that must be dedicated shall equal at least 50 percent of the parkland dedication requirements, provided that the area of such amount equals at least 5,000

square feet. The city may, at its option, require a parkland fee to satisfy the remaining amount of parkland conveyance required, under the following circumstances:

- i. When less than five acres is required to be conveyed;
- ii. Where the proposed parkland does not meet the standards set forth in (G) below;
- iii. When a replat or amending plat within the city limits is submitted with increased density; or,
- iv. The city determines that sufficient park area is already in the public domain in the zone of the proposed development, or the potential for that area would be better served by expanding or improving an existing park or constructing a larger community or regional park suitable for several neighborhoods.

**In-lieu fee amount.** Where the payment of a fee-in-lieu of parkland dedication is required or acceptable to the city council as provided for in this section, such fee shall be in an amount of \$950.00 per residential dwelling unit.

**Development fee.** In addition to the fee in-lieu of land dedication, there shall also be a fee in the amount of \$750.00 per residential dwelling unit, which is equivalent to the amount of required improvements as specified in (F)(1)(iii) above.

**Timing of payment.** Such payment in lieu of land shall be made at or prior to the time of filing the final plat for record in the county deed records at the courthouse.

**Use of cash contribution.** Cash payments may be used only for acquisition or improvement of a neighborhood park located within the same park zone as the development. However, it is hereby provided that all fees may be applied to any type of park site if all requisite criteria for the other types of park facilities have been met, as determined by the city. Fees paid in lieu of land for neighborhood parks may be utilized for a community or regional park if such use satisfies the purposes of land dedication as provided for herein, as determined by the city.

**Special fund; right to refund:**

- i. There is hereby established a special fund for the deposit of all sums paid in lieu of parkland dedication under this section, which fund shall be known as the "Parkland Dedication Fund." Funds shall only be released from the parkland dedication fund upon city council approval of a plan to utilize the funds to build or enhance a park within the park zone from which the funds originated.
- ii. The city shall account for all sums paid in lieu of land dedication under this section with reference to the individual plats involved. Any funds paid in lieu of land must be expended by the city within ten years after the filing of the

final plat, or the filing of the final plat of each phase or section of the contributing subdivision, if a phased development. Such funds shall be spent on a first in, first out basis for each area. If not so expended, the owner(s) of the property on the last day of such period shall be entitled to a pro rata refund of such sum, computed on a square footage of area basis. The owner(s) of such property must request such refund within one year of entitlement, in writing, or such right shall be barred.

3. Private parkland credit. Where park areas and recreational facilities are to be provided in a proposed subdivision, and where such areas and facilities are to be privately owned and maintained by the future residents of the subdivision, these areas and facilities may satisfy the requirement of parkland dedication if the following standards are met:
  - i. The private ownership and maintenance of such areas and facilities are adequately provided for by recorded written agreement, conveyance, or restrictions.
  - ii. The use of such areas and facilities are restricted for park and recreational purposes by a recorded covenant, which runs with the land in favor of the future owners of property and which cannot be defeated or eliminated without the consent of the city council.
  - iii. Such areas and facilities for which credit is given shall include improvements for the basic needs of a local park. These improvements must be equivalent to that required in (F)(1)(iii) above to ensure that new neighborhood parks are provided with minimum standard amenities. These improvements shall be required before the final acceptance of the subdivision by the city council after recommendation from the planning commission.
  - iv. All park areas and playground equipment shall be in accordance with the U.S. Consumer Products Safety Commission, Publication 325, as currently amended.
  - v. Dedicated parkland must be established with grass by the developer. This grass and an irrigation system must be installed and approved by the city building official or designee. The homeowners' association is responsible for the irrigation and maintenance of the property.

*Required documentation.* In order to receive the private parkland credit, the subdivider shall provide documents to the city at the time of final plat filing sufficient to establish that the requirements of (iii) above have been satisfactorily met. In the event that the subdivider proposes to construct the improvements at a later date, as in a phased development, the city shall require that the subdivider obtain a surety bond, performance bond, or other form of guarantee that the recreational amenities will be installed concurrent with the build-out of the

subdivision, and in no case greater than two years. The city planner and parks director shall evaluate and approve the documentation submitted prior to any credit being given. In cases where the equivalency of the improvements is disputed, the required level of improvements shall be as finally determined by the city council.

*Partial fee required.* Subdividers who propose to provide private "resident only" parkland shall pay to the city an amount equal to ten percent the amount of the mandatory dedication determined in accordance with (F)(2) above for deposit in the city's parkland dedication fund for purposes of defraying the financial burden private subdivisions impose on public parks elsewhere in Rosenberg. The value of the dedication provided under this section shall be calculated as specified in (F)(2) above.

*Dual park and easement, stormwater drainage facility, or nature reserve.* Land that is encumbered by easements, detention areas, lake and drainage channel borders, or other similar characteristics will qualify for private neighborhood parkland in accordance with the following calculation. Twenty-five percent of encumbered private parkland will qualify for private neighborhood parks (0.25:1 ratio), up to 50 percent credit. Additional conditions apply to encumbered parkland, including:

- i. Detention areas shall have (i) side slopes of a 5:1 ratio unless otherwise approved by the city, (ii) gravity flow or a pumping system designed to remove all algae, (iii) a bottom with a minimum area of 50 feet by 100 feet in dimension unless otherwise approved by the city, and (iv) field areas with a level, domed design suitable for field sports. Plans with proposed amenities must be approved by the city council, after recommendation from the planning commission. Plans with proposed amenities must be submitted with the preliminary plat in order to receive credit for detention areas.
  - ii. Drainage ditches and lake borders shall have (i) side slopes of a 5:1 ratio unless otherwise approved by the city council, (ii) hike/bike all-weather paths, landscaping and sodding installed according to the construction standards of the city, (iii) an average minimum width of 30 feet and a minimum width of 20 feet beyond top of bank, and (iv) drainage ditches and lake borders with meandering, natural contour appearances.
  - iii. Ten percent of lakes and nature reserves or land, which is generally undeveloped and unsuitable for organized recreational activities without substantial development effort, but which provides desirable aesthetic qualities, such as wetlands and other wooded areas, will qualify for private neighborhood parkland (0.10:1 ratio) up to 50 percent credit. Dry bottom detention ponds do not meet the definition of a lake or nature reserve.
4. City purchase of parkland. The city may from time to time decide to purchase land in or near the area of actual or potential development for a community park

to serve such actual or potential development. If the city purchases parkland in a park zone, sufficient in size to entirely meet the needs of that zone, subsequent parkland dedications for that park zone shall be in cash. Such cash contribution shall be in the amount as specified in (F)(2) above, which shall go toward reimbursement of the city for its costs to acquire and develop the land as a park.

G. Park development standards. Parkland conveyed to the city as provided in this section shall meet each of the standards set forth below:

1. The parkland shall have frontage on a street equal to or greater than the square root of the total square footage of park area to be conveyed.
2. Unless otherwise approved by the city planner and parks director, parkland that is adjacent to a designated trail shall be designed and located within a subdivision or addition to allow for an extension or connection of a public park or public recreation facility within an abutting subdivision.
3. A minimum of 50 percent of the dedicated parkland within a subdivision or addition shall be outside of the 100-year floodplain and shall have a size configuration and topography to be developable for active park purposes.
4. Parkland shall not be encumbered with existing or proposed public utility easements or drainage channels that would unduly restrict the development of the site for recreational purposes.
5. A proposed subdivision adjacent to a park or open space area shall not be designed to restrict reasonable access or visibility into the park. No lots shall have their rear yard abutting a public park unless public access is provided each 400 feet, or portion thereof.
6. Street connections between residential neighborhoods shall be provided, wherever practicable, to provide reasonable access to parks and open space areas to all residents within reasonable proximity to such parks and open space areas. Proposed access and public availability of parkland, both physical and visual, shall be recommended by the planning commission and approved by the city council.
7. In any instance where acreage is dedicated to the city or a homeowners' association as a park or greenway under this section, the dedicating party shall also dedicate a cleared access of at least 20 feet in width from a publicly dedicated street to the park or greenway. The city may waive this requirement if it determined that public street access is sufficient to meet the intent of this requirement.
8. Areas within a school site may be utilized to partially meet the parkland dedication requirements upon approval of the planning commission and approval of the city council, as well as the school district board. Areas in a

school site may receive a credit toward the required land dedication subject to approval by the planning commission and final approval by the city council. Such credit shall be on a case-by-case basis and subject to standards as may be determined and considered necessary and appropriate by the city.

9. The location of dedicated parkland may be required at the edge of a subdivision so that additional land may be added at such time as adjacent land is subdivided or acquired for public use. Otherwise, a centralized location is preferred.
10. Any residential street built adjacent to a park shall be constructed to collector width to ensure access and prevent traffic congestion.
11. Sites should have and retain existing trees or other scenic elements.
12. Where a non-residential use must directly abut a park, the use must be separated by a screening wall or fence and landscaping. Access points to the park from the non-residential use may be allowed by the planning commission if a public benefit is established.

H. Parks and recreation master plan considerations. The parks and recreation master plan is intended to provide the city with a guide upon which to base future decisions. Because of the need to consider specific characteristics in the site selection process, the park locations indicated in the plan are general. The actual locations, sizes, and number of parks will be determined when development occurs. The plan will also be used to locate desirable park sites before development occurs, and those sites may be purchased by the city or received as donations.

Park zones are established in the parks and recreation system plan of the adopted Rosenberg Parks and Recreation Master Plan. These zones are configured to indicate the service areas for community parks. Neighborhood parks shall have a minimum separation of one-half mile from the boundaries of other neighborhood or community parks and shall, to the extent practicable, be distributed evenly across the designated park zones. The appropriate location and spacing of neighborhood parks shall be determined by the planning commission through the subdivision development process. Zone boundaries are established that follow, to the extent practicable, key topographic features such as major thoroughfares, streams, and city limit and extraterritorial jurisdiction (ETJ) lines.

- I. Site plan submission and approval. A site plan must be submitted to the city planner and parks director for review, which shall be approved by the planning commission prior to final plat submittal or upon application of a building permit, as applicable. Such site plan shall include the following:
  1. North arrow and scale.

2. Vicinity map indicating the general location of the site and its relationship with adjacent and nearby streets, watercourses and similar features in all directions from the site to a distance of 200 feet.
3. Existing and finished grades or contours at one foot intervals.
4. Identification of any areas on the site or within 200 feet that is within the 100-year floodplain.
5. Sufficient dimensions to indicate relationship between buildings, property lines, parking areas, fields and courts, playground areas, and other elements of the plan.
6. Proposed location of buildings and other structures, fields and courts, playground areas, parking areas, drives, screening, drainage patterns, public streets and any existing easements.
7. Location, massing and pattern of existing vegetation and the general extent and character of proposed landscaping and tree preservation.
8. Existing streams, drainage channels, and other bodies of water.
9. Focal points and site amenities.
10. Existing structures on the site and within 100 feet of the site.
11. Street and traffic patterns affecting the site including the location of traffic control devices.
12. Pedestrian and vehicular circulation patterns and improvements.
13. Surrounding uses, activities and influences of the site and adjacent properties within 200 feet, including:
  - i. Any public streets.
  - ii. Any drives that exist or which are proposed to the degree that they appear on plans on file with the city.
  - iii. Any buildings that exist or are proposed to the degree that their location and size are shown on plans on file with the city. One- and two-family residences may be shown in approximate location and general size and shape.
  - iv. The location, size, cross-section and calculation of any drainage structures, such as culverts, paved or earthen ditches or storm sewers and inlets.
14. Typical building elevations depicting the style, size and exterior construction materials of the buildings proposed. Where several building types are proposed on the plan a separate sketch shall be prepared for each type.

15. The boundary lines of the area included in the site plan, including bearings, dimensions and reference to a point on a recorded plat.
16. Proposed utility connection layouts for water, sewer and electricity.
17. Name and address of the land owner, applicant, architect, landscape architect, planner, engineer, surveyor, or other person involved in the preparation of the plan.
18. Date of preparation of the site plan.
19. Signature block for appropriate city officials.

Within 12 months from the date of site plan submission, the subdivider or landowner shall submit detailed plans and specifications for review and approval, which shall be in substantial compliance with the site plan. The construction of all improvements shall be complete within 12 months from the date of approval of the plans and specifications.

Completion and acceptance. Park development will be considered complete and a certificate of completion will be issued after the following requirements are met:

1. Improvements have been constructed in accordance with the approved plans.
2. All parkland upon which the improvements have been constructed have been dedicated as required by this section.
3. All manufacturer warranties have been provided for any equipment.

Upon issuance of a certificate of completion, subdivider or landowner warrants the improvements for a period of one year. The subdivider and/or landowner shall be liable for any costs required to complete park development if:

1. Subdivider fails to complete the improvements in accordance with the approved plans.
  2. Subdivider fails to complete any warranty work.
- J. Consideration and approval. Unless provided otherwise in this section, an action by the city shall be by the city council, after consideration of the recommendations of the planning commission and, as applicable, the parks board.
- K. Review of dedication requirements. The city shall review the fees set forth in this section each year. The city shall take into account inflation as it affects land and park development costs as well as the city's targeted level of service for parkland per 1,000 population.



**Sec. 4-118. - School sites.**

School sites for public schools shall be coordinated with the appropriate school district within whose jurisdiction the plat lies.

**Sec. 4-119. - Public facilities.**

Public facilities such as fire stations, libraries, municipal, schools, county, and municipal utility district buildings shall be indicated on a plat. The location of these facilities shall be coordinated with the applicable governing body and in compliance with the comprehensive plan of the city.

**Sec. 4-120. - Wetlands.**

If there are any areas previously designated which constitute wetlands by federal law, these areas shall be indicated on the plat and any restrictions on these areas shall be noted on the plat.

**Secs. 4-121—4-130. - Reserved.**

**ARTICLE V. - IMPROVEMENTS AND ACCEPTANCE OF THE SUBDIVISION**

**Sec. 4-131. - Improvements.**

- A. The requirements of the subdivision regulations as set forth below are designed and intended to ensure that for all subdivisions of land within the scope of the subdivision regulations, all improvements as required herein are installed in a timely manner in order that:
  - 1. The city can provide for the orderly and economical extension of public facilities and services;
  - 2. All purchases of property within the subdivision shall have a usable buildable parcel of land.
  - 3. All required improvements are constructed in accordance with city standards.
- B. The public improvements required by the city for the acceptance of the subdivision by the city shall include, but are not limited to the following:
  - 1. Water and sewer facilities;
  - 2. Drainage facilities;
  - 3. Streets;
  - 4. Street lights;
  - 5. Street signs;

6. Traffic control devices required as part of the project and appurtenances to the above, and any other public facilities required as part of the proposed subdivision; and
  7. Public land or public park construction.
- C. All aspects of the design and implementation of public improvements shall comply with the current design standards and any other applicable city codes and ordinances, including preparation and submittal of construction plans and construction inspection.
  - D. All subdivisions in the extraterritorial jurisdiction shall also be reviewed and approved by the county engineer's office and the county commission.
  - E. Prior to the final approval of construction of the streets and utilities, monumentation for the subdivision shall be in place for the perimeter, right-of-way corners, angle points, and points of curvature using an iron pipe or rod of not less than five-eighths (5/8) inch in diameter and thirty-six (36) inches long and set flush with finished grade or top of curb. Plat boundary corners shall be set and shall include a cap or tag with the surveyor's identification. Acceptance by the city shall be contingent upon proper documentation. All lot corner monuments shall be set prior to the issuance of a building permit or the beginning of principal building construction. The lot corner monuments shall be iron rods not less than one-half (1/2) inch in diameter and twenty-four (24) inches in length.
  - F. The final approval of the construction and acceptance of the improvements in a subdivision shall be in accordance with the guidelines established in the current design standards.
  - G. The city shall not issue any permits for construction within the subdivision, within the corporate limits, except permits to construct public improvements until such time as all public improvements of the subdivision have been constructed and accepted by the city or a certified check, performance bond or letter of credit is provided to and accepted by the city. A notation stating the above shall appear on each final plat.
  - H. Before considering the final plat of a subdivision located all or partially within the city and/or the city's extraterritorial jurisdiction, the city council must be satisfied that all public improvements required will be constructed in accordance with the design standards requirements. The subdivider shall, unless the city council has determined otherwise, guarantee these public improvements will be constructed in one (1) of the following ways:
    1. Deposit a certified check with, and payable to, the city in an amount equal to the cost to complete such public improvements, including the cost of remaining engineering and inspection services.

2. Furnish the city with a performance bond executed by a surety company authorized to do business in the State of Texas in an amount equal to the cost to complete such public improvements. The performance bond shall be subject to the approval of the city attorney and must be executed by a corporate surety in conformance to Article 5160 V.A.C.S.; or
3. The subdivider shall furnish the city with a letter of credit payable by an acceptable financial institution to the city in a form approved by the city attorney, guaranteeing the payment of an amount equal to the cost to complete such public improvements. The letter of credit shall be irrevocable and shall be for a term sufficient to cover the twelve-month period plus an additional thirty (30) calendar days and require only that the city present the issuer a letter signed by an authorized representative of the city certifying to the city's right to draw or collect funds under the specific terms of the letter of credit.
4. As an alternative to providing one (1) of the above financial securities, the following may occur:
  - i. Upon approval of the final plat by the city council and prior to it being signed by the city council members, and before said final plat shall be allowed to be recorded in the plat records of the county, the subdivider requesting final plat approval shall, within the time period for which the final plat has been approved by the city, construct all improvements as required by these subdivision regulations and provide a surety instrument guaranteeing their maintenance as required herein. In the event that all public improvements have not been constructed at the time the subdivider requests plat recordation, the subdivider shall provide financial security as described in paragraphs (1), (2) or (3), above in the amount of the improvements not previously constructed. Prior to city council granting this specific approval, the subdivider must request in a letter to the city that the plat will not be recorded in the deed records of the county until such public improvements are constructed or otherwise guaranteed.
  - ii. In all instances the original copy of the final plat without benefit of required signatures of city officials shall be held in escrow by the administrative officer and shall not be released for any purpose until such time as the conditions of the approval are complied with.
  - iii. Upon the requirements of this section being satisfied, the final plat shall be considered fully approved, except as otherwise provided for in these regulations. The original copy of the final plat shall be signed by the appropriate city officials and the administrative officer shall cause said final plat to be filed in the plat records of the county, or forwarded to the county for final approval and recordation.
  - iv. In the event that a performance bond or a letter of credit is the method selected by the subdivider for guaranteeing such improvements, such

document shall be subject to the condition that the public improvements will be completed within twelve (12) months after approval of the final plat by the city council, unless a longer time shall be approved by the city council upon the determination that such longer time period would not be unreasonable. In the event that the required public improvements guaranteed by such performance and/or such letter of credit are not or will not be completed within the time specified by the city council, the city council shall have the authority to extend the time period within which the subdivider shall complete the public improvements, subject to the extension of the expiration date of the approval of the plat and the performance bond or letter of credit.

I. Security.

1. Waiver of security. The city council may waive all or a portion of the security requirements of this section if it finds that the public health, safety and general welfare will not be harmed by such waiver. The city council shall take into consideration the extent of public improvements to be installed, the likelihood that such improvements will be installed by the subdivider within the twelve-month period, the impact that may result if such improvements are not timely installed, and the hardship to the subdivider if the security requirements are imposed.
2. Release of security. As a portion of the public improvements are completed in accordance with the design standards, the subdivider may make application to the administrative officer to reduce the amount of the original letter of credit, performance bond or certified check. If the city council is satisfied that such portion of the public improvements has been completed in accordance with current design standards, the city council may cause the amount of the letter of credit, performance bond or certified check to be reduced by such amount that the city council deems appropriate, so that the remaining amount of the letter of credit, performance bond or certified check adequately insures the completion of the remaining public improvements.
3. Determination of amount. A professional engineer licensed to practice in the State of Texas shall furnish estimates of the costs of engineering and construction of all required improvements to the administrative officer who shall review the estimates in order to determine the adequacy of the guarantee instrument for insuring the construction of the required facilities.
4. Coordination with county. If the project is located in the extraterritorial jurisdiction and is subject to county bonding requirements, the subdivider may provide the financial security conforming to the above requirements in the name of the county, provided that the current county regulations stipulate that the security will not be reduced or released without written approval by the administrative officer, and provided that the instrument is transferable from the county to the city upon annexation.

- J. Approval of final plats shall be deemed to have expired in subdivisions for which no assurances for completion have been posted or the improvements have not been completed within the period of one (1) year. In those cases where a surety instrument has been required and improvements have not been completed within the terms of said surety instrument, the city shall declare the surety to be in default and require that all the improvements be installed, unless extended under the provisions of this section.
  
- K. The city shall inspect all required improvements to ensure compliance with city requirements and approved construction plans. When all required improvements have been satisfactorily completed, the city shall either accept, in writing, the improvements as having been satisfactorily completed, or shall issue a punch list to the developer denoting items remaining to be completed. The city shall not accept dedications of required improvements nor release or reduce a performance bond or other assurance until such time as it determines that:
  - 1. All improvements have been satisfactorily completed;
  - 2. The required number of "as built" plans, in both hard copy and electronic formats, have been submitted to and accepted by the city;
  - 3. The required maintenance guarantee has been provided; and
  - 4. Any and all other requirements identified in this chapter or other city codes and ordinances have been satisfied.
  
- L. Before the release of any instrument guaranteeing the construction of required subdivision improvements or the signing of the final plat where subdivision improvements were made prior to the filing of the final plat for recordation, the subdivider shall furnish the city, if in the city limits, or the county, if in the extraterritorial jurisdiction, with a maintenance bond or other surety instrument to assure the quality of materials, workmanship and maintenance of all required improvements. The maintenance bond or other surety instrument shall be approved by the city attorney as to form, sufficiency, and manner of execution. Said bond shall be in compliance with the design standards. Whenever a defect or failure of any required improvement occurs within the period of coverage, the city may require that a new maintenance bond or surety instrument be posted for a period of one (1) full calendar year sufficient to cover the corrected defect of failure.

**Sec. 4-132. - Flood damage prevention.**

The lowest elevation of the first floor of all principal buildings is to be constructed at least one (1) foot above the one hundred-year floodplain. All public streets are to be designed such that the lowest top of curb elevation is equal to or above the one hundred-year floodplain elevation. The one hundred-year floodplain is considered to be the one hundred-year water surface elevation in the outfall channel or receiving stream designated to receive storm runoff from the proposed development. For levied areas subject to multiple outlet condition analysis conforming to the county's criteria, the

aforementioned requirement is to be met for all conditions. Special consideration may be given to tracts containing natural aesthetic amenities within existing developed areas and served by existing outfall drainage facilities, where the addition of fill would result in the destruction of the amenities, and for which there is no other feasible method to meet the aforementioned criteria.

**Secs. 4-133—4-135. - Reserved.**

## **ARTICLE VI. - MISCELLANEOUS**

**Sec. 4-136. - Map update.**

The developer shall submit to the city a digitized copy of the entire subdivision at a scale appropriate to update the city maps and subdivision map. This copy shall comply with requirements established in Chapter 7, Article I, Section 7-5(E).

**Sec. 4-137. - Schedule of fees.**

The following fees shall be charged and paid by any applicant seeking any authority under this chapter. All fees must be paid at the time an application for authority hereunder is made in accordance with the provisions of this chapter and shall be provided for in a schedule of fees established by resolution of the city council.